

# 23610 E Admiral Pl

WIN Presentation | BOA 23510  
April 25, 2023



# Investigation Summary

- Initial complaint received on or around November 30, 2020.
- Investigation found non-conforming salvage use in AG-zoned district.
- Aerial imagery revealed significant expansions of the use, demolition and new construction since the property was annexed in 2001. No required permits were obtained.
- Violations explained to owner and legal counsel, voluntary compliance sought.
- Non-compliance continued, legal counsel ceased and owner claimed the property was within the corporate limits of the City of Tulsa.
- Zoning Notice of Violation issued February 20, 2023.

# Historical Time Lapse

BOA-23510



# Comparison



2001



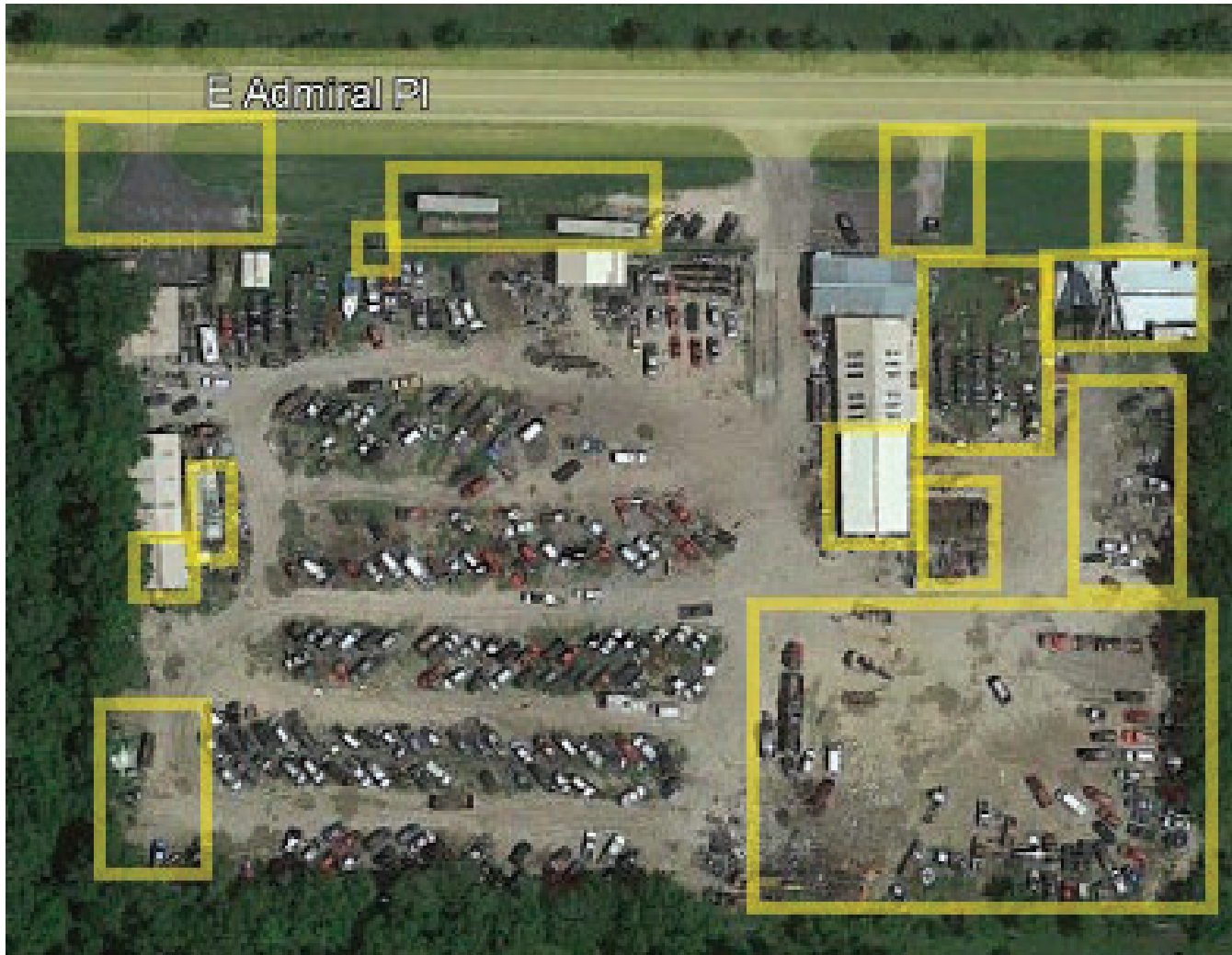
2022

2001

BOA-23510







# Relevant Ordinances

- **42 TRO § 60.020-A** Sign permit required for new signs, including dynamic display signs.
- **42 TRO § 70.080-A** Zoning Clearance Permit required for new uses, changes of use, and/or new/altered structures.
- **42 TRO § 80.040-F.1** Restricts non-conforming uses from expanding onto other portions of the lot.
- **Ordinance 20244** Annexed the subject property into the City of Tulsa and was signed by the Mayor on November 13, 2001.



# Relevant Ordinances

- **42 TRO § 70.140-G.3** Empowers the Board of Adjustment to affirm, reverse, wholly or in part, or modify the decision being appealed by a vote of at least 3 members.
- **42 TRO § 70.140-G.4** Requires the Board of Adjustment to grant a presumption of correctness to the administrative official and places the burden of persuasion on the appellant to show that the official erred in taking the action being appealed.
- **42 TRO § 70.140-H** Requires that the Board of Adjustment affirm the official's decision absent any finding that the official erred in taking the action being appealed.
- **42 TRO § 85.070-A** Requires written Notice, sent via USPS First Class Mail.

# Zoning Notice of Violation



Neighborhood Investigations  
WORKING IN NEIGHBORHOODS

**NOTICE OF VIOLATION – ZONING**

To: AUGUST WAKAT  
23780 E ADMIRAL PL  
CATOOSA, OK 74015

Date: 2/20/2023  
Case: 69279-2023

Compliance Date: 3/20/2023

Dear Property Owner and/or Occupant,

You are hereby notified of zoning (Title 42) violations at 04-19-15 A TRCT OF LAND BEING A PORTION OF THE W 10.14 AC OF L-1 DES C COMM FROM THE NW CORNER OF SD TRACT ON A BEARING OF S 01 DEG 35'25" E A DIST OF 283.13' TO POB - N 88 DEG 45'34" E A DIST OF 660.91' TO A PT ON THE EAST LINE OF THE W 10.14 AC OF SAID L-1 - S 01 DEG 32'28" E A DIST OF 385.64' TO PT ON THE S LINE OF SD L-1 - S 88 DEG 40'38" W A DIST OF 660.57' TO PT BEING THE SW COR OF L-1 - N 01 DEG 35'25" W DIS OF 386.59' TO POB CONT 5.86 AC (W2 OF L-1 CONT 10.14 AC) 5.86 Acres

City of Tulsa, Wagoner County State of Oklahoma; And located at the address of: 23610 E Admiral Pl

Code Section	Explanation of violation
80.020-A	You must obtain a Sign Permit for signs installed on or after November 13, 2001, including but not limited to the dynamic display sign.
70.080-A; 80.040-B.2	You must obtain an approved Zoning Clearance Permit for all new uses established on the lot on or after November 13, 2001, including but not limited to the Recycling Use. Any new non-conforming uses, such as the Recycling Use, must also be approved through the Special Exception process.
80.040-F	Non-conforming uses, such as junk or salvage yards located in AG zoning districts, may not be enlarged, increased or moved to another portion of the lot. You must return the non-conformity to the same status, scope and use that existed on November 13, 2001 when the land was annexed into the City of Tulsa.

**See back of page for what the resolution of each violation requires.**

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  
918-596-9578

**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 Suite 500 Tulsa, OK 74103 918.584.7526	Monday-Friday 8 a.m. – 5 p.m.	175 East Second Street Suite 250 Tulsa, OK 74103 918.596.7513	Monday-Friday 8 a.m. – 5 p.m.

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

**ORDINANCES CITED:**

Section 60.020 Prohibited Signs and Sign Characteristics  
The following signs and sign characteristics are prohibited except as otherwise expressly stated:  
60.020-A Signs for which no permit that is required under Title 51 of the Tulsa Revised Ordinances has been issued;

Section 70.080 Zoning Clearance and Permits  
70.080-A Applicability  
Property owners or their authorized agent must obtain a zoning clearance permit from the development administrator before constructing, moving, or structurally altering any building or structure or establishing or changing the use of any building or lot.

80.040-B. 2. A nonconforming use located in a zoning district other than a residential zoning district, may be changed to a use that is allowed in the subject zoning district. In which case the nonconforming use may not be re-established. A nonconforming use located in a zoning district other than a residential zoning district, may be changed to another nonconforming use only if approved in accordance with the special exception procedures of Section 70.120. The change of a use to another use included within the same use category does not constitute a "change of use" within the meaning of this section. In order to approve a special exception for a nonconforming use substitution, the board of adjustment must find that the proposed use substitution will not result in any increase in adverse impacts on the surrounding area when compared to the previous nonconforming use of the property. In making such a determination, the board of adjustment must consider all of the following factors, as applicable:

- Traffic to and from the site;
- Hours of operation;
- Outdoor display, storage and work activities; and
- Other factors likely to have an effect on the surrounding area

80.040-F.1. No nonconforming use of unimproved land may be changed to another nonconforming use, nor enlarged, increased or moved to another portion of the lot, nor extended to occupy a greater area of land than was occupied at the time that the use became nonconforming.

## Tax Roll Inquiry

Wagoner County Treasurer

Chasity Levi, Treasurer  
307 E Cherokee  
Phone: 918-485-2149  
Fax: 918-485-7739  
E-Mail: [treasurer@wagonercounty.ok.gov](mailto:treasurer@wagonercounty.ok.gov)



Owner Name and Address	Taxroll Information
WAKAT, AUGUST J 23780 E ADMIRAL PL CATOOSA OK 74015-0000	<b>Tax Year :</b> 2022 <b>Property ID :</b> 301041-000002-000000 <b>Location :</b> 23760 E ADMIRAL BLVD <b>School District :</b> TCR28 TULSA CITY B-2 <b>Mills :</b> 115.36 <b>Type of Tax :</b> Real Estate <b>Tax ID :</b> 882

**Legal Description and Other Information:**  
04-19-15 A TRCT OF LAND BEING A PORTION OF THE W 10.14 AC OF L-1 DES C COMM FROM THE NW CORNER OF SD TRACT ON A BEARING OF S 01 DEG 35'25" E A DIST OF 283.13' TO POB - N 88 DEG 45'34" E A DIST OF 660.91' TO A PT ON THE EAST LINE OF THE W 10.14 AC OF SAID L-1 - S 01 DEG 32'28" E A DIST OF 385.64' TO PT ON THE S LINE OF SD L-1 - S 88 DEG 40'38" W A DIST OF 660.57' TO PT BEING THE SW COR OF L-1 - N 01 DEG 35'25" W DIS OF 386.59' TO POB CONT 5.86 AC (W2 OF L-1 CONT 10.14 AC) 5.86 Acres

Assessed Valuations	Amount	Tax Values	Amount
Land	12865	Base Tax	3,134.00
Improvements	14305	Penalty	0.00
Net Assessed	27170	Fees	0.00
		Payments	1,567.00
		Total Paid	1,567.00
		Total Due	1,567.00

Date	Receipt	Paid With	Payment For	Amount	Paid By
12/22/2022	12490	Check	Taxes	1,567.00	WAKAT, AUGUST J -> Check# 7636

login (build: 02/20/2023 01:13:23)  
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# Appeal “Argument” Responses

- 1-1 On November 5, 2019 the subject property had been in the corporate limits of the City of Tulsa for nearly 18 years. Obtaining a sign permit from Wagoner County does not satisfy the requirements of the City of Tulsa Zoning Code. Any sign permit should have been issued by the City of Tulsa.
- 1-2 Oklahoma Jury Instruction No. 3-1 is irrelevant, as this is not a court hearing. In Zoning Appeals, the appellant must show that the official erred in the decision being appealed.
- II-1 No argument asserted. No response.

# Appeal “Argument” Responses

- II-2 The document marked as “Wakat Exhibit 3” is a receipt from the City of Tulsa Permit Center for a permit to establish a medical marijuana dispensary. It is not a permit, as asserted by the appellant. The application was denied by the Permit Center because the use was prohibited in an AG District and the application has since expired. No permits have been issued at this property by the City of Tulsa since it’s incorporation into the City Limits.
- III Returning the property to the scope of the previously non-conforming use is not impossible, ridiculous or sublime.

# Appeal “Argument” Responses

- III (continued) WIN is aware of the longstanding non-conformities that existed even prior to annexation into Tulsa.

No violation would exist had Mr. Wakat (and/or the previous owner) maintained the property as it was in 2001 when annexed.

February 20, 2023 (President’s Day) is not a City of Tulsa Holiday.

Mr. Wakat and two separate attorneys representing him have been provided with the annexation ordinance.

WIN is unaware of alleged fraud related to the abstract and did not view or amend the abstract in issuing the Notice.

# Permit Search Results (All)

Advanced Search

Showing 1 - 3 of 3 Records

<input type="checkbox"/>	Permit N...	Address	Permit...	Per...	Permit Descript...	Permit Status	Permit Issue Date	Permit Application
<input type="checkbox"/>	<a href="#">BLDC-061617-2020</a>	2361D E ADMIRAL PL N Catoosa, OK74015	Building (Commercial)	Alteration	ENLARGE THE BATHROOM. ADD ED WALL TO MAKE ONE ROOM T WO.	Expired		05/20/2020
<input type="checkbox"/>	<a href="#">BLDC-062623-2020</a>	2361D E ADMIRAL PL N Catoosa, OK74015	Building (Commercial)	Alteration	Remodel	Void		06/03/2020
<input type="checkbox"/>	<a href="#">ZCO-068968-2020</a>	2361D E ADMIRAL PL N Catoosa, OK74015	Zoning	Commercial	Wanting Zoning Clearance For Dis pensary	Expired		08/20/2020

1

Rows per page: 20

# BLDC-061617-2020

**Manage Permit** Search [99+] [M]

BLDC-061617-2020 (23610 E ADMIRAL PL N Catoosa, OK 74015) **ACTIVE HOLDS**

**Summary**

- Details
- Location
- Additional Info
- Workflow
- Linked Records
- Holds (1)
- Contacts (1)
- Fees (1)
- Bonds
- Activities
- Time Tracker
- Files (8)
- Print Documents
- Conditions

**BLDC-061617-2020 • Building (Commercial) • Brian Mathis**

Location 23610 E ADMIRAL PL N Catoosa, OK 74015	Project	Apply Date 05/20/2020	Work Class Alteration	Permit Status <b>Expired</b>
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**\$ 0.00**  
PAY FEES

**Recent Workflow Activity**

Last Completed Action: 1011 days ago

- Building Review (Commercial) v.2 (Receive Submittal)**  
Submittal Status: Requires Re-submit  
Completed On: 06/29/2020
- Next Action:  
**Building Review (Commercial) v.3 (Receive Submittal)**

**Workflow Completion Summary**

Completed 13%
In Progress 0%
Not Started 87%

**WAKAT, AUGU...**  
OKIE SMOKE  
ID-000053388

Applicant

Business Phone  
918-266-5811



Email





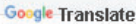

**Tasks**

No Tasks Attached

# City of Tulsa Holidays

[Residents](#) ▾ [Development/Business](#) ▾ [Government](#) ▾ [Connect](#) ▾ [I Want to...](#) [Contact Us - 311](#)



Connect with the City of Tulsa:        Customer Care Center: **311**

[Home](#) > [Contact the City](#) > City Holiday Schedule

## City Holiday Schedule

**2023 HOLIDAYS**

Date	Holiday Observed	Regular Refuse Recycling Service?
Monday, January 2	New Year's Day observed*	Regular trash and recycling service
Monday, January 16	Martin Luther King, Jr. Day	Regular trash and recycling service
Friday, April 7	Good Friday	Regular trash and recycling service
Monday, May 29	Memorial Day	Regular trash and recycling service

**Connect**


[Contact the City](#)

> [City Holiday Schedule](#)

[Dial 311](#)

[Report Online](#)

[Live Chat](#)

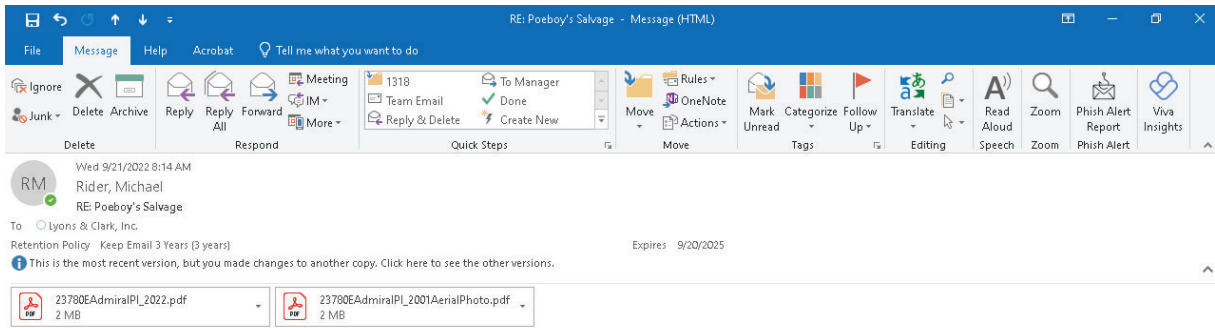


**Share**



# Annexation Ordinance Provided

BOA-23510



Neighborhood Investigations  
WORKING IN NEIGHBORHOODS

March 6, 2023

James L. Edgar, Esq.  
7785 E 25<sup>th</sup> Place  
Tulsa, OK 74129

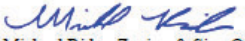
Dear Mr. Edgar:

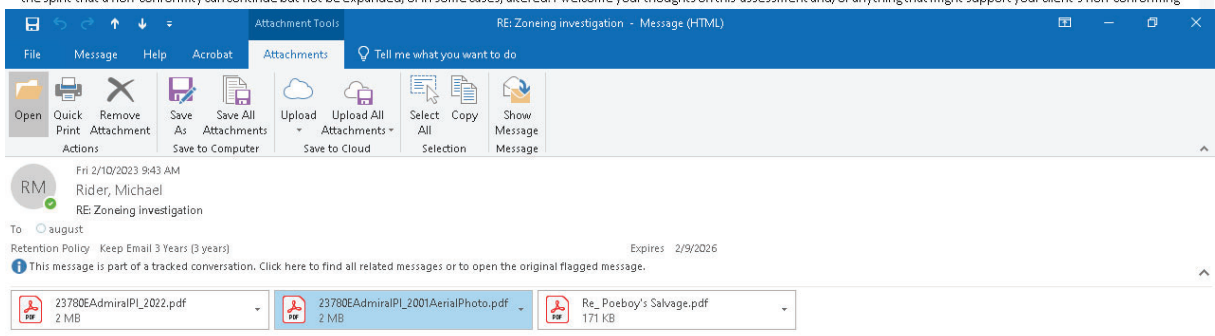
This letter confirms our telephone conversation on March 2, 2023 regarding the upcoming Appeal of the Zoning Notice of Violation dated February 20, 2023 issued to Mr. Wakat related to our case file number 62979-2023. As requested, I am enclosing the following documents:

1. Aerial photograph provided by INCOG taken in 2001;
2. Aerial photograph provided by INCOG taken in 2022; and
3. Ordinance 20244 which annexed the subject property into the City of Tulsa (8 pages).

Please contact me if I can be of further assistance or if you wish to discuss the matter further prior to the hearing.

Best regards,

  
Michael Rider, Zoning & Sign Official



Martha appears to be an employee of Mark Lyons. I've attached the email correspondence between us, along with the aerial photos attached to the original correspondence and referenced therein. As previously advised, I do not have any "annexation process paperwork." You should be able to obtain any records related to the annexation through INCOG and/or the City Clerk's Office.

I don't have the authority to determine whether or not your property was lawfully annexed. My sources tell me your property is lawfully and unquestionably within the City of Tulsa. Accordingly, the case can't be closed unless and until the property is brought into compliance. We'll work up an official Notice as soon as possible, then you can file an appeal if you disagree. The code states that the burden of proof is on you to show at the appeal hearing that some other error of law was made, which could include your claim that property was not lawfully annexed.

Best,

## Conclusion

- The WIN Department submits that no error occurred in the issuance of the Zoning Notice of Violation on February 20, 2023.
- The Notice of Violation was issued lawfully pursuant to Section 85.070-A and only after all attempts to achieve voluntary compliance had been exhausted.
- The WIN Department respectfully requests the appeal be denied and the Notice issued on February 20, 2023 be upheld as modified (section 80.040-B-2 removed).

# Thank You





**NOTICE OF VIOLATION – ZONING**

To: AUGUST WAKAT  
23780 E ADMIRAL PL  
CATOOSA, OK 74015

Date: 2/20/2023  
Case: 69279-2023

Compliance Date: 3/20/2023

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City of Tulsa, Wagoner County State of Oklahoma; And located at the address of:  
23610 E Admiral PI

**Violations:**

Code Section	Explanation of violation
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**See back of page for what the resolution of each violation requires.**

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.

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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.

<b>INCOG – Indian Nations Council of Governments</b>		<b>City of Tulsa – City Clerk</b>		<b>BOA-23510</b>
2 West Second Street Suite 800 Tulsa, OK 74103 918.584.7526	Monday-Friday 8 a.m. – 5 p.m.	175 East Second Street Suite 260 Tulsa, OK 74103 918.596.7513	Monday-Friday 8 a.m. – 5 p.m.	

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

Zoning 2

ORDINANCES CITED:

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Section 70.080 Zoning Clearance and Permits

70.080-A Applicability

Property owners or their authorized agent must obtain a zoning clearance permit from the development administrator before constructing, moving, or structurally altering any building or structure or establishing or changing the use of any building or lot.

~~80.040-B.2. A nonconforming use located in a zoning district other than a residential zoning district, may be changed to a use that is allowed in the subject zoning district, in which case the nonconforming use may not be re-established. A nonconforming use located in a zoning district other than a residential zoning district, may be changed to another nonconforming use only if approved in accordance with the special exception procedures of Section 70.120. The change of a use to another use included within the same use category does not constitute a "change of use" within the meaning of this section. In order to approve a special exception for a nonconforming use substitution, the board of adjustment must find that the proposed use substitution will not result in any increase in adverse impacts on the surrounding area when compared to the previous nonconforming use of the property. In making such a determination, the board of adjustment must consider all of the following factors, as applicable:~~

- ~~a. Traffic to and from the site;~~
- ~~b. Hours of operation;~~
- ~~c. Outdoor display, storage and work activities; and~~
- ~~d. Other factors likely to have an effect on the surrounding area~~

80.040-F.1. No nonconforming use of unimproved land may be changed to another nonconforming use, nor enlarged, increased or moved to another portion of the lot, nor extended to occupy a greater area of land than was occupied at the time that the use became nonconforming.

**70.130-I Lapse of Approval**

1. An approved variance will lapse and become void 3 years after it is granted by the board of adjustment, unless a building permit for the work or improvements authorized has been issued and the project has commenced and is diligently pursued to completion. If no building permit is required, the improvement that is the subject of the variance must be in place within the 3-year period.
2. The board of adjustment may extend the expiration period by up to one year at the time of approval of the variance or any time before expiration of the approval. Requests for extensions after the variance is approved must be processed in accordance with the variance procedures, including applicable fees, notices and public hearings.

**70.130-J Transferability**

Approved variances run with the land and are not affected by changes of tenancy, ownership, or management.

**70.130-K Amendments**

A request for changes in the specific nature of the approved variance or changes to any conditions attached to an approved variance must be processed as a new variance application, including all requirements for fees, notices and public hearings.

**70.130-L Appeals**

Board of adjustment decisions on variances may be appealed to District Court in accordance with [75.010-K](#).

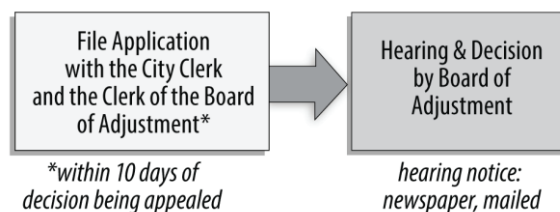
**Section 70.140**

**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. For the purpose of applying the procedures of [Section 70.140](#) to appeal of any final decision of the preservation commission (See [§70.070-L](#)), the final decision of the preservation commission is deemed an administrative decision and the preservation commission is deemed an administrative official.

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



### **70.140-B Right to Appeal**

Appeals of administrative decisions may be filed by any person aggrieved by the land use administrator's, the development administrator's or other administrative official's decision or action. The board of adjustment is authorized to make determinations about whether individuals filing appeals are "aggrieved" by the decision or action.

### **70.140-C Application Filing**

1. Complete applications for appeals of administrative decisions must be filed with the clerk of the board of adjustment and the city clerk, who will accept the appeal on behalf of the administrative official who made the decision being appealed and forward it to said official.
2. Appeals of administrative decisions must be filed within 10 days of the date of the decision being appealed.

### **70.140-D Effect of Filing**

The filing of a complete notice of appeal stays all proceedings in furtherance of the action appealed, unless the land use administrator or the administrative official who made the decision being appealed certifies to the board of adjustment, after the appeal is filed, that, because of facts stated in the certification, a stay would cause immediate peril to life or property, in which case the proceedings will not be stayed unless by a restraining order, which may be granted by the board of adjustment or by a court of record based on due cause shown.

### **70.140-E Record of Decision**

Upon receipt of a complete application of appeal, the land use administrator or other administrative official whose decision is being appealed must transmit to the board of adjustment all papers constituting the record related to decision being appealed

### **70.140-F Notice of Hearing**

Notice of the board of adjustment's required public hearing must be provided as follows (see [70.010-F](#) for additional information on required newspaper and mail notices).

#### **1. Newspaper Notice**

Notice must be published in the newspaper at least 10 days before the scheduled public hearing.

#### **2. Mailed Notice**

When an appeal affects a specific property, notice must be mailed to the owner of the subject property and all owners of property within 300 feet of the subject property at least 10 days before the scheduled public hearing.

### **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.

**70.140-I Appeals**

Board of adjustment decisions may be appealed to District Court in accordance with [75.010-K](#).