



CITY OF  
**Tulsa**  
Board of Adjustment

**Case Number:** BOA-23568

**Hearing Date:** 09/12/2023 1:00 PM

**Case Report Prepared by:**

Sean Wallace

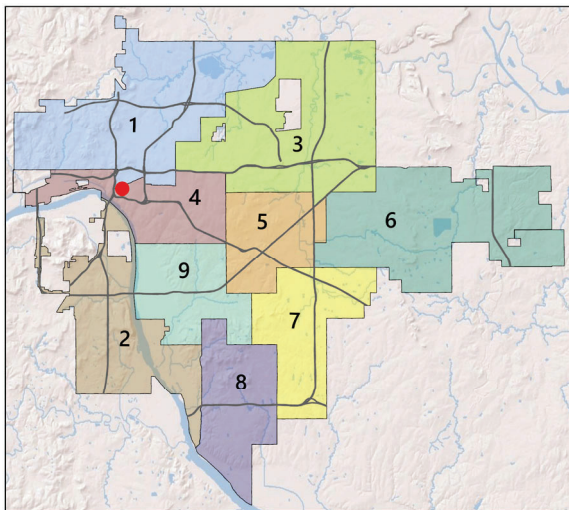
**Owner and Applicant Information:**

**Applicant:** City of Tulsa c/o Andy Blankenship

**Property Owner:** OSU/A&M Board of Regents

**Action Requested:** Variance to permit a wall and parking spaces inside the Right-of-Way (Sec. 90.090-A)

**Location Map:**



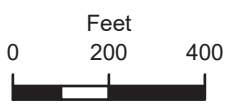
**Additional Information:**

**Present Use:** Governmental

**Tract Size:** 10.39 acres

**Location:** 440 S Houston Ave W

**Present Zoning:** CBD



 Subject Tract

**BOA-23568**

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

Aerial Photo Date: 2021



8.2



Feet  
0 100 200

 Subject Tract

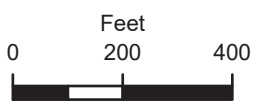
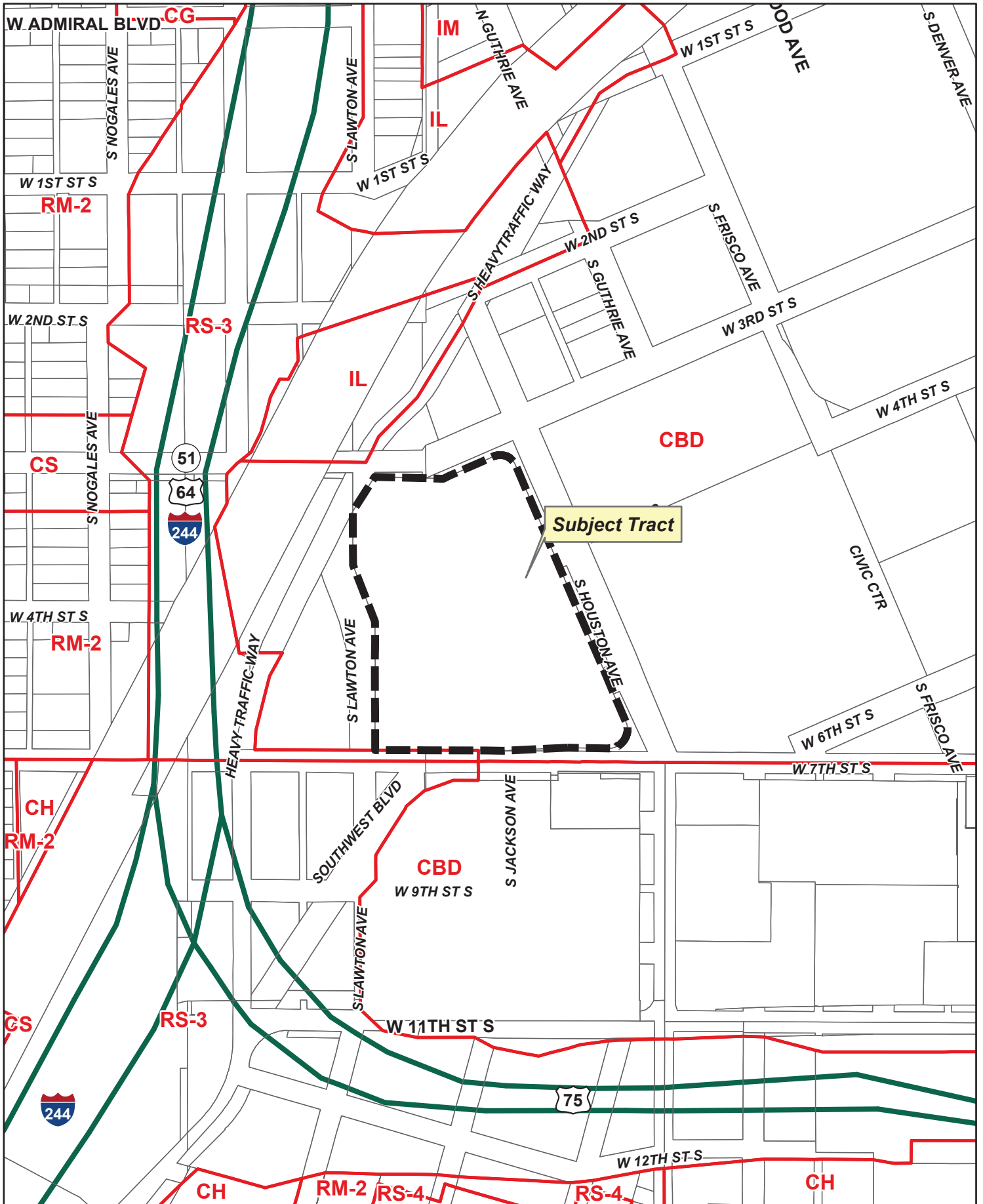
**BOA-23568**

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

Aerial Photo Date: 2021



8.3



**BOA-23568**



**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR: 9202**  
**CD: 4**

**Case Number: BOA-23568**

**HEARING DATE:** 09/12/2023 1:00 PM

**APPLICANT:** City of Tulsa c/o Andy Blankenship

**ACTION REQUESTED:** Variance to permit a wall and parking spaces inside the Right-of-Way (Sec. 90.090-A)

**LOCATION:** 440 S HOUSTON AV W

**ZONED:** CBD

**PRESENT USE:** Government

**TRACT SIZE:** 452411.66 SQ FT

**LEGAL DESCRIPTION:** PRT BLKS 43 & 44 OWEN ADD & BLKS 127 128 & 156 ORIGINAL TOWN & VAC STREETS & ALLEYS BEG 20W & 70N SECR LT 1 BLK 127 TH S776.15 TH CRV RT99.00 SW649.35 N356 NW164.80 N154.81 NE109.94 SE130.10 NE10.83 E52.37 NE145 TH CRV RT 78.30 POB, OWEN ADDN AMD, TULSA-ORIGINAL TOWN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

**RELEVANT PREVIOUS ACTIONS:** None.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of "Downtown."

The area within the Inner Dispersal Loop (IDL) highway is generally understood to be the downtown area of Tulsa. This area has fewer development limitations than most areas of the city, and a high density of employment, residential, mixed-use, commercial, retail, and institutional uses. Land uses and transportation infrastructure in this area should be primarily pedestrian-oriented, with parking either on-street, behind buildings, or in structured parking garages.

**STATEMENT OF HARDSHIP:** The proposed Oklahoma Psychiatric Care Center (from here referred to as OPCC) will be located in the northwest corner of an existing facility site, found at the northwest corner of the W. 7th Street and S. Houston Avenue intersection, see yellow boundary below. The existing building will remain and be renovated into the new Veterans Hospital in Tulsa (from here referred to as VHiT). The existing OPCC site has an existing retaining wall that is 15 feet in height, along the western edge. Because the VHiT building will remain, the existing OPCC site elevations cannot be altered enough to lower the necessary height for a new retaining wall. A new retaining wall along the western edge of the OPCC site is required for the building construction. This variance request is to construct a new retaining wall along the west edge of the OPCC site, with an approximate height that would match the existing wall height.

**STAFF ANALYSIS:**

The applicant is requesting a Variance to rebuild an existing retaining wall (and parking spaces) already within the Right-of-Way (Sec. 90.090-A)

**Section 90.090**      Setbacks

**90.090-A** Measurement

Required setbacks are measured from the applicable lot line, right-of-way, planned right-of-way or location referred to below. Building setbacks are measured to the nearest exterior building wall. Minimum setbacks that apply to other features (parking areas, fences, storage areas) are measured from the nearest point of the area or feature for which a setback is required. See [90.090-C](#) for information on structures and building features that are allowed to occupy setback and yard areas in R zoning districts. Unless otherwise expressly stated, no part of any structure may be located within the street right-of-way, nor within the planned

right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan. If a variance of the prohibition against location of a structure within the right-of-way or planned right-of-way is granted by the Board of Adjustment, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan, unless a license has been granted by the city, in the case of the right-of-way, or a removal agreement has been entered into, in the case of the planned right-of-way.

Facts staff finds favorable for variance request:

- Retaining wall already exists within the right-of-way.

Facts staff find unfavorable for the variance request:

- None

**SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a **Variance** to permit a wall and parking spaces inside the Right-of-Way (Sec. 90.090-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."*



*Subject Property*



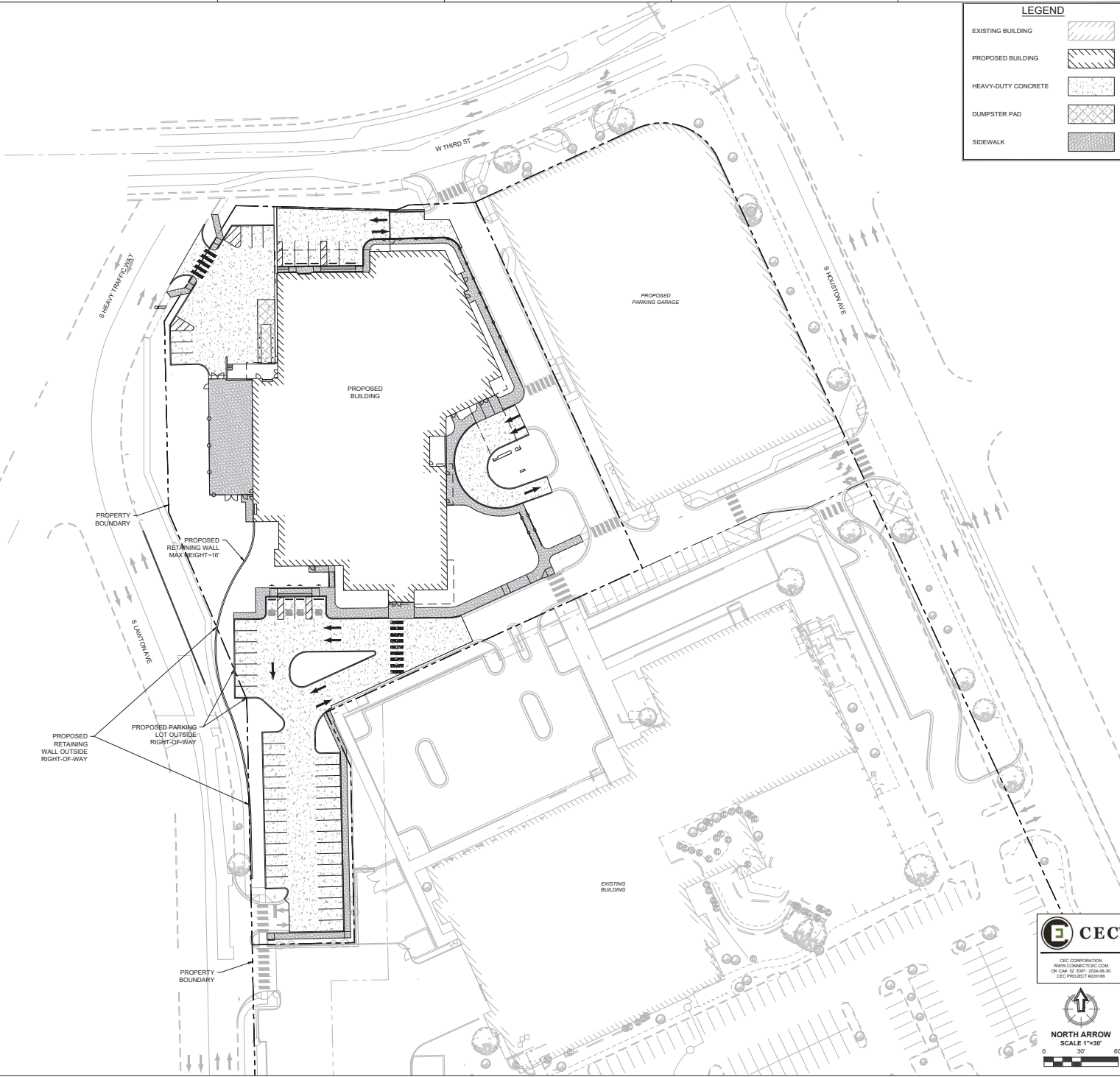
*Subject Property*





1 2 3 4 5 6

F  
E  
D  
C  
B  
A



**Dewberry**  
 Architects  
 Dewberry Architects Inc  
 1255 South Boulder Avenue  
 Suite 600  
 Tulsa, OK 74119  
 918.252.5227

CEC Corporation  
 1300 S Main Street  
 Tulsa, OK 74119  
 918.883.9497

Wallace Design Collective  
 Tulsa, OK 74107  
 918.584.3508

EDA+FKI Engineers PC  
 10910 East 45th Street  
 Tulsa, OK 74146  
 918.254.6595

OKLAHOMA DEPARTMENT OF MENTAL HEALTH AND  
 SUBSTANCE ABUSE SERVICES  
**OKLAHOMA PSYCHIATRIC CARE CENTER**  
 396 South Houston Avenue West, Tulsa, OK 74127  
 50% CONSTRUCTION DOCUMENTS

SEAL

PRELIMINARY DOCUMENTS  
 NOT FOR CONSTRUCTION



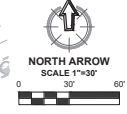
SCALE

AS SHOWN

REVISIONS

NO.	DESCRIPTION	DATE

DRAWN BY: LJB  
 APPROVED BY: ALB  
 CHECKED BY: ALB  
 DATE: 19 July 2023



TITLE

**SITE PLAN  
 OVERALL**

PROJECT NO. 50142823

**C-300**

SHEET NO.

8/9/2023 11:02:00 AM



TOPOGRAPHIC SURVEY NOTES:

- 1. This ground survey was performed at the 95 percent confidence level to meet the Federal Geographic Data Committee Standards for Topographic and Planimetric Mapping...
2. The survey was performed to meet the Specifications for Topographic and Planimetric Mapping...
3. The survey began on November 20, 2021 and was completed on December 14, 2021.
4. All contours shown as broken lines may not meet the stated standard.
5. All coordinates are based on Oklahoma State Plane Coordinate System (North Zone) and all elevations are based on NAVD 88.
6. The bearing of South 87°57'17" West as a portion of the south line of the subject property per the deed of record was used as the basis of bearings for this survey.

Date of Signature: December 22, 2021



- NOTES:
1. Easement rights for utilities in favor of the City of Tulsa as contained in ORDER CONFIRMING REPORT OF COMMISSIONERS, VESTING TITLE IN PLAINTIFF AND ORDERING DISBURSEMENT OF FUNDS...
14. DEED OF DEDICATION in favor of the public recorded in Book 3887, Page 1752...
15. RIGHT OF WAY AGREEMENT in favor of the Oklahoma Natural Gas Company...
16. AGREEMENT FOR USE OF WALL AS PARTY WALL AND FOR SEWER EASEMENT...
17. Property is subject to NOTICE OF ADOPTION OF URBAN RENEWAL PLAN...
18. UNDERGROUND RIGHT OF WAY EASEMENT in favor of Public Service Company of Oklahoma...
19. UNDERGROUND RIGHT OF WAY EASEMENT in favor of Public Service Company of Oklahoma...
20. Property is subject to the same conditions and restrictions as contained in SPECIAL WARRANTY DEED...
21. AGREEMENT FOR EASEMENT by and between E.J. Bowles, Bortha F. Bowles, Lady Hill and Agnes H. Hill...
22. Property is subject to NOTICE OF CREATION OF ASSESSMENT DISTRICT ENTITLED 'TULSA STADIUM IMPROVEMENT DISTRICT NO. 1'...
24. UTILITY EASEMENT in favor of the State of Oklahoma, for an 'T' Communications Hub'...

Table with 3 columns: STORM SEWER and SANITARY SEWER, MANHOLE, and ORATE INFORMATION. Lists manhole numbers and elevations.

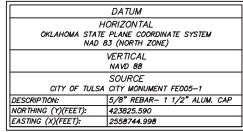
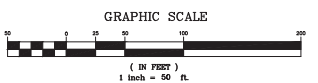


Table with 2 columns: DATUM and BENCHMARK. Lists benchmark numbers (BM 1 to BM 5) and their locations.

UTILITY INFORMATION table with 2 columns: SYMBOL and DESCRIPTION. Lists symbols for electric, storm, and one-line call locations.

LEGEND table with 2 columns: SYMBOL and DESCRIPTION. Lists symbols for various utility features like power poles, manholes, and easements.



Line Table with 3 columns: Line #, Direction, Length. Lists line segments L1 through L9.

Curve Table with 6 columns: Curve #, Radius, Length, Delta, Tangent, Chord Bearing, Chord Length. Lists curve data C1 through C2.

UTILITY STATEMENT
THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS...

Table with 4 columns: NO, DATE, REVISIONS, DESCRIPTION. Includes Project Number 13,835 and Scale 1"=50'.

TOPOGRAPHIC SURVEY
OKLAHOMA AGRICULTURAL AND MECHANICAL COLLEGES
440 S. HOUSTON AVENUE W
TULSA, TULSA COUNTY, STATE OF OKLAHOMA

DODSON - THOMPSON - MANSFIELD, PLLC
Surveying - Engineering - Site Earthwork
CERTIFICATE OF AUTHORIZATION NO. 6391 EXPIRES JUNE 30, 2022