



**Board of Adjustment**

**Staff Report  
BOA-23792**

**Hearing Date:** November 12, 2024

**Prepared by:** Erin Roark

eroark@cityoftulsa.org

918-596-7618

**Owner and Applicant Information**

Applicant: Masood Kasim, c/o Timothy C. Janak

Property Owner: Masood Kasim

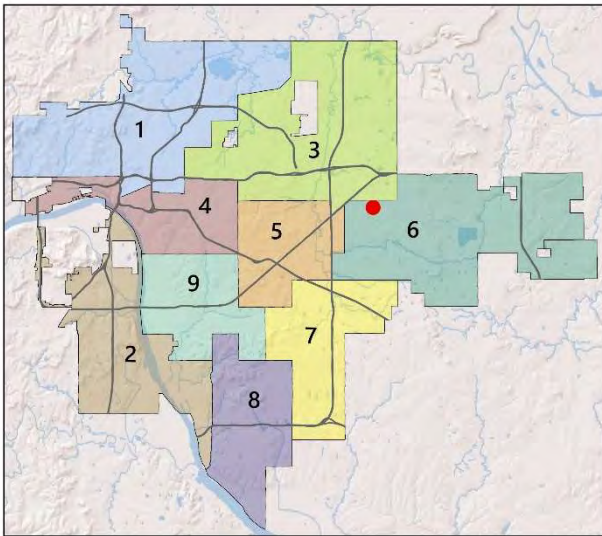
**Property Location**

13100 East 11th Street South

Tract Size: ±1.71 acres

**Location within the City of Tulsa**

*(shown with City Council districts)*



**Elected Representatives**

City Council: District 6, Christian Bengel

County Commission: District 1, Stan Sallee

**Public Notice Required**

Newspaper Notice – min. 10 days in advance

Mailed Notice to 300’ radius – min. 10 days in advance

**Request Summary**

Appeal of the administrative decision issued in zoning violation Z-99087 (Section 70.140).

**Zoning**

Zoning District: CS

Zoning Overlays: Route 66

**Comprehensive Plan Considerations**

**Land Use**

Land Use Plan: Multiple Use

Small Area Plans: East Tulsa

Development Era: Late Automobile

**Transportation**

Major Street & Highway Plan: Secondary Arterial

planitulsa Street Type: N/A

Transit: Regular Route

Existing Bike/Ped Facilities: N/A

Planned Bike/Ped Facilities: Signed Route

**Environment**

Flood Area: N/A

Tree Canopy Coverage: 0-10%

Parks & Open Space: Harvey Young Airport, Plaza Tract Park

## **Staff Analysis**

The applicant requests an appeal of the administrative decision issued in zoning violation Z-99087 (Section 70.140). On September 20, 2024, code enforcement issued a notice of violation for the property under zoning code sections 45.010-A, 45.150-A, 45.150-B, 50.030-F, 55.090-F.1, 55.090-F.2, 65.060-C, and 70.080-A. As described in Section 70.140-G and Section 70.140-H, 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. 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. The decision being appealed may be reversed or wholly or partly modified only if the board of adjustment finds that the administrative official erred.

### **Section 45.010 Generally Applicable Regulations**

#### **45.010-A Accessory Uses Allowed**

Accessory uses and structures are allowed only in connection with lawfully established principal uses.

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

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

1. Within a garage;
2. Within a rear building setback, provided it is set back at least 3 feet from all lot lines;
3. Within a side yard but not within a required side building setback;
4. Within a side building setback if the recreational vehicle is no more than 6 feet in height, excluding the height of any outboard motor or windshield, and the recreational vehicle is screened along the lot line nearest to the vehicle and extending for the vehicle's the full length by an F1 screening fence or wall in accordance with §65.070-C; or
5. Within the street yard, provided that the development administrator determines that all of the following conditions exist:
  - a. Space is not available or there is no reasonable access to either the side yard or rear yard;
  - b. Parking inside the garage is not possible due to the height or width of the recreational vehicle;
  - c. The recreational vehicle is parked perpendicular to the street lot line;
  - d. The body of the recreational vehicle is at least 12 feet from the face of the curb or travel lanes of the street and does not extend over a sidewalk; and
  - e. No more than one recreational vehicle is parked or stored in the street yard.
6. For purposes of these provisions:
  - a. A corner lot is always deemed to have reasonable access to the rear yard;
  - b. A fence does not necessarily prevent reasonable access to a yard; and
  - c. A boat loaded on a boat trailer is considered one recreational vehicle.

**45.150-B** The parking and storage of recreational vehicles in an R or AG-R district is permitted in accordance with 45.150-A, provided that:

1. The vehicle is not used for dwelling purposes;
2. The vehicle is not permanently connected to sewer lines, water lines, or electricity; and
3. The vehicle is not used for storage of goods, materials, or equipment other than those items considered to be a part of the recreational vehicle or essential for its use as a recreational vehicle.

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### Section 50.030 Authorized Uses

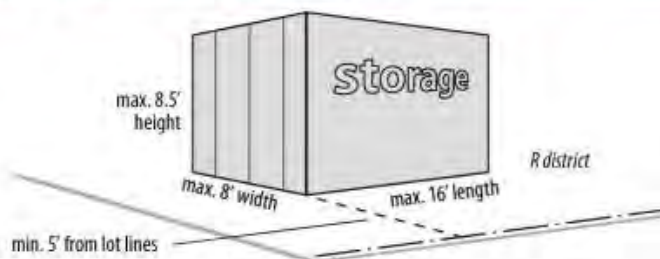
The development administrator is authorized to approve a zoning clearance permit for temporary uses upon determining that the proposed use is a customary temporary use in the subject location and will generally be compatible with surrounding uses and not be a detriment to public safety. The following is a non-exhaustive list of the types of temporary uses and activities for which a zoning clearance permit may be approved by the development administrator:

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**50.030-F** Temporary mobile storage units, subject to the following supplemental regulations:

1. Temporary mobile storage units are allowed in R zoning districts, subject to compliance with all of the following regulations:
  - a. Temporary mobile storage units are permitted for a period not to exceed a total of 90 days within any calendar year unless a valid building or construction permit is in place for the subject property, in which case the temporary mobile storage unit may remain in place for a maximum of 120 days or until the permit expires, whichever occurs first. If a dwelling unit on the subject lot has been damaged by natural disaster act of God, the development administrator is authorized to grant time extensions of otherwise applicable temporary mobile storage unit time limits.
  - b. No more than one temporary mobile storage unit may be located on any lot.
  - c. Temporary mobile storage units may not exceed 16 feet in length, 8 feet in width, and 8.5 feet in height. *Figure 50-1.*

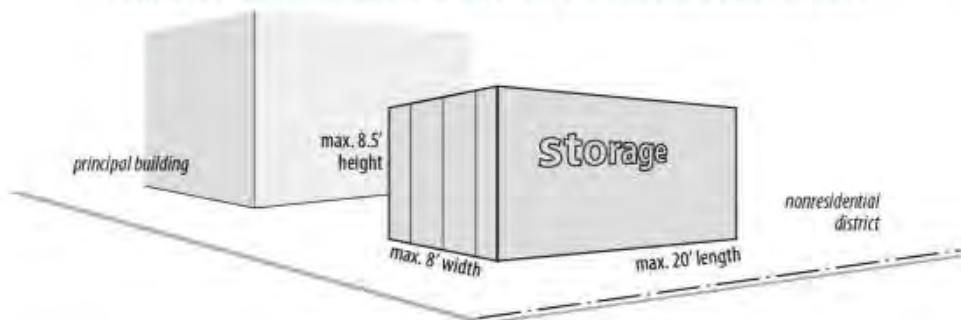
*Figure 50-1: Maximum Mobile Storage Unit Size in Residential Districts*



- d. Temporary mobile storage units must be set back at least 5 feet from all property lines.
- e. Temporary mobile storage units must be placed on an improved all-weather surface, generally asphalt, brick pavers, or concrete. Units are prohibited within landscape areas, open spaces, stormwater basins, or any other location that may cause hazardous conditions, constitute a

- threat to public safety, or create a condition detrimental to surrounding land uses and development.
- f. No materials may be stacked or stored on the exterior of the mobile storage unit and no running gear or transport trailer may be stored on site outside of a completely enclosed building.
2. Temporary mobile storage units are allowed in nonresidential zoning districts, subject to compliance with all the following regulations:
    - a. Temporary mobile storage units are permitted for a period not to exceed a total of 90 days within any calendar year unless a valid building or construction permit is in place for the subject property, in which case the temporary mobile storage unit may remain in place for a maximum of 180 days or until the permit expires, whichever occurs first. If the principal building on the subject lot has been damaged by natural disaster act of God, the development administrator is authorized to grant time extensions of otherwise applicable temporary mobile storage unit time limits.
    - b. No more than 3 temporary mobile storage units may be located on any lot.
    - c. Temporary mobile storage units may not exceed 20 feet in length, 8 feet in width, and 8.5 feet in height. See [Figure 50-2](#).

Figure 50-2: Maximum Mobile Storage Unit Size in Nonresidential Districts



- d. Temporary mobile storage units must comply with all building setback requirements of the subject zoning district.
- e. Temporary mobile storage units may not be placed or located on a required parking space, circulation aisle/lane, or fire access lane.
- f. Vertical stacking of storage units and stacking of any other materials or merchandise on top of any mobile storage unit is prohibited. No running gear or transport trailer may be left underneath any mobile storage unit.
- g. Temporary mobile storage units are prohibited within landscape areas, required open spaces, stormwater basins, or any other location that may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to surrounding land uses and development.

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Section 55.090

Parking Area Design

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55.090-F Surfacing

- 1. All off-street parking areas must be surfaced with a dustless, all-weather surface unless otherwise expressly stated in this zoning code. Pervious pavement or pervious pavement systems are allowed subject to the supplemental regulations of §55.090-F.4. Parking area surfacing must be completed prior to initiation of the use to be served by the parking.
- 2. All motorized vehicles designed for travel upon public streets and all recreational vehicles that are being parked, stored or displayed for sale must be parked, stored or displayed on a dustless, all-weather surface. This surfacing requirement does not apply to junk or salvage yards. The board of adjustment is authorized to grant a special exception permitting the parking, storage or display of motorized vehicles or recreational vehicles on a surface other than one consisting of a dustless, all-weather surface if the location complies with all applicable minimum building setbacks.

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Section 65.060 Vehicular Use Area Buffers

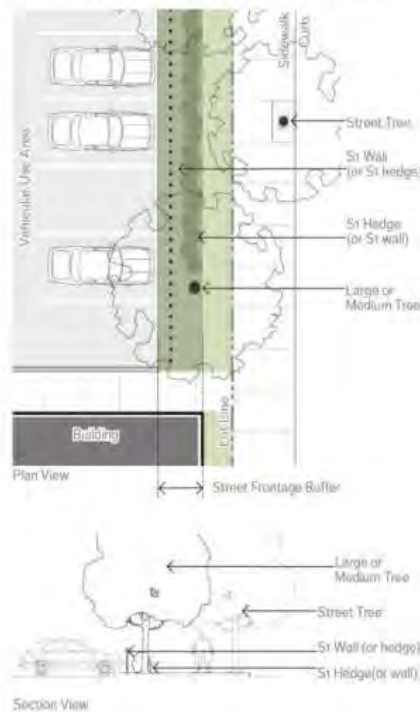
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65.060-C Requirements

1. Street Frontage Buffers

- a. When a vehicular use area is located adjacent to a street or highway right-of-way, street frontage buffers must be provided in accordance with this subsection to physically and visually buffer the vehicular use area from the right-of-way.
- b. Street frontage buffers are required only when the vehicular use area is located within 100 feet of the right-of-way and there are no intervening buildings between the vehicular use area and the right-of-way.
- c. Except as expressly stated for vehicular use areas in the CBD zoning district (see §65.060-C1.d), street frontage buffer areas must be at least 7 feet in width and include an S1 screen, in accordance with §65.070-C1.

Figure 65-3: Street Frontage Buffer

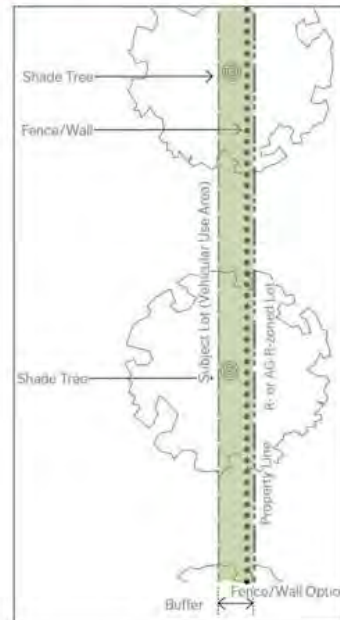


- d. In the CBD zoning district, required street frontage buffers must be at least 3 feet in width and include an S1 screen, in accordance with §65.070-C1.
- e. Groundcover plants must be provided in all street frontage buffer areas not covered by fences or walls.
- f. The vehicle overhang allowance of §65.050-D4 applies to parking spaces abutting street frontage buffers.

## 2. R or AG-R District Buffers

- a. When a vehicular use area is located on a lot abutting an R- or AG-R-zoned lot, an R or AG-R district buffer must be provided in the form of an F1 screen, in accordance with §65.070-C2.

Figure 65-4: R and AG-R District Buffer



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## Section 70.080 Zoning Clearance and Permits

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### 70.080-C Application

1. Zoning clearance permit applications must be accompanied by a legal description of the lot and plans in duplicate, drawn to scale, showing at least the following information:
  - a. The actual shape and dimension of the lot;
  - b. The location and dimensions of all easements;
  - c. The location, size and height of any existing buildings or structures to be erected or altered;
  - d. The existing and intended use of each building or structure and portion of the lot;
  - e. The number of dwellings and buildings proposed; and
  - f. Other information required by the development administrator to determine compliance with all applicable provisions this zoning code.
2. If the zoning code requires that the use, structure, or other development feature must be separated or spaced a minimum distance from another use, structure, or development feature, the zoning clearance permit application must also be accompanied by the following information:
  - a. An aerial photograph identifying the location of the proposed use, structure or development feature at the center of a circle drawn to scale, the radius of which is the required separation distance from another use, structure or development feature;

- b. The location of the nearest use, structure, or development feature from which the proposed use, structure or development feature must be separated; and
- c. Verification of having provided a copy of the zoning clearance permit application, concurrent with the submission of the application, to the City Councilor for the City Council District in which the subject property is located.

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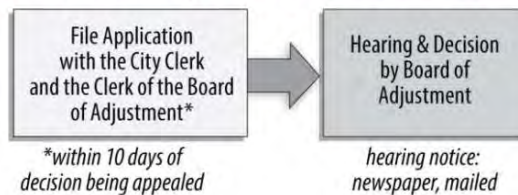
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**Section 70.140 Appeals of Administrative Decisions**

**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 business 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](#).

Relevant Case History

- BOA-22536, December 11, 2018; The board of adjustment approved a special exception to allow a commercial/commercial service/building service use in the CS district and denied a variance of the dustless,



all-weather surface requirement to permit a gravel drive and parking area. The board of adjustment stated that there is to be no outdoor storage of materials or items to be stored for sale and that no fencing or solid screening shall be any closer to East 11th Street South than 50 feet off the property line.

## **Comprehensive Plan Considerations**

### **Land Use Plan**

The subject property is designated as Multiple Use. Multiple Use areas are mostly commercial or retail uses, which include restaurants, shops, services, and smaller format employment uses. This land use designation is most common in areas of the city from earlier development patterns, with Local Centers being more commonplace in newer parts of the city. For single properties that are commercial but surrounded by Neighborhood, Multiple Use is the preferred designation.

#### Surrounding Properties:

<u>Location</u>	<u>Existing Zoning/Overlay</u>	<u>Existing Land Use Designation</u>	<u>Existing Use</u>
North	CH, Route 66	Multiple Use	Veterinarian, Vacant
East	CS and RS-2, Route 66	Multiple Use	Vacant, Residential
South	RS-2, Route 66	Multiple Use	Church
West	CG, Route 66	Multiple Use	Commercial

### **Small Area Plans**

The subject property is located in the East Tulsa Phase I Planning Area.

### **Development Era**

The subject property is in an area developed during the Late Automobile Era (1950s-present), which has grown since the mainstreaming of automobile-centric lifestyles, with a high degree of separation between residential and nonresidential uses, and low levels of street connectivity. In these areas, transportation is nearly exclusively concentrated on the mile-by-mile arterial grid, and major streets are often both transportation corridors and destination corridors, which can lead to traffic congestion. Nonresidential uses are predominantly located at the intersections of major arterial streets. Priorities in these areas include commercial revitalization, placemaking, community gathering opportunities, conservation of natural areas, a high degree of privacy, one-stop shopping, and commuting routes.

### **Transportation**

Major Street & Highway Plan: East 11th Street South runs parallel to the north side of the subject property and is classified as a Secondary Arterial. Secondary Arterial streets have a minimum right-of-way width requirement of 100-feet.

Comprehensive Plan Street Designation: N/A

Transit: Regular Routes 470 and 140 run on East 11th Street South, parallel to the north side of the subject property.

Existing Bike/Ped Facilities: N/A

Planned Bike/Ped Facilities: The 2015 GO Plan recommends a Signed Route along East 11th Street South, parallel to the north side of the subject property.

Arterial Traffic per Lane: 11<sup>th</sup> Street South has an average annual daily traffic (AADT) count of 2,675 vehicles per lane.

### **Environmental Considerations**

Flood Area: The subject property is not located within a flood area.

Tree Canopy Coverage: Tree canopy in the area is 9%. Preserving the limited existing canopy should be encouraged, as well as measures to increase the canopy through landscaping. Street-lining trees in particular should be encouraged to spread the benefit of the tree canopy to the pedestrian realm. The area would benefit from additional trees, which also capture and treat runoff before it enters the river.

Parks & Open Space: Plaza Tract Park and the airfield at Harvey Young Airport are nearby to the southeast of the subject property.

**Sample Motion**

I move to affirm/reverse the administrative decision by a neighborhood inspector in Case 99087-2024 that the subject property is in violation of sections 45.010, 45.150-A, 45.150-B, 50.030-F, 55.090-F.1, 55.090-F.2, 65.060-C, and 70.080-A of the City of Tulsa Zoning Code, finding:

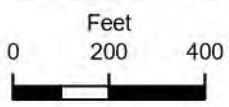
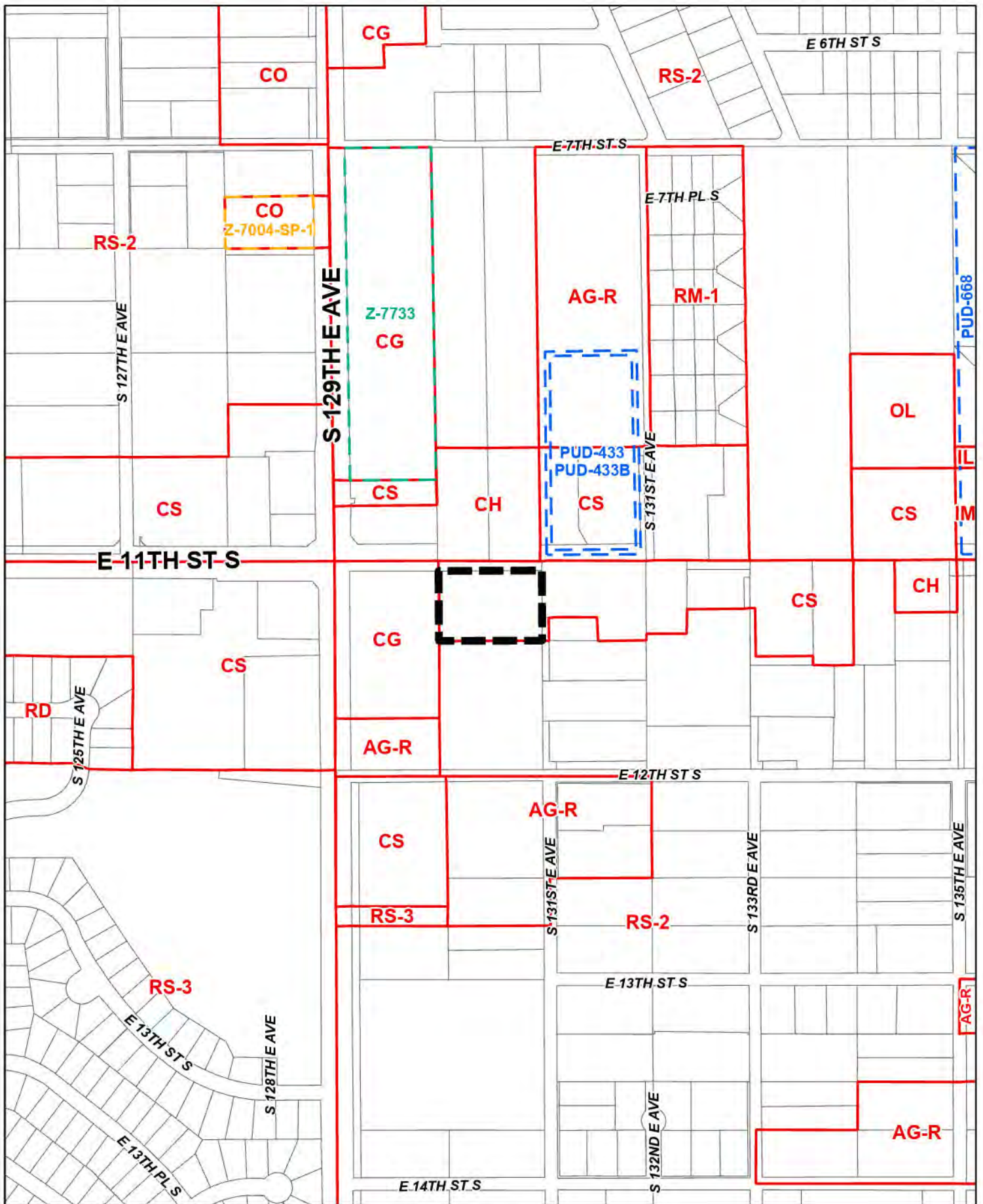
- that the Neighborhood Inspector acted appropriately/erred in the administrative decision by a neighborhood inspector in Case 87299-2024, and
- that the subject property is/is not in violation of sections 55.020, 55.080-D, and 70.080-A.

**Property Description**

N250 E/2 NW NW NW LES N24.75 FOR ST SEC 9 19 14 1.71ACS, Unplatted, City of Tulsa, Tulsa County, State of Oklahoma

**Exhibits**

- Case map
- Aerial (small scale)
- Aerial (large scale)
- Tulsa Comprehensive Plan Land Use Map



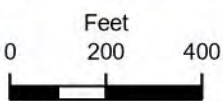
 Subject Tract

**BOA-23792**

19-14 09



5.12



Subject Tract

**BOA-23792**

19-14 09

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

Aerial Photo Date: 2022

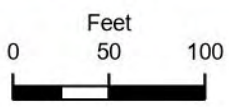


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E 11TH ST S

S 131ST E AVE



Subject Tract

**BOA-23792**

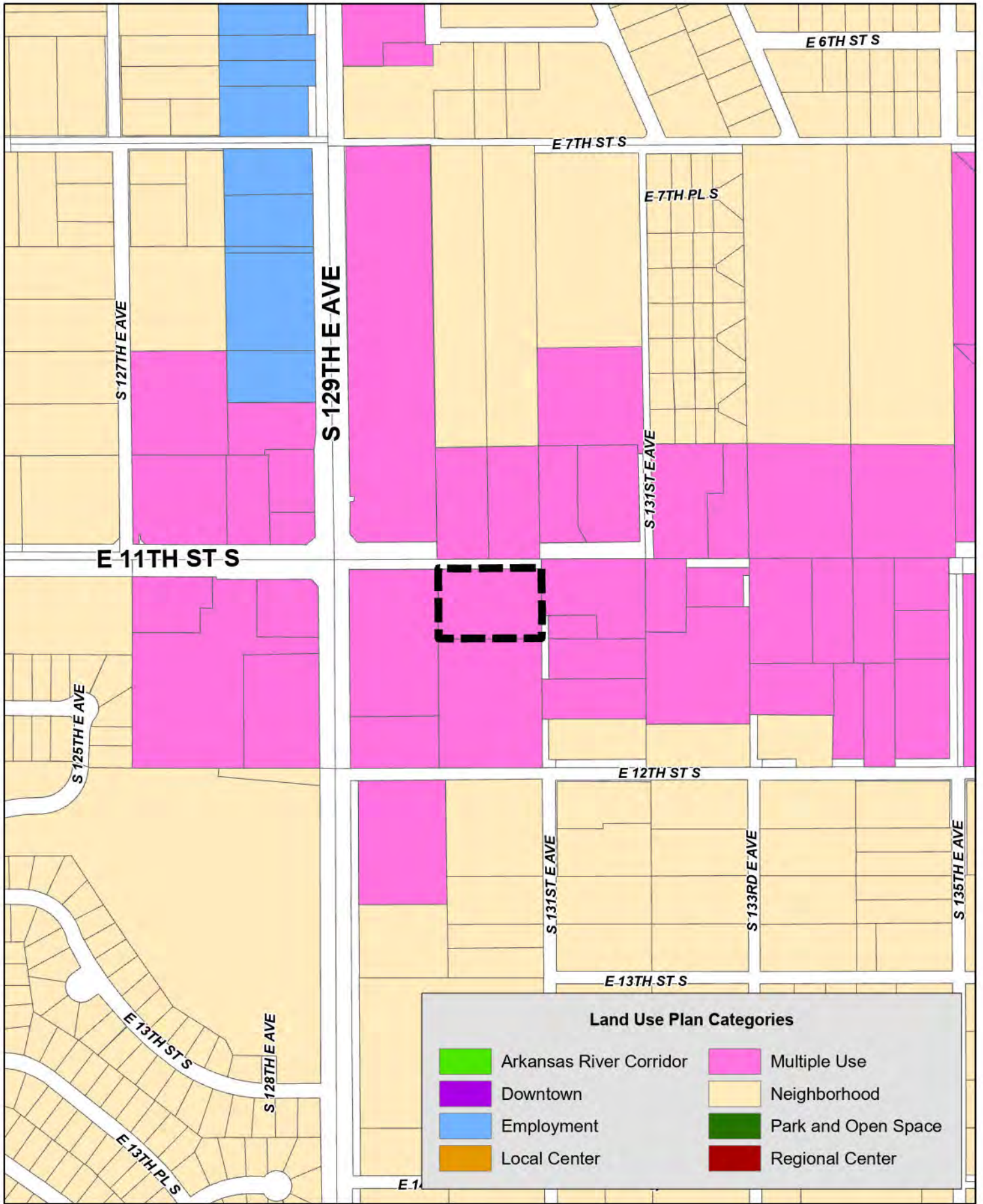
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



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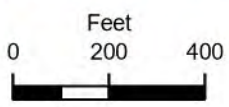
Aerial Photo Date: 2022



5.14



Land Use Plan Categories			
	Arkansas River Corridor		Multiple Use
	Downtown		Neighborhood
	Employment		Park and Open Space
	Local Center		Regional Center



 Subject Tract

**BOA-23792**  
19-14 09





**NOTICE OF VIOLATION – ZONING**

To: KASIM, MASOOD  
9423 S WINSTON AVE  
TULSA OK 74137-3720

Date: 09/20/24  
Case: 99087

Compliance Date: 10/04/24

Dear Property Owner and/or Occupant,

You are hereby notified of zoning code violations at (legal) UNPLATTED, N250 E/2 NW NW NW LESS N24.75 FOR ST SEC 9 19 14 1.71ACS

City of Tulsa, TULSA County State of Oklahoma; And located at the address of:  
13100 E 11TH ST S

**Violations:**

<input type="checkbox"/>	Home Occupations	<input type="checkbox"/>	Mobile Storage Units	<input type="checkbox"/>	Fences and Walls
<input checked="" type="checkbox"/>	Accessory Uses	<input checked="" type="checkbox"/>	Parking Surface	<input checked="" type="checkbox"/>	Permit Needed
<input type="checkbox"/>	Commercial Vehicles	<input type="checkbox"/>	Recreation Vehicles	<input type="checkbox"/>	

Additional comments, descriptions or directions: Remove all items and operations from this parcel until proper permits are obtained, and a principal use is established. Seeking a variance/special exception from the Board of Adjustment may be required to resolve this issue. All vehicles including trailers need to be removed from any non-dustless surfaces.

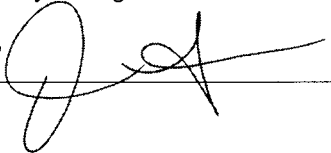
**See back of page for what the resolution of each violation requires.**

You still have time to correct the issue(s) at your property. To comply, 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 violation each 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, 

J Feathers  
City of Tulsa - Code Enforcement  
175 E 2nd Street  
Tulsa, OK 74103  
918-576-5638  
jfeathers@cityoftulsa.org

**Appeals:** You may appeal the administrative official's decision by filing a complete appeal application with the Clerk of the City of Tulsa Board of Adjustment at the Tulsa Planning Office **AND** by filing a copy of the completed appeal application with the Tulsa City Clerk. Appeals must be filed within **10 DAYS** of the date of this Notice, and all applicable fees must be paid at the time the appeal application is submitted to the Tulsa Planning Office. 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.

Addresses to file appeals:

Clerk of the City of Tulsa Board of Adjustment		Office of the Tulsa City Clerk	
c/o Tulsa Planning Office 175 E 2nd St, 4th Floor Tulsa, OK 74103 918.596.7526	Monday-Friday 8 a.m. – 5 p.m.	Tulsa City Hall 175 E 2nd St, Suite 260 Tulsa, OK 74103 918.596.7513	Monday-Friday 8 a.m. – 5 p.m.

To view the entire Zoning Code (Title 42), visit: [tulsaplanning.org/resources/plans/](https://tulsaplanning.org/resources/plans/)

**SEE BACK FOR IMPORTANT INFORMATION**



**Accessory Uses**

42.45.010A

Accessory uses and structures are allowed only in connection with lawfully established principal uses.

**Mobile Storage Units**

42.50.030F

Temporary mobile storage units, subject to the following supplemental regulations:

1. Temporary mobile storage units are allowed in R zoning districts, subject to compliance with all of the following regulations:
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  - f. No materials may be stacked or stored on the exterior of the mobile storage unit and no running gear or transport trailer may be stored on site outside of a completely enclosed building.

**Parking Surfaces**

42.55.090F1

All off street parking areas must be surfaced with a dustless, all weather surface unless otherwise expressly stated in this zoning code. Pervious pavement of pervious pavement systems are allowed subject to the supplemental regulations of §55.090 F4. Parking area surfacing must be completed prior to initiation of the use to be served by the parking.

42.55.090F2

All motorized vehicles designed for travel upon public streets and that are being parking, stored or displayed for sale must be parking, stored or displayed on dustless, all weather surface. This surfacing requirement does not apply to junk or salvage yards. The board of adjustment is authorized to grant a special exception permitting the storage or display of motorized vehicles on a surface other than one consisting of a dustless, all weather surface if the location complies with all applicable minimum building setbacks.

**Recreational Vehicles**

42.45.150A

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

1. Within a garage;
2. Within a rear building setback, provided it is set back to at least 3 feet from all lot lines;
3. Within a side yard but not with a required side building setback;
4. Within a side building setback if the recreational vehicle is no more than 6 feet in height, excluding the height of any outboard motor or windshield, and the recreational vehicle is screened along the lot line nearest to the vehicle and extending for the vehicle's full length by an F1 screening fence or wall in accordance with §65.060 C2; or
5. Within the street yard, provided that the development administrator determines that all of the following conditions exist:
  - a. Space is not available or there is no reasonable access to either the side yard or rear yard;
  - b. Parking inside the garage is not possible due to the height or width of the recreational vehicle;
  - c. The recreational vehicle is parked perpendicular to the street lot line;
  - d. The body of the recreational vehicle is at least 12 feet from the face of the curb or travel lanes of the street and does not extend over a sidewalk; and
  - e. No more than one recreational vehicle is parked or stored in the street yard.
6. For purposes of these provisions:
  - a. A corner lot is always deemed to have reasonable access to the rear yard;
  - b. A fence does not necessarily prevent reasonable access to a yard; and
  - c. A boat loaded on a boat trailer is considered one recreational vehicle.

42.45.150B

The parking and storage of recreational vehicles in an R district is permitted in accordance with §45.150 A provided that:

1. The vehicle is not used for dwelling purposes;
2. The vehicle is not permanently connected to sewer lines, water lines or electricity; and
3. The vehicle is not used for storage of goods, materials, or equipment other than those items considered to be a part of the recreational vehicle or essential for its use as a recreational vehicle

**Fences and Walls**

42.65.060C

When located in the required street setback, fences and walls may not exceed 4 feet in height

**Permit Needed**

42.70.080A

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.

**Contact the City of Tulsa Permit Center**

175 E. 2nd Street, 4th Floor | Tulsa, OK 74103 | (918) 596-9456 |  
Permit Center Hours: Monday through Friday, 8 a.m. to 4 p.m.

A copy of this notice has been sent to: (if applicable)

GERARDO CAMPOS  
11445 E 20TH ST STE B  
TULSA OK 74128

KASIM, SONIA  
9423 S WINSTON AVE  
TULSA, OK 74137

ARVEST BANK  
502 S MAIN MALL  
TULSA, OK 74103

ARVEST BANK  
PO BOX 799  
LOWELL, AR 72745



**ALLEGED VIOLATIONS:**

Accessory Uses  
Parking Surface  
Permit Needed

**RESPONSE AND BASIS OF APPEAL:** The property is being used in accordance with the Special Exception that has been granted and no additional permit is needed. The Parking Surface is proper as vehicles are not parked on the surface and the surface meets all provisions of the Tulsa Zoning Code.

The notice of violation by the City of Tulsa Code Enforcement was improper and not in compliance with the City of Tulsa Zoning Code and/or other relevant regulations. The notice of violation by the City of Tulsa Code Enforcement was arbitrary and capricious and should be withdrawn or otherwise amended.

**RIGHT OF APPEAL:** Pursuant to *70.140-B et al. of the City of Tulsa Zoning Code*, the Landowner, Masood Kasim, as an interested party, hereby files this appeal of the alleged violations and requests a hearing as per the Tulsa County Zoning Code.

**ADDITIONAL NOTE:** Pursuant to *Section 70-140-D of the Tulsa Zoning Code*, 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 he 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.

As stated by the Board of Adjustment when the Special Exception was rendered for the same use for which the property is currently being utilized, "the 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 property.

Therefore, there is no basis for a lifting of the stay of all proceedings as the property is being utilized for the same purpose of which the Board of Adjustment originally stated that such use was not "injurious to the neighborhood or otherwise detrimental to the public welfare". Further, the property has been further improved since the date of the Board of Adjustment's original decision.



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Masood Kasim,  
Land Owner and Interested  
Party



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Timothy C. Janak, Esq.  
of The Timothy Group, PLC  
Attorneys at Law