

BOA-22778

19-12 01

12.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9201

Case Number: **BOA-22778**

CZM: 36

CD: 4

HEARING DATE: 11/12/2019 1:00 PM

APPLICANT: Jameson Shaffer

ACTION REQUESTED: Variance to allow structures to project into the street right-of-way to permit the construction of canopies (Sec. 90-090.A)

LOCATION: 423 S BOULDER AV W/ 410 S MAIN ST

ZONED: CBD

PRESENT USE: Parking/Retail

TRACT SIZE: 59999.79 SQ FT

LEGAL DESCRIPTION: LTS 1 & 2 & N50 LT 3 LTS 7 & 8 & N50 LT 6 ALL IN BLK 135 & N200 VACATED ALLEY IN BLK 135, TULSA-ORIGINAL TOWN

RELEVANT PREVIOUS ACTIONS:

Subject property: None

Surrounding Properties: None

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

Downtown Neighborhoods are located outside but are tightly integrated with the Downtown Core. These areas are comprised of university and higher educational campuses and their attendant housing and retail districts, former warehousing and manufacturing areas that are evolving into areas where people both live and work, and medium- to high-rise mixed-use residential areas. Downtown Neighborhoods are primarily pedestrian-oriented and are well connected to the Downtown Core via local transit. They feature parks and open space, typically at the neighborhood scale.

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 an existing Parking Structure located in the Central Business District along 4th Street between Main and Boulder.

STAFF COMMENTS: The applicant is requesting a **Variance** to allow structures to project into the street right-of-way to permit the construction of canopies (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.

As a part of their motion the Board may make a condition to their approval the preservation of the existing street trees adjacent to the proposed canopies.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** to allow structures to project into the street right-of-way to allow contruciton of canopies (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.”*



Facing East along 4th Street



Facing South on Boulder

October 11, 2019

Felicity Good
Assistant Planner
2 W. 2nd St., 8th Floor
Tulsa, OK 74103

RE: Main Park Plaza – Canopy Variance with the Board of Adjustments

Dear Ms. Good,

Please accept this statement of hardship, in addition to our application, for a variance to the Board of Adjustments in preparation of the November 12th Board meeting.

Owned by Tulsa Parking Authority, Main Park Plaza is a mixed-use structure consisting of parking and retail space, that currently has awnings and canopies that hang over the main entry and retail spaces into the public sidewalks. We are proposing the replacement of the worn awnings and canopies with metal-structured canopies to both improve the overall aesthetic and prevent hardships in the following ways:

- The proposed improvements would update the retail spaces along Boulder Ave, 4th Street, and Main Street, ultimately improving the walkability of Downtown Tulsa and falling in line with the current neighborhood and future plans for the area.
- By not allowing the replacement of the awnings or canopies is providing the tenants/small businesses a lesser facility than what they have originally leased and greatly reduces the desirability of occupying the retail spaces for future tenants.
- Located on 4th and Main St, the proposed changes directly affect the curb appeal of a major walkable intersection. With the main entry overlooking Main Street, there is an opportunity to utilize the wider sidewalks while also providing sun shading for the tenants.

We believe the proposed improvement does not alter the character of the neighborhood but is consistent in providing the same amenities as its neighbors in pushing for a more walkable neighborhood.

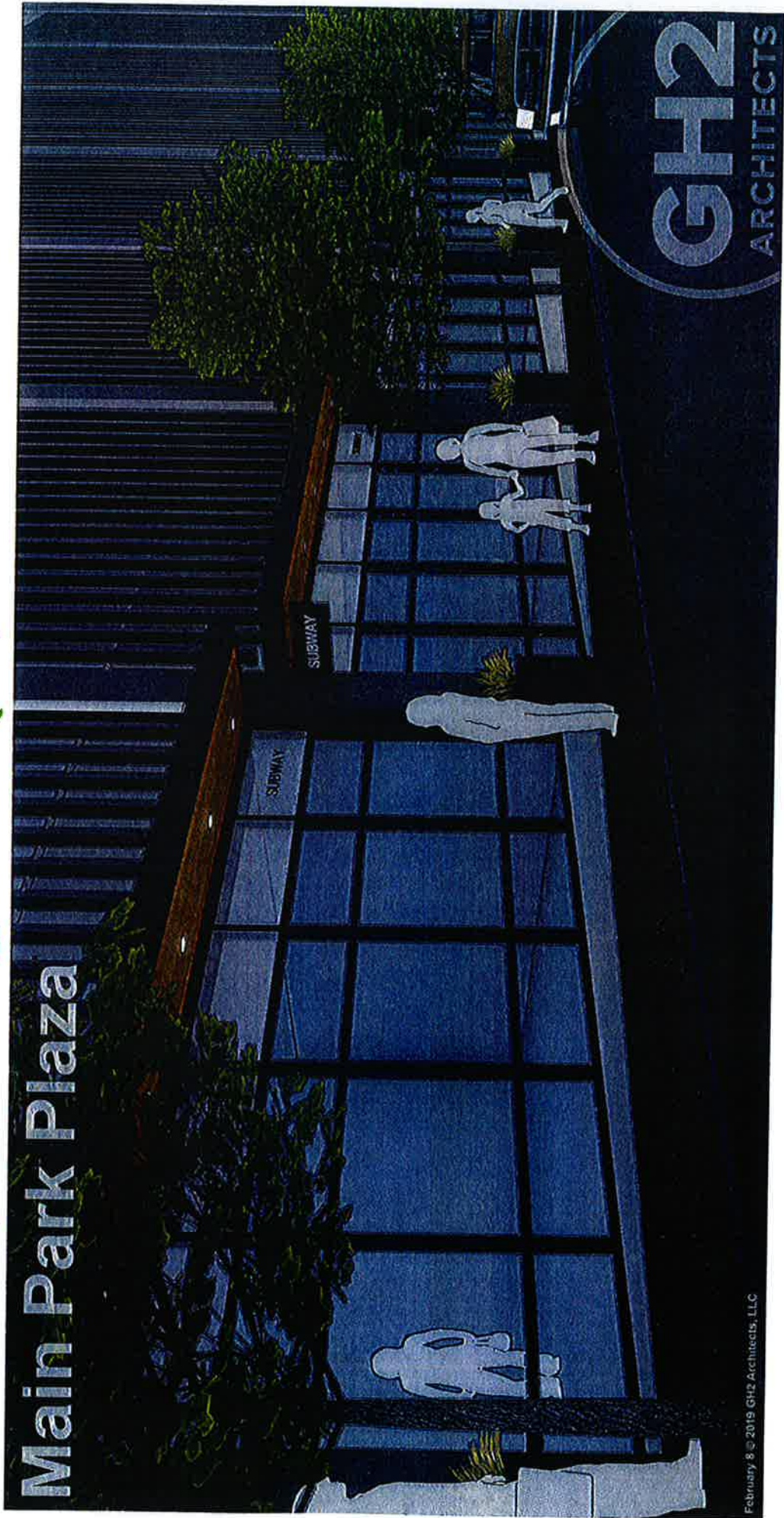
Please let me know if there is any further information needed.

Thank you,



Jameson Shaffer
Intern Architect

New Look
North Side / 4th St.





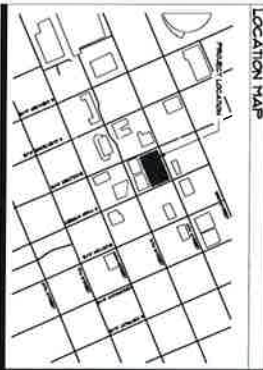
ENGINEERING AND SPECIALTY CONSULTANTS

CONTRACTING MANAGER & APPLICABLE

ELECTRICAL CONSULTANT
PAUL & GOREZ, INC.
1000 W. 10TH AVE.
TULSA, OK 74106
918/482-6100
FAX 918/482-6101
KREBS-200

STRUCTURAL CONSULTANT
BULLACE ENGINEERING
1000 W. 10TH AVE.
TULSA, OK 74106
918/482-6100
FAX 918/482-6101
KREBS-200

LOCATION MAP



SHEET INDEX

[illegible]

410 S Main Street, Tulsa, OK 74103
COVER SHEET

GH2
ARCHITECTS

GH2ARCHITECTS

200 S. Boston Ave., Suite 100
Tulsa, Oklahoma 74103
918.587.8158
pnc.com

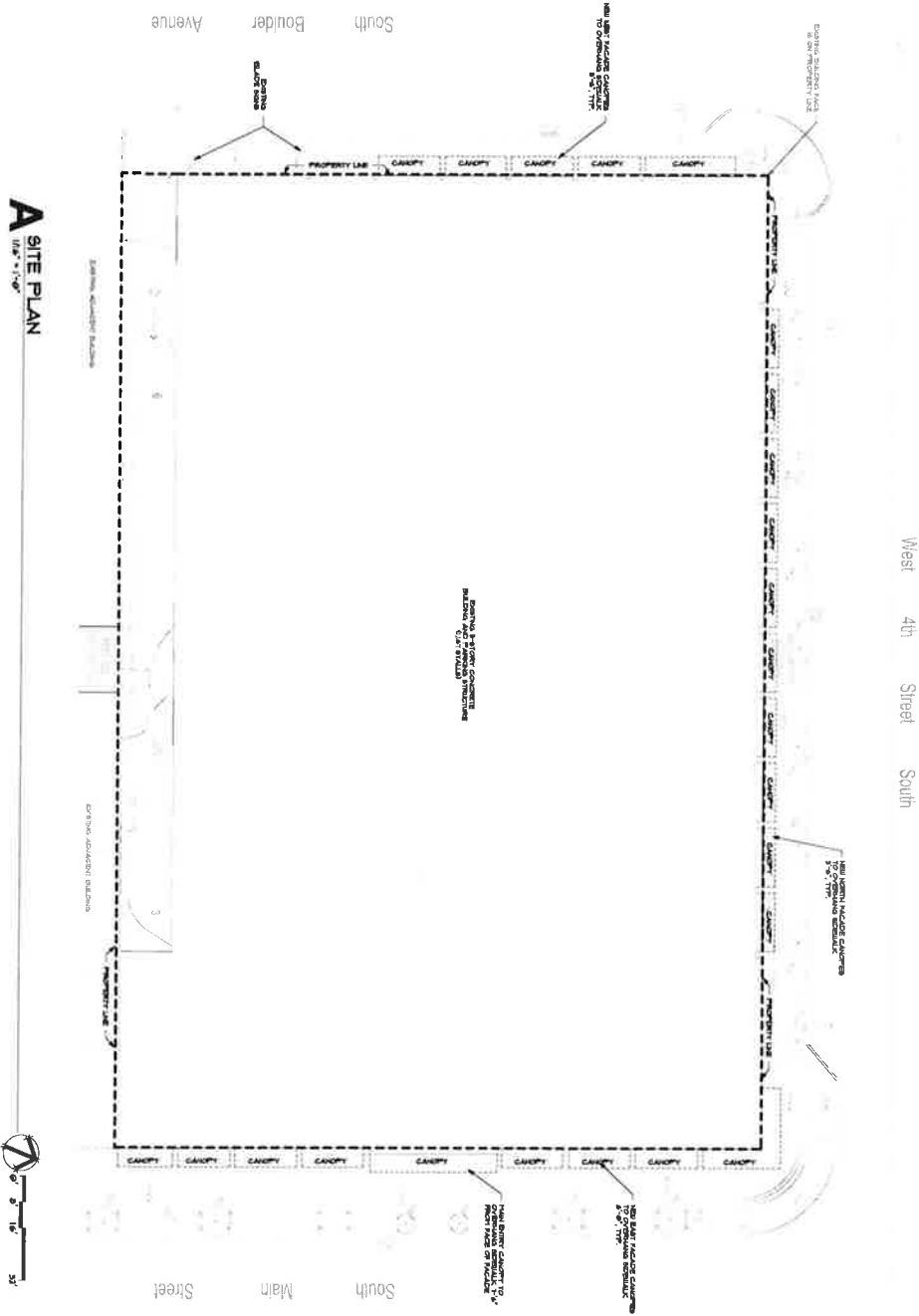
ABSTRACT: **OBJECTIVE:** To determine the prevalence of and risk factors for acute otitis media (AOM) in a community-based sample of children in the United States.

PROJECT #: 20170065

ISSUE DATES:	
CONSTRUCTION DOCUMENTS	06/01/20
No.	Description Date

SHEET NUMBER

CS1



A SITE PLAN
1/8" = 1'-0"



1. PREPARED BY ARCHITECTS, LLC

A001

SHEET NUMBER

ISSUE DATES		
Panel	Revised	Date
No.	Description	Date

PROJECT #: 20170065

ARCHITECT: GH2 ARCHITECTS, LLC

DATE: 08/15/19

SCALE: 1/8" = 1'-0"

PROJECT: 20170065

DATE: 08/15/19

SCALE: 1/8" = 1'-0"

PROJECT: 20170065

DATE: 08/15/19

SCALE: 1/8" = 1'-0"

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PROJECT: 20170065

DATE: 08/15/19

SCALE: 1/8" = 1'-0"

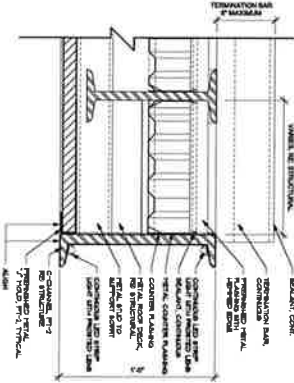
PROJECT: 20170065

DATE: 08/15/19

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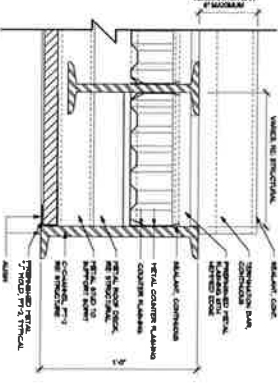
H MAIN ENTRY CANOPY SECTION

3/4" = 1'-0"



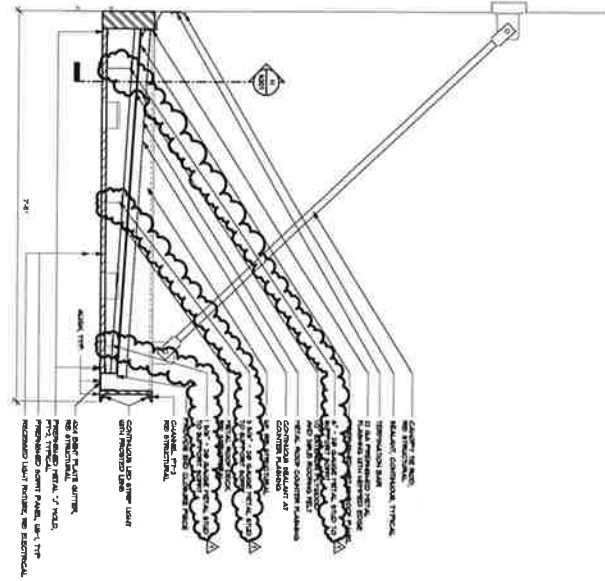
G CANOPY SECTION DETAIL

3/4" = 1'-0"



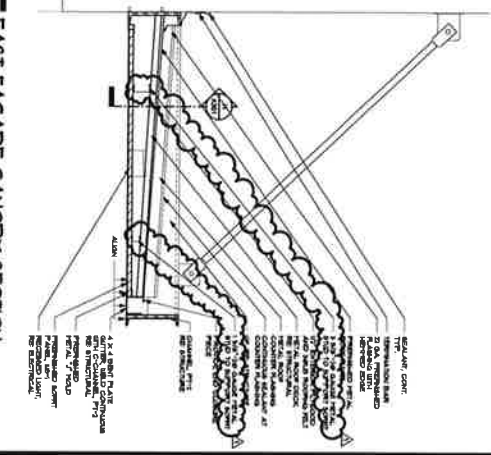
F MAIN ENTRY CANOPY SECTION

1/2" = 1'-0"



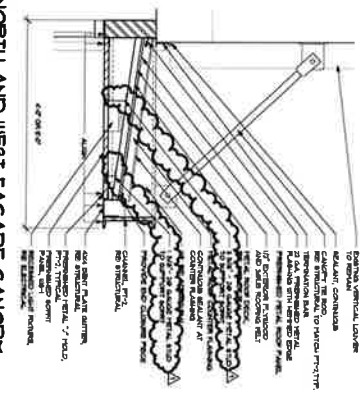
E EAST FACADE CANOPY SECTION

1/2" = 1'-0"



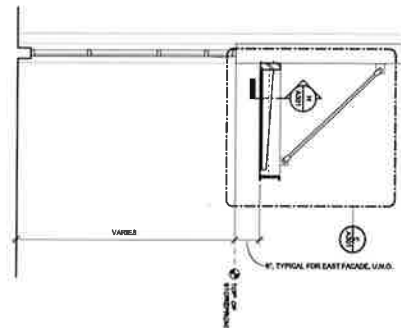
D NORTH AND WEST FACADE CANOPY SECTION

1/2" = 1'-0"



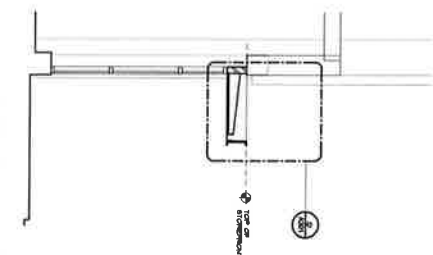
C EAST CANOPY - SECTION

3/4" = 1'-0"



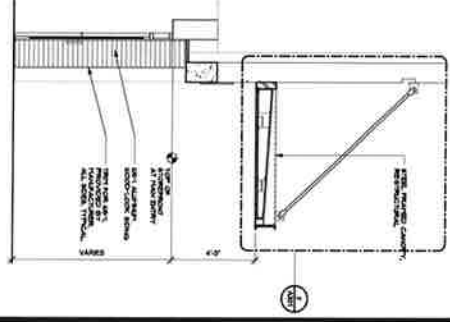
B NORTH AND WEST FACADE - SECTION

3/4" = 1'-0"



A MAIN ENTRY - SECTION

3/4" = 1'-0"



GH2
ARCHITECTS

Main Park Plaza Facade Renovation
410 S Main Street, Tulsa, OK 74103
SECTIONS AND DETAILS

GH2ARCHITECTS

320 S Boston Ave, Suite 100
Tulsa, Oklahoma 74103
918.258.1100
gh2.com



PROJECT #: 20170085

ISSUE DATES:		05/31/2019
CONSTRUCTION DOCUMENTS		
No.	Description	Date
1	ASB (10/11/19)	07/16/2019

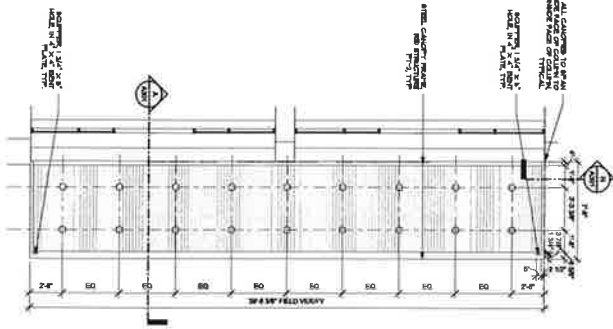
SHEET NUMBER:
A301

320 S BOSTON AVE, SUITE 100, TULSA, OK 74103

SHEET NUMBER: A101	PROJECT # : 20170065 ISSUE DATES: NO. DOCUMENTS:	ISSUED FOR: DATE: 09/15/2017 DESCRIPTION:	APPROVED BY: [Signature] TITLE: ARCHITECT FIRM: GH2ARCHITECTS	<h2 style="margin: 0;">Main Park Plaza Facade Renovation</h2> <p style="margin: 5px 0;">410 S Main Street, Tulsa, OK 74103</p> <h3 style="margin: 0;">OVERALL FLOOR PLAN</h3>	

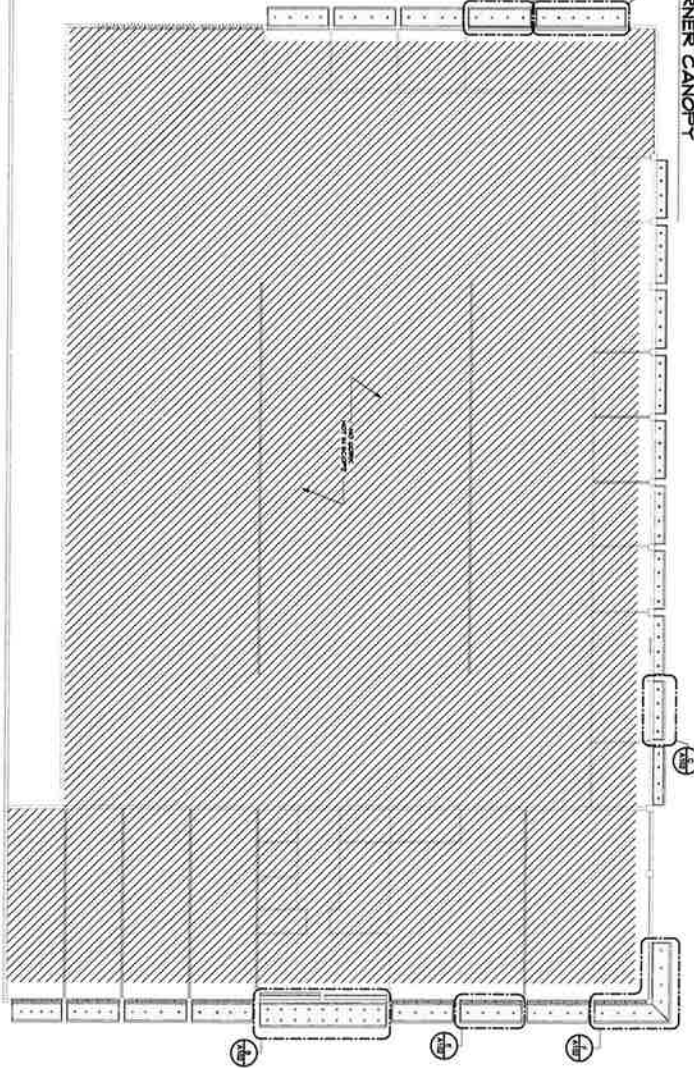
B RCP - MAIN ENTRY

1/4" = 1'-0"



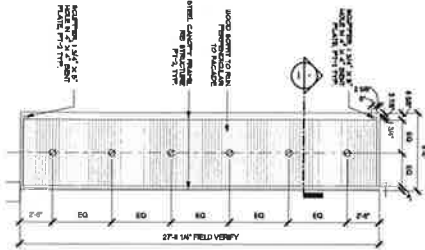
A REFLECTED CEILING PLAN

1/4" = 1'-0"



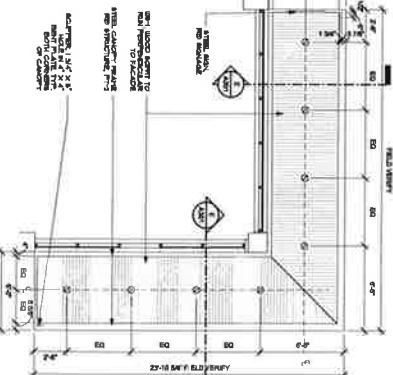
G LONG WEST CANOPY

1/4" = 1'-0"



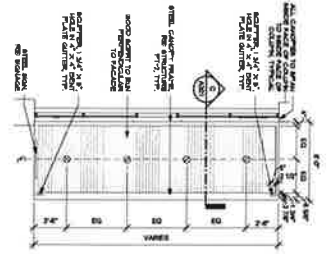
F RCP - CORNER CANOPY

1/4" = 1'-0"



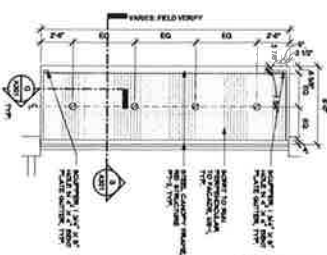
E EAST CANOPY - RCP

1/4" = 1'-0"



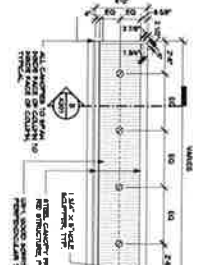
D WEST CANOPY - RCP

1/4" = 1'-0"



C NORTH CANOPY - RCP

1/4" = 1'-0"



CEILING LEGEND	
	1' x 8' CAN LIGHT
	1' x 8' CAN LIGHT
	1' x 8' CAN LIGHT

SHEET NUMBER:	
A102	
ISSUE DATES:	06/10/2019
REVISIONS:	
No.	Description
1	Revised

PROJECT #: 20170085

DATE: 06/10/2019

BY: [Signature]

CHECKED: [Signature]

GH2ARCHITECTS

320 S Broadway Ave, Suite 100

Tulsa, Oklahoma 74103

918.592.1111

gh2.com

Main Park Plaza Facade Renovation

410 S Main Street, Tulsa, OK 74103

REFLECTED CEILING PLAN

GH2

ARCHITECTS

BOB KOLIBAS
ZONING PLANS REVIEWER
TEL (918)596-9664



DEVELOPMENT SERVICES

175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103-3227

ZONING REVIEW

September 24, 2019

LOD Number: 2

GH2 Architects, LLC
320 S Boston Ave, Suite 100
Tulsa, OK 74103

Phone: (918)587-6158

APPLICATION NO: BLDC-33950-2019 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)

Location: 410 S. Main Street

Description: Canopies/Storefront replacement

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)

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 \$55 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 OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. INFORMATION ABOUT ZONING CODE, THE INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND THE TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 WEST 2ND STREET, 8TH FLOOR, TULSA, OK, 74103 OR TELEPHONE (918) 584-7526.
3. PRESENT THIS LETTER TO INCOG WHEN APPLYING FOR BOARD OF ADJUSTMENT OR PLANNING COMMISSION ACTION.

(Continued)

12.14

REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT
WWW.INCOG.ORG

Application No. 33950-2019

410 S. Main Street

September 24, 2019

This letter of deficiencies covers zoning Review items only.

You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for additional deficiencies regarding Utility Easement placement which are not addressed in this letter.

1.) 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.

Review Comment: The proposed canopies appear to be located in the City of Tulsa right of way. Canopies which project into the Right-of-Way (R-O-W) require a R-O-W license and removal agreement and a variance from the COT Board of Adjustment (BOA). Please contact Chris Kovac @ 918-596-9649 for information on acquiring a R-O-W license and removal agreement and INCOG @ 918-584-7526 to apply for a variance from the BOA to permit canopies to be located within the ROW.

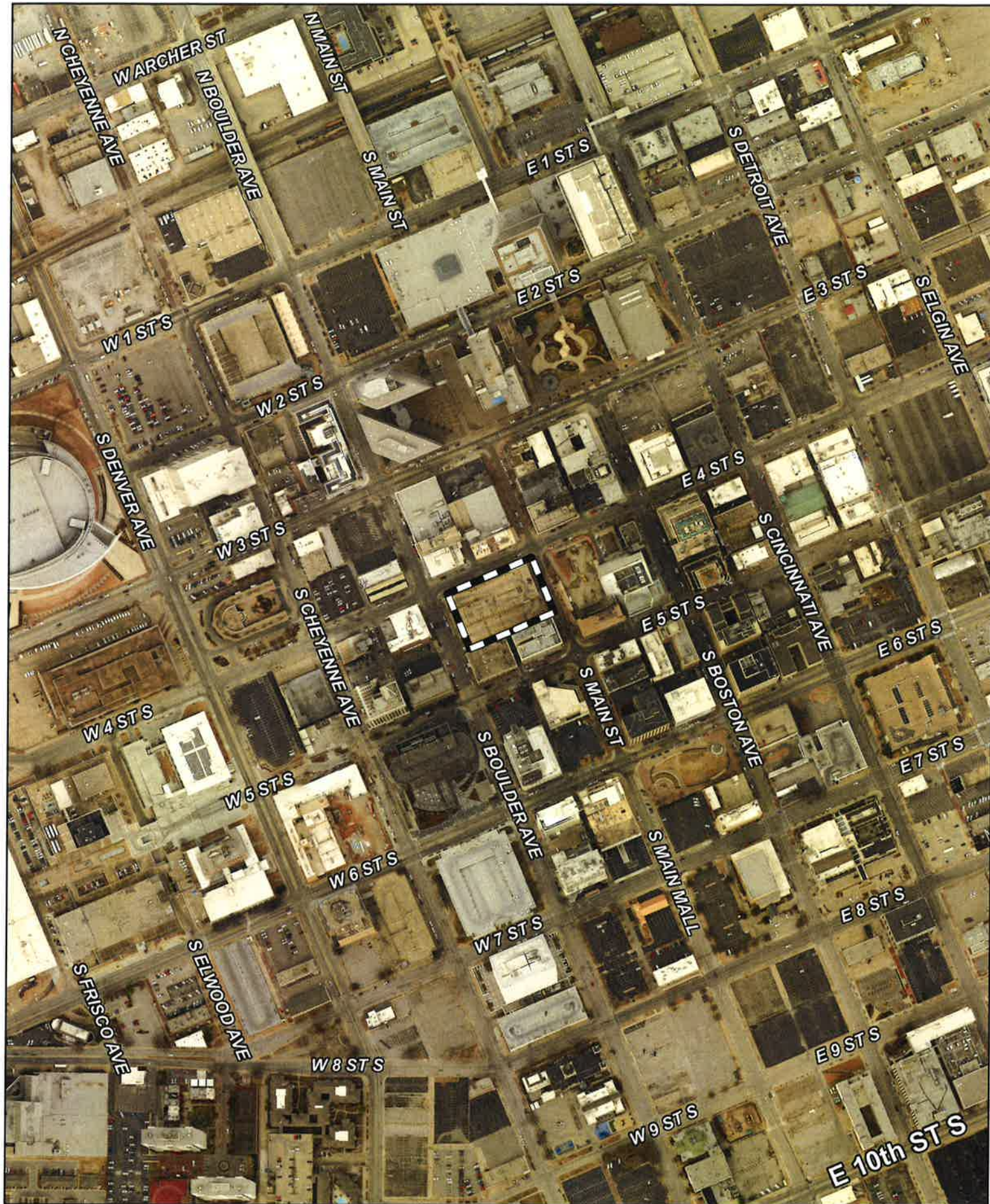
NOTE: Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to send the decision of any actions by the BOA or TMAPC affecting the status of your application to our office, 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.

END – ZONING CLEARANCE 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.

12.15



Feet
0 200 400



Subject
Tract

BOA-22778

19-12 01

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

Aerial Photo Date: February 2018



1216



0 50 100
Feet



Subject
Tract

BOA-22778

19-12 01

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

Aerial Photo Date: February 2018



12.17