AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, May 8, 2018, 1:00 P.M.

Meeting No. 1205

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of Minutes of April 24, 2018 (Meeting No. 1204).

UNFINISHED BUSINESS

2. 22397—Donny Beeler
Variance to reduce the minimum lot area and lot area per unit; Variance to reduce the minimum street frontage to 0 feet in an AG District; Variance to reduce the required lot width to permit a lot split (Section 25.020); Variance to allow a non-all-weather parking surface material (Section 55.090-F). **LOCATION:** 8217, 8223 and 8231 South Maybelle Avenue West (CD 2)

3. 22412—Christian Ortiz
Variance of the allowable number of freestanding signs (Table 60-2) and display area for freestanding signs in the IL District (Table 60-3). **LOCATION:** 5230 South Mingo Road East (CD 7)

4. 22425—Christian Ortiz
Variance to permit an additional wall sign in an OM District to be located on the East building wall without any street frontage (Section 60.060-B). **LOCATION:** 2845 East Skelly Drive South (CD 9)

5. 22432—Brian Henley
Special Exception to permit a religious assembly in the RS-3 District (Section 5.020); Variance of the required 25-foot setback from an adjacent R District for Special Exception uses (Section 5.030); Variance of the required lot area for a religious assembly use in R Districts (Section 40.320-A); Variance of the required parking from 25 spaces to 0 spaces (Section 55.020). **LOCATION:** NW/c of East 1st Street South & South Atlanta Avenue East (CD 4)

NEW APPLICATIONS
6. **22435—Kendall Baillie**  
Variance to permit a fence to be located within the planned right-of-way (Section 90.090-A). **LOCATION:** 6128 & 6130 West Charles Page Boulevard South (CD 1)

7. **22436—A-Max Sign Company**  
Variance to permit a dynamic display sign to be located within 200 feet of an RS-3 District (Section 60.100-F). **LOCATION:** 5301 South Peoria Avenue East (CD 9)

8. **22437—AAB Engineering, LLC – Alan Betchan**  
Variance to reduce the minimum lot width from 60 feet to 52.5 feet to permit a lot split in an RS-3 District (Section 5.030). **LOCATION:** 1415 East 38th Street South (CD 9)

9. **22438—David Van Dalsem**  
Variance to allow less than a 25-foot rear setback in an RS-2 District (Section 5.030-A). **LOCATION:** 2201 South St. Louis Street East (CD 4)

10. **22439—Robert Darby**  
Special Exception to allow a fence to exceed 4 feet in height in the front street setback (Section 45.080-A); Variance of the minimum street setback requirement to permit an unenclosed accessory parking area (Table 55-4); Variance to allow a parking area to be located in the right-of-way/planned right-of-way (Section 90.090-A). **LOCATION:** 2121 East 30th Street South (CD 4)

11. **22440—Jennifer McCarthy**  
Special Exception to permit a sign mounted onto a pedestrian bridge to be located in the right-of-way/planned right-of-way of South Main Street (Section 60.020-E). **LOCATION:** 1101 South Main Street East (CD 4)

**OTHER BUSINESS**

**NEW BUSINESS**

**BOARD MEMBER COMMENTS**

**ADJOURNMENT**
Website: www.cityoftulsa-boa.org  
E-mail: esubmit@incog.org

CD = Council District

**NOTE:** If you require special accommodation pursuant to the Americans with Disabilities Act, please notify INCOG (918)584-7526. Exhibits, Petitions, Pictures, etc., presented to the Board of Adjustment may be received and deposited in case files to be maintained at Land Development Services, INCOG. **ALL** electronic devices **MUST** be silenced during the Board of Adjustment meeting.

**NOTE:** This agenda is for informational purposes only and is not an official posting. Please contact the INCOG Office at (918) 584-7526 if you require an official posted agenda.
BOARD OF ADJUSTMENT
CASE REPORT

STR: 8214
CZM: 51
CD: 2
A-P#: 

HEARING DATE: 05/8/2018 (continued from 4/24/18) 1:00 PM

APPLICANT: Danny Beeler

ACTION REQUESTED: Variance to reduce the minimum lot area and lot area per unit (Section 25.020); and a Variance to reduce the minimum street frontage to 0' in a AG district to permit a lot split (Section 25.020); Variance to reduce the required lot width (Section 25.020); Variance to allow a non-all-weather parking surface material (Section 55.090-F)

LOCATION: 8231 S MAYBELLE AV W; 8223 S MAYBELLE AV W; 8217 S MAYBELLE AV W
ZONED: AG

PRESENT USE: Residential

TRACT SIZE: 9.55 acres

LEGAL DESCRIPTION: COMM SWC S/2 N2/3 N/2 NE TH E846.50 POB TH E712.78 N227.12 W1559.28 TO WL NE TH S13.50 E846.50 S213.56 POB SEC 14 18 12 3.98ACS; COMM SWC S/2 N2/3 N/2 NE TH E180 POB TH E666.50 N213.56 W846.50 TO WL NE TH S13.50 E180 S200 POB SEC 14 18 12 3.32ACS; BEG 227N SWC S/2 N2/3 N/2 NE TH E1559.28 N215.57 TO NL S/2 N2/3 N/2 NE TH W912.58 S202.07 W646.70 TO WL NE TH S13.50 POB LESS E456.29 THEREOF SEC 14 18 12 2.258AC, LIFECHURCH.TV JENKS ADDITION.

RELEVANT PREVIOUS ACTIONS:

Subject Property:
BOA 16312; on 5.11.93 the Board approved a variance of the required 30' of frontage on a dedicated right-of-way to 13' to permit a lot-split; subject to a maximum of three residences on the tract, with each having 13' of frontage on Maybelle. Located; 8217 & 8223 S. Maybelle Ave.

BOA 17105; on 7.25.95 the Board approved a variance of the required 30' of frontage on a dedicated right-of-way to 0' to permit a lot-split, per plan submitted. Located; 8217 S. Maybelle Ave.

Surrounding Area:
BOA 12222: on 10.14.82, the Board approved a variance of the minimum lot area in order to permit a lot-split. Located; south and east of Maybelle Avenue and 84th Street

BOA 13131; on 6.14.84, the Board approved a variance of the required 30 feet of frontage on a public street in an AG zoned district. Located; south and west of the southwest corner of South Elwood Avenue and West 81st Street South (8170 South Elwood Avenue).
BOA 14299; on 11.20.86, the Board approved a variance of the required lot-width and lot area to permit a lot-split.

BOA 18532; on 10.26.99, the Board approved a variance of average lot width of 200' to 161.59' and 133' for a lot-split with the conditions. Located; south of the southwest corner of South Elwood Avenue and West 81st Street South (8221 South Maybelle Avenue).

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

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.

The New Neighborhood is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes, but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity, and shall be paired with an existing or new Neighborhood or Town Center.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by AG zoned tracts.

STAFF COMMENTS:

The application includes three separate lots. The applicants are proposing to split each lot into two tracts. The applicants are before the Board requesting the following relief from the City of Tulsa Zoning Code:

1. A Variance to reduce the minimum lot area and lot area per unit (Section 25.020)
2. A Variance to reduce the minimum street frontage to 0" in a AG district to permit a lot split (Section 25.020)
3. A Variance to reduce the required lot width (Section 25.020)
4. A Variance to allow a non-all-weather parking surface material (Section 55.090-F)

Per Section 25.020-C of the Code, the AG district requires a minimum lot area and lot area per dwelling unit of 2 acres; the minimum lot frontage on a street street is 30 ft. The Code requires that AG zoned lots maintain a minimum lot width of 200 ft. The Code states that lot width is measured as the average (mean) horizontal distance between side property lines of a lot. If the lot is not square or rectangular, the average lot width is the averaging of the lot width, keeping the depth. The formula used to determine the average lot-width of an irregular lot is to take the total square foot of the proposed tract and divide by its depth.

As shown on the Site Plan #1, the proposed split will establish two tracts of land. The proposed Tract 1 is 2.78 acres; Tract 2 is 1.20 acres. It appears that the proposed Tract 1 will have a lot width of +114.5 ft; Tract 2 will have a lot width of + 61.75 ft. The existing parent tract currently has approximately 13' of frontage along S. Maybelle Ave. Per the survey, it appears both proposed tracts will have approximately 6.5' of frontage if approved. The applicant has requested a Variance to reduce the minimum lot area and lot area per unit (Section 25.020); a Variance to reduce the minimum street frontage to 0' in a AG district to permit a lot split (Section 25.020); a Variance to
reduce the required lot width (Section 25.020) for Tract 1 and Tract 2. However, Tract 1 exceeds the minimum lot area lot area per dwelling unit requirement of 2 acres, and therefore the requested variance is not needed.

As shown on the Site Plan #2, the proposed split will establish two tracts of land. The proposed Tract 1 is ± 1.34 acres; Tract 2 is ± 1.98 acres. It appears that the proposed Tract 1 will have a lot width of ± 68.95 ft; Tract 2 will have a lot width of 100 ft. Per the survey, the proposed frontage for Tract 1 is 13.5'; the proposed frontage for Tract 2 is 0'. The applicant has requested a Variance to reduce the minimum lot area and lot area per unit (Section 25.020); a Variance to reduce the minimum street frontage to 0' in a AG district to permit a lot split (Section 25.020); a Variance to reduce the required lot width (Section 25.020) for Tract 1 and Tract 2.

As shown on the Site Plan #3, the proposed split will establish two tracts of land. The proposed Tract 1 is ± 1.44 acres; Tract 2 is ± 1.02 acres. It appears that the proposed Tract 1 will have a lot width of 56.5 ± ft; Tract 2 will have a lot width of is ±101.35 ft. Per the survey, the proposed frontage for Tract 1 is 13.5'; the proposed frontage for Tract 2 is 0'. The applicant has requested a Variance to reduce the minimum lot area and lot area per unit (Section 25.020); a Variance to reduce the minimum street frontage to 0' in a AG district to permit a lot split (Section 25.020); a Variance to reduce the required lot width (Section 25.020) for Tract 1 and Tract 2.

The applicant has also requested a Variance to permit a non-all-weather parking surface to allow a gravel driveway from S. Maybelle Ave. for all subject properties (Section 55.090-F).

Sample Motion:

Move to __________ (approve/deny) a Variance to reduce the minimum lot area and lot area per unit (Section 25.020) for Tract 2 on Site Plan #1 and all tracts on Site Plan #2 & Site Plan #3; Variance to reduce the minimum street frontage to 0" in a AG district to permit a lot split (Section 25.020) Variance to reduce the required lot width (Section 25.020); Variance to allow a non-all-weather parking surface material (Section 55.090-F) for all tracts.

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
Board Action:
On MOTION of BOLZLE, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Special Exception to permit a mobile home in an RS-1 zoned district - SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 9, subject to a building permit and Health Department approval; and subject to the mobile unit being skirted and tied down; finding the use to be appropriate for the area and in harmony with the Code; on the following described property:

Lot 1, Block 5, Lynn Lane Estates Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17105

Action Requested:
Variance of the required 30' of frontage on a public street to 0' to permit a lot-split - SECTION 206. STREET FRONTAGE REQUIRED - Use Unit 6, located 8217 South Maybelle.

Presentation:
The applicant, Danny Beeler, 1230 West C, Jenks, Oklahoma, submitted a plot plan (Exhibit F-1) and stated that he is proposing to obtain a lot split and build a house on land belonging to his father. He informed that two other family members have already constructed homes on the property.

Comments and Questions:
In reply to Mr. White, the applicant stated that the road is extended to within 100 yards of his father’s boundary line. Mr. Beeler noted that utilities have been installed.

Ms. Turnbo advised that a mutual access easement must be filed of record, and the applicant stated that he is aware of this requirement.

Protestants:
None.

Board Action:
On MOTION of WHITE, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Variance of the required 30' of frontage on a public street to 0' to permit a lot-split - SECTION 206. STREET FRONTAGE REQUIRED - Use Unit 6; per plan submitted; subject to a mutual access easement being executed and filed of record; finding that the tract complies with all other Code requirements; on the following described property:
Case No. 17105 (continued)

Commencing at the SW/c, S/2, N2/3, N/2, NE/4, Section 14, T-18-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma; thence north for 227’ to POB; thence east for 1559.28’; thence north for 215.57’; thence west for 912.58’; thence south for 202.07’; thence west for 646.70’; thence south for 13.50’ to POB.

Case No. 17107

Action Requested:
Amendment to previously approved site plan.

Presentation:
The applicant, City of Tulsa, was represented by Ross Weller, 707 South Houston, Suite 201, who submitted a plot plan (Exhibit G-1) and informed that City representatives met with the neighborhood homeowners association concerning the application. He stated that the major aspect of the development is the walking trail around the park. Mr. Weller informed that additional funded development includes back stops, erosion control and picnic tables. He stated that future additions include the construction of a shelter and the removal of asphalt to the north.

Comments and Questions:
Mr. Bolzle asked if the tennis and basketball courts will have lighting, and Mr. Weller advised that they are too close to the residential area to have lights.

Protestants:
David Paton, 1908 East 50th Place North, stated that he received a notice regarding the meeting and is concerned about the extent of the project and if dwellings will be removed.

Board Action:
On MOTION of DOVERSPIKE, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE an Amendment to the previously approved site plan; per amended plan submitted (funded portion), and the balance of the plan being conceptual, with final shape and location of improvements being determined during the final design and not subject to further Board approval; and subject to no lighting on the playing courts; finding the proposed improvements to be compatible with the neighborhood; on the following described property:

SW/4, NW/4, SE/4 and S/2, NW/4, NW/4, SE/4, Section 7, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.
Case No. 16310

Action Requested:

Variance of the maximum square footage permitted for a sign from 365.66 sq ft to 485.66 sq ft to permit a sign - SECTION 1221.D.3 General Use Conditions for Signs in the CS District - Use Unit 21, located 7030 South Memorial Drive.

Comments and Questions:

Mr. Jones informed that the application was previously continued to this date to permit further research and, as a result, it was determined that additional relief is required. He suggested that the case be continued to May 11, 1993.

Protestants:

None.

Board Action:

On MOTION of DOVERSPIKE, the Board voted 3-0-0 (Bolzle, Chappelle, Doverspike, "aye"; no "nays"; no "abstentions"; S. White, T. White, "absent") to CONTINUE Case No. 16310 to May 11, 1993.

NEW APPLICATIONS

Case No. 16312

Action Requested:

Variance of the required 30’ of frontage on a dedicated right-of-way to 0’ to permit a lot-split - Section 206. STREET FRONTAGE REQUIRED - Use Unit 6, located east of Maybelle and south of 81st Street.

Presentation:

The applicant, Donny Beeler, P.O. Box 553, Jenks, Oklahoma, submitted a survey (Exhibit AA-1) and explained that he purchased a 12-acre tract for the purpose of constructing three dwellings for family members. He informed that the property has 40’ of frontage and property owners on either side are not amenable to selling additional land for a street (City requires 50’).

Comments and Questions:

In response to Mr. Bolzle, the applicant stated that he owns Tracts E, F and D.

In regard to further splitting the lots, Mr. Jones pointed out that approval of the application could set a precedent for additional splits. He added that the proposal is not out of character for the area, but there was no hardship finding.
Mr. Gardner advised that the total street frontage is 40', and it would be possible to attach 10' handles to each tract, which would provide some frontage for each of the three lots.

**Protestants:**
Larry Brown, 802 West 81st Street, stated that he was concerned that a business might begin operation on the tract. He pointed out that a nearby property owner, Mr. French, already has a business in the area, which has been a continuing problem. Mr. Brown stated that he is not opposed to the construction of homes on the property.

**Board Action:**
On MOTION of DOVERSPIKE, the Board voted 3-0-0 (Bolzle, Chappelle, "aye"; no "nays"; no "abstentions"; S. White, T. White, "absent") to APPROVE a Variance of the required 30' of frontage on a dedicated right-of-way to 13' to permit a lot-split - Section 206. STREET FRONTAGE REQUIRED - Use Unit 6; subject to a maximum of three residences on the tract, with each having 13' of frontage on Maybelle; finding that the request is consistent with the surrounding area; on the following described property:

A tract of land in the S/2 of the N 2/3 divided equally as to area, of the N/2, NE/4 of Section 14, T-18-N, R-12-E of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the United States survey thereof, being more particularly described as follows, to-wit:

Commencing at the SW/c of said S/2, N 2/3; thence east on the south line of said S/2, N 2/3 a distance of 180' to the Point of Beginning; thence continuing east on the south line of said S/2, N 2/3 a distance of 1379.28'; thence north parallel to the west line of said S/2, N 2/3 a distance of 442.69' to a point on the north line of said S/2, N 2/3; thence west on the north line of said S/2, N 2/3 a distance of 912.58'; thence south parallel to the west line of said S/2, N 2/3 a distance of 202.07'; thence west parallel to the north line of said S/2, N 2/3, a distance of 646.70' to a point on the west line of said S/2, N 2/3; thence south on said west line a distance of 40.50'; thence east parallel to the south line of said S/2, N 2/3 a distance of 180'; thence south parallel to the west line of said S/2, N 2/3 a distance of 200' to the Point of Beginning, containing 12.02 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.
Case No. 18600 (continued)

**Board Action:**
On **MOTION** of TURNBO, the Board voted 3-0-0 (Dunham, Turnbo, White "aye"; no "nays"; no "abstentions"; Cooper, Perkins "absent") to **CONTINUE** this case to the meeting on January 11, 1999.

**MINUTES:**
On **MOTION** of DUNHAM, the Board voted 3-0-0 (Dunham, Turnbo, White "aye"; no "nays"; no abstentions"; Cooper, Perkins "absent") to **APPROVE** the minutes of October 12, 1999 (No. 782).

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**UNFINISHED BUSINESS**

Case No. 18532

**Action Requested:**
Variance of the average lot width of 200’ to 161.59’ and 133’ for a lot-split.

SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT – Use Unit 6, located at 8160 South Elwood.

**Presentation:**
John Moody, 7146 South Canton, co-counsel with Mr. Bearer, is representing John French and Jack French. Mr. Moody stated this property has belonged to the French family for many years. He pointed out the long, narrow tract. Mr. French has a legal, nonconforming business on the property, using it for equipment maintenance and storage. Mr. French wants to convey 3.3 acres of the property in the rear to his son, who intends to build a five-bedroom, single-family dwelling on the property. Mr. Moody stated the condition is included in the application that it be used for residential purposes only. He added that this would be an advantage to the neighborhood in providing a nice residential buffer from the existing nonconforming industrial use to the residences on the west and southwest of the property. Mr. Moody included that an old barn on the property will be removed.

**Board Action:**
On **MOTION** of Dunham, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays"; no "abstentions"; Cooper, Perkins, "absent") to **APPROVE** the **Variance**, of the average lot width of 200’ to 161.59’ and 133’ for a lot-split with condition that an existing barn straddling the new property line be removed, and that tract G be used for residential purposes, finding the hardship to meet the requirements of Section 1607.C.

A tract of land in the S/2 of the N 2/3 divided equally as to area of the N/2 of the NE/4 of Section 14, T-18-N, R-12-E of the IBM, being more particularly

12:14:99:785(2)
described as follows: Beg. at a point on the E line of said S/2 N 2/3 a distance of 250.90' N of the SE/c of said S/2 N 2/3; the N 00°08'18" E on the E line of said S/2 N 2/3 a distance of 161.59' to a point 30' S of the NE/c of said S/2 N 2/3; thence N 89°53'57" W parallel with the N line of said S/2 N 2/3 a distance of 820'; thence S 00°08'18" W parallel with the E line of said S/2 N 2/3 a distance of 161.63'; thence E on the N line of an utility easement, a distance of 820' to the POB, less and except the E 50' thereof; AND a tract of land in the S/2 of the N 2/3 divided equally as to area of the N/2 of the NE/4 of Section 14, T-18-N, R-12-E of the IBM, being more particularly described as follows:

Commencing at the SW/c of said S/2 N 2/3; thence S 89°53'42" E on the S line of said S/2 N 2/3 a distance of 1559.28' to the POB; thence continuing S 89°53'42" E on the S line of said S/2 N 2/3 a distance of 278.16' more or less to a point 820' W of the SE/c of said S/2 N 2/3; thence N 00°08'18" E on the E line of said S/2 N 2/3; thence N 89°53'57" W on the N line of said S/2 N 2/3 a distance of 820' more or less to a point 1559.28' E of the NW/c of said S/2 N 2/3; thence S 00°04'11" W parallel with the W line of said S/2 N 2/3 a distance of 442.41' more or less to the POB less and except the E 50' thereof all in the City of Tulsa, Tulsa County, Oklahoma.

Case No. 18578

**Action Requested:**
Amend a required tie contract to release Lot 10, Block 3, Henry Addition.

**Presentation:**
R.E. Walker, Pastor of Pilgrim Rest Baptist Church, submitted a letter from the City of Tulsa Development Authority to acknowledge that the construction of the plan submitted has been accepted.

**Comments and Questions:**
Mr. Dunham asked if the City of Tulsa has sent anyone to determine if parking is adequate for the church. He explained that the concern is why the tie agreement was made, since two other lots have previously been released. The Board reviewed the size of the sanctuary and Landscape Plan.
Case No. 14295 (continued)

Comments and Questions:
Mr. Quarles asked the applicant what types of businesses he is interested in and he replied that furniture and carpet stores are desirable rental prospects, but is not in favor of clubs and video stores.

Mr. Jackere informed that there are many uses listed under Use Unit 15 and specific uses should be presented to the Board for approval.

Interested Parties:
Robert Gardner, 1717 South Boulder, Tulsa, Oklahoma, stated that he is interested in the uses that will be allowed in the building in question.

Board Action:
On MOTION of SMITH, the Board voted 5-0-0 (Chappelle, Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to CONTINUE Case No. 14295 until December 4, 1986, to allow the applicant to determine what uses he intends to allow in the subject building.

Case No. 14299

Action Requested:
Variance - Section 330 - Bulk and Area Requirements in Agriculture Districts - Use Unit 1206 - Request a variance of the required lot width from 200' to 134', lot area from 2 acres to 1.87 acres, and land area from 2.2 acres to 2.03 acres in order to permit a lot split and clear title to an existing lot of record, located south of the SW/c of 81st Street South and Elwood Avenue.

Comments and Questions:
Mr. Jones informed that TMACP approved the lot split at their last meeting, subject to Board of Adjustment approval. He informed that a Watershed Development Permit will be required if a building is placed on the property.

Presentation:
The applicant, Wanda Vanscoy, P. O. 1035, Wagoner, Oklahoma, asked the Board to approve the variance request to clear title on the property at the above stated location. A Stormwater Management case review (Exhibit D-1) was submitted.

Protestants: None.

Board Action:
On MOTION of SMITH, the Board voted 5-0-0 (Chappelle, Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE a Variance (Section 330 - Bulk and Area Requirements in Agriculture Districts - Use Unit 1206) of the
required lot width from 200' to 134', lot area from 2 acres to 1.87 acres, and land area from 2.2 acres to 2.03 acres in order to permit a lot split and clear title to an existing lot of record; subject to Stormwater Management approval; finding that there are other lots in the area that are similar in size to the lot in question; on the following described property:

The east 659.13' of the south 447.33' of the N/2, NE/4, less the east 659.13' of the south 313.07' in Section 14, T-18-N, R-12-E, Tulsa County, State of Oklahoma, containing 1.92 acres more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14301

Action Requested:

Variances to permit an off-premise sign in a CS District.

Variance - Section 1221.3(11) - General Use Conditions for Business Signs - Request a variance to allow two signs with less than 150' of arterial street frontage.

Variance - Section 1221.7(a) (f) (j) - Use Conditions for Outdoor Advertising Signs - Request variances to permit off-premise sign to not be in a freeway corridor, to not be oriented towards a freeway, and to consist of more than one post, located on the NW/c of Lewis Avenue and 71st Street South.

Presentation:

The applicant, Craig Neon, Inc., was represented by Bob Dale, 1889 North 105th East Avenue, Tulsa, Oklahoma, who submitted a plot plan (Exhibit E-1) and photographs (Exhibit E-2), asked the Board to allow entry signs for Silo Plaza. He stated that the only entry to the center is on South Lewis Avenue and a 12 sq. ft. directional sign is proposed for 71st Street on the east side of the Pizza Hut property. He informed that Pizza Hut has allowed entry to the center across their property for several months.

Comments and Questions:

Ms. Bradley asked if Pizza Hut owns the property where the signs will be located and he answered in the affirmative.

Ken Bode, Sign Inspector, submitted a copy of the Mutual Access Agreement (Exhibit E-3) and stated that the sign is considered to be an off-premise sign according to the Code.

Mr. Jackere asked where the two signs in this application will be located and he informed that Pizza Hut has their sign erected on the

11.20.86:478(12)
Case No. 13126 (continued)

Clugston, Purser, "absent") to DENY a Variance (Section 208—One Single-Family Dwelling Per Lot of Record—under the provisions of Use Unit 1206) of the required street frontage from 30' to 0' to permit a lot split (L-16153) in an RS-1 district under the provisions of Section 1670, without prejudice for failure to present, on the following described property:

A part of the Southwest Quarter (SW/4) of the Northeast Quarter (NE/4) of the Southwest Quarter (SW/4) of Section 5, Township 18 North, Range 13 East, Tulsa County, Oklahoma, described as follows, to-wit: Beginning at a point on the South line of said SW/4 NE/4 SW/4, said point being 30 feet East of the Southwest corner thereof; thence North 20.36 feet; thence East 200 feet; thence North 200 feet; thence East 266.30 feet; thence South 220.33 feet; thence West 466.36 feet to the point of beginning, containing 62,723 square feet more or less.

Case No. 13131

Action Requested:
Variance—Section 207—Street Frontage Required—Request a variance of the required 30' of frontage to 0' in an AG district under the provisions of Section 1670, located south and west of the southwest corner of Elwood and 81st Street.

Presentation:
The applicant, Dennis Vanscoy, 8164 South Elwood, was not present.

Protestants: None.

Comments and questions:
Mr. Gardner informed he felt that, even though the applicant does not need a lot split, the applicant still needs this variance. He suggested that the Board approve this waiver of frontage on a dedicated street subject to the filing of a mutual access easement. The lots are already there and are over 2 1/2 acres in size.

Board Action:
On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to approve a Variance (Section 207—Street Frontage Required) of the required 30' of frontage to 0' in an AG district under the provisions of Section 1670, subject to the execution of a mutual access easement, on the following described property:

The West 590 feet of East 1,650 feet of South 442.33 feet of N/2 of NE/4 Section 14, T-18-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

6.14.84:415(2)
Case No. 12220 (continued)

Required) of the minimum frontage requirements in an AG District, on the following described property:

The S/2 of the S/2 of the SW/4 of the NW/4, LESS & EXCEPT the South 280' of the West 390.5' in Section 12, Township 18 North, Range 12 East, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12221

Action Requested:
Variance - Section 280 - Structure Setback From Abutting Streets - Request for a variance of the required setback from the centerline of Harvard Avenue from 50' to 46'. This property is located at 3242 East Admiral Place.

Presentation:
The applicant, Troy Cool, was not present.

Protestants: None.

Board Action:
On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; "wait," "absent") to continue this item to the October 28, 1982, meeting.

Case No. 12222

Action Requested:
Variance - Section 310 - Principal Uses Permitted in the Agriculture District - Request for a variance of the minimum lot area in order to permit a lot-split. This property is located south and east of Maybell Avenue and West 84th Street.

Presentation:
The applicant, Burl Hart, was not present.

Protestants: None.

Staff Comments:
Mr. Gardner advised that the Planning Commission approved the lot-split and access has been provided on the north.

Board Action:
On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; "wait," "absent") to approve a Variance (Section 310 - Principal Uses Permitted in the Agriculture District) of the minimum lot area in order to permit a lot-split (L-15584) on the following described property:

Beginning 275' East and 500' South of the northwest corner of the S/2 of the NE/4 of Section 14, Township 18 North, Range 12 East; thence South approximately 250' to a point; thence East approximately 140'; thence Northeasterly to a point that is 475' East and 500' South of the West line of the NE/4, approximately 250'; thence West a distance of approximately 200' to the point of beginning, City of Tulsa, Tulsa County, Oklahoma.

10.14.82:373(10)
Feet

BOA-22397

Subject Tract

18-12 14

Aerial Photo Date: February 2016

Note: Graphic overlays may not precisely align with physical features on the ground.
REGISTERED LAND SURVEYOR'S
LOT SPLIT EXHIBIT

FOR: DONNY L. BOELE
INVOICE NO.: 18007
BASIS OF BEARING: ASSUMED NORTH.
THE PROPERTIES SHOWN HEREON CONTAIN:
PARENT TRACT:
TRACT 1 = 2.62 ACRES
TRACT 2 = 1.36 ACRES
ACCESS EASEMENT = 0.33 ACRES
FM = FIELD MEASURED COURSE.
PLAT = RECORDED PLAT COURSE.
DESC = DESCRIBED COURSE.
SEE SHEET 2 FOR LEGAL DESCRIPTIONS.

EXCEPT AS SHOWN, THERE ARE NO EASEMENTS OR RIGHTS-OF-WAY OF WHICH THE UNDERSIGNED HAS BEEN ADVISED.
THIS EXHIBIT IS MADE FOR THE SOLE PURPOSE OF REPRESENTING THE LOT SPLIT ON THE PROPERTY DESCRIBED HEREON. IT IS NOT INTENDED TO BE USED OR RELIED UPON FOR LOAN CLOSING PURPOSES, TITLE INSURANCE PURPOSES, ESTABLISHMENT OF IMPROVEMENTS, OR ANY OTHER MATTERS FOR WHICH THIS SURVEY WAS NOT PREPARED.

WITNESS MY HAND AND SEAL THIS

D&S SURVEYING AND MAPPING
PO BOX 471211, TULSA OK 74147
Phone: 918.519.1673 Fax: 918.779.7059
Email: plat4u@gmail.com
CAE 6676 Expiration: 6-30-18
LEGAL DESCRIPTIONS:

PARENT TRACT:


TRACT 1:

A TRACT OF LAND BEING A PART OF THE FOLLOWING DESCRIBED PARCEL:


SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WT:

THE EAST 501.78 FEET AND THE NORTH 6.75 FEET OF THE WEST 1057.50 FEET OF THE ABOVE DESCRIBED PARCEL, CONTAINING 2.78 ACRES, MORE OR LESS.

TRACT 2:

A TRACT OF LAND BEING A PART OF THE FOLLOWING DESCRIBED PARCEL:


LESS AND EXCEPT THE EAST 501.78 FEET AND THE NORTH 6.75 FEET OF THE WEST 1057.50 FEET THEREOF, CONTAINING 1.20 ACRES, MORE OR LESS.

EXCEPT AS SHOWN, THERE ARE NO EASEMENTS OF RIGHTS-OF-WAY OF WHICH THE UNDERSIGNED HAS BEEN ADVISED AFFECTING THE SURVEYED PARCEL.

This exhibit is made for the sole purpose of representing the lot split on the property described herein, is not a land title survey, and may not be used or relied upon for loan closing purposes, title insurance purposes, establishment of ownership, or for any other purposes for which this survey was not prepared.

Witness my hand and seal this 25th day of April, 2018.

David D. Lacy
Pls. no. 1666

D&S Surveying and Mapping
PO Box 471211, Tulsa, OK 74147
Phone: 918-515-1873 Fax: 918-799-7059
Email: ptb480@gmail.com
Cat#: 6874 Expiration: 6-30-18
A tract of land in the South Half of the North Two-Thirds (S/2 N-2/3), divided equally as to area, of the North Half of the Northeast Quarter (N2 NE/4) of Section Fourteen (14), Township Eighteen (18) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follow, to wit:

COMMENCING at the Southwest Corner of said S/2 N-2/3, THENCE North on the West line of said S/2 N-2/3 a distance of 227.00 feet to the POINT OF BEGINNING; THENCE East parallel with the North line of said S/2 N-2/3 a distance of 1102.99 feet; THENCE North parallel with the West line of said S/2 N-2/3 a distance of 215.57 feet to a point on the North line of said S/2 N-2/3; THENCE West on the North line of said S/2 N-2/3 a distance of 456.29 feet; THENCE South parallel with the West line of said S/2 N-2/3 a distance of 202.07 feet; THENCE West parallel with the North line of said S/2 N-2/3 a distance of 646.70 feet to a point on the West line of said S/2 N-2/3; THENCE South on the West line of said S/2 N-2/3 a distance of 13.50 feet to the POINT OF BEGINNING.

A tract of land in the South Half of the North Two-Thirds (S/2 N-2/3), divided equally as to area, of the North Half of the Northeast Quarter (N2 NE/4) of Section Fourteen (14), Township Eighteen (18) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follow, to wit:

COMMENCING at the Southwest Corner of said S/2 N-2/3, THENCE North on the West line of said S/2 N-2/3 a distance of 227.00 feet to the POINT OF BEGINNING; THENCE East parallel with the North line of said S/2 N-2/3 a distance of 1102.99 feet; THENCE North parallel with the West line of said S/2 N-2/3 a distance of 215.57 feet to a point on the North line of said S/2 N-2/3; THENCE West on the North line of said S/2 N-2/3 a distance of 456.29 feet; THENCE South parallel with the West line of said S/2 N-2/3 a distance of 202.07 feet; THENCE West parallel with the North line of said S/2 N-2/3 a distance of 646.70 feet to a point on the West line of said S/2 N-2/3; THENCE South on the West line of said S/2 N-2/3 a distance of 13.50 feet to the POINT OF BEGINNING, containing 1.4380 acres, more or less.

A tract of land in the South Half of the North Two-Thirds (S/2 N-2/3), divided equally as to area, of the North Half of the Northeast Quarter (N2 NE/4) of Section Fourteen (14), Township Eighteen (18) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follow, to wit:

COMMENCING at the Southwest Corner of said S/2 N-2/3, THENCE North on the West line of said S/2 N-2/3 a distance of 227.00 feet to the POINT OF BEGINNING; THENCE East parallel with the North line of said S/2 N-2/3 a distance of 1102.99 feet; THENCE North parallel with the West line of said S/2 N-2/3 a distance of 215.57 feet to a point on the North line of said S/2 N-2/3; THENCE West on the North line of said S/2 N-2/3 a distance of 456.29 feet; THENCE South parallel with the West line of said S/2 N-2/3 a distance of 202.07 feet; THENCE West parallel with the North line of said S/2 N-2/3 a distance of 646.70 feet to a point on the West line of said S/2 N-2/3; THENCE South on the West line of said S/2 N-2/3 a distance of 13.50 feet to the POINT OF BEGINNING, containing 1.4380 acres, more or less.

NOTES

1. This Lot Split Exhibit was prepared at the request of and in accordance with the desires of the current record owner.

2. Property appears to lie within F.E.M.A. defined Flood Zone "X" (Area determined to be outside the annual 0.2% chance floodplain) as shown on Flood Insurance Rate Map Number 40143C0301L, effective Oct., 16, 2012.

3. Address: 8217 South Maybelle Ave, Tulsa, OK

SURVEYOR'S CERTIFICATE

This Lot Split Exhibit was prepared for Dan Beeler. It is not a land or boundary survey plat, and it is not to be relied upon for the establishment of fence, building or other future improvement lines. The accompanying sketch is a true representation of the current legal description, and the linear and angular values shown on the sketch, if any, are based on record or deed information and have not been verified unless noted.

Foresight Land Surveying

1109 Warren Road
Henryetta, OK 74437
918-269-2502
OFFICE@FORESIGHTSURVEYING.NET
WWW.FORESIGHTSURVEYING.NET
CA #7562

Sheet: 1 of 1
Date: 02/20/2017
Drawn by: JRL

Client: Beeler
Project No. 17-0764

2.22
LOT SPLIT EXHIBIT

ORIGINAL TRACT LEGAL DESCRIPTION

A tract of land in the South Half of the North Two-Thirds (S/2 N-2/3), divided equally as to area, of the North Half of the Northeast Quarter (N/2 NE/4) of Section Fourteen (14), Township Eighteen (18) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follow, to-wit:

COMMENCING at the Southwest Corner of said S/2 N-2/3, THENCE East on the South line of said S/2 N-2/3 a distance of 180 feet to the POINT OF BEGINNING; THENCE continuing East on the South line of said S/2 N-2/3 a distance of 666.60 feet; THENCE North parallel with the West line of said S/2 N-2/3 a distance of 213.56 feet; THENCE West parallel with the South line of said S/2 N-2/3 a distance of 446.51 feet to a point on the West line of said S/2 N-2/3; THENCE South on the West line of said S/2 N-2/3 a distance of 13.50 feet; THENCE East parallel with the South line of said S/2 N-2/3 a distance of 180 feet; THENCE South parallel with the West line of said S/2 N-2/3 a distance of 200 feet to the POINT OF BEGINNING.

TRACT 1 LEGAL DESCRIPTION

A tract of land in the South Half of the North Two-Thirds (S/2 N-2/3), divided equally as to area, of the North Half of the Northeast Quarter (N/2 NE/4) of Section Fourteen (14), Township Eighteen (18) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follow, to-wit:

COMMENCING at the Southwest Corner of said S/2 N-2/3, THENCE East on the South line of said S/2 N-2/3 a distance of 611.50 feet to the POINT OF BEGINNING; THENCE continuing East on the South line of said S/2 N-2/3 a distance of 235.00 feet; THENCE North parallel with the West line of said S/2 N-2/3 a distance of 213.56 feet; THENCE West parallel with the South line of said S/2 N-2/3 a distance of 446.50 feet to a point on the West line of said S/2 N-2/3; THENCE South on the West line of said S/2 N-2/3 a distance of 13.50 feet; THENCE East parallel with the South line of said S/2 N-2/3 a distance of 611.50 feet; THENCE South parallel with the West line of said S/2 N-2/3 a distance of 200 feet to the POINT OF BEGINNING, containing 1.3416 acres, more or less.

TRACT 2 LEGAL DESCRIPTION

A tract of land in the South Half of the North Two-Thirds (S/2 N-2/3), divided equally as to area, of the North Half of the Northeast Quarter (N/2 NE/4) of Section Fourteen (14), Township Eighteen (18) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follow, to-wit:

COMMENCING at the Southwest Corner of said S/2 N-2/3, THENCE East on the South line of said S/2 N-2/3 a distance of 180 feet to the POINT OF BEGINNING; THENCE continuing East on the South line of said S/2 N-2/3 a distance of 180 feet to the POINT OF BEGINNING; THENCE continuing East on the South line of said S/2 N-2/3 a distance of 431.50 feet; THENCE North parallel with the West line of said S/2 N-2/3 a distance of 200 feet; THENCE West parallel with the South line of said S/2 N-2/3 a distance of 431.50 feet; THENCE South parallel with the West line of said S/2 N-2/3 a distance of 200 feet to the POINT OF BEGINNING.

NOTES

1. This Lot Split Exhibit was prepared at the request of and in accordance with the wishes of the current record owner.
2. Property appears to lie within F.E.M.A. defined Flood Zone "X" (Area determined to be outside the annual 0.2% chance floodplain) as shown on Flood Insurance Rate Map Number 401430381L, effective Oct. 16, 2012.
3. Address: 8223 South Maybelle Ave, Tulsa, OK

SURVEYOR'S CERTIFICATE

This Lot Split Exhibit was prepared for Dan Booher. It is not a land or boundary survey plat, and it is not to be relied upon for the establishment of fence, building or other future improvement lines. The accompanying sketch is a true representation of the current legal description, and the linear and angular values shown on the sketch, if any, are based on record or deed information and have not been verified unless noted.

Foresight Land Surveying
1109 Warren Road
Henryetta, OK 74437
918-268-2652
OFFICE@FORESIGHTSURVEYING.NET
WWW.FORESIGHTSURVEYING.NET
CA #7652

Sheet: 1 OF 1
Date: 02/09/2017
Drawn by: JRL
Client: Booher
Project No. 17-0344
SUBJECT TRACT

BOA-22412
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9336
CZM: 48
CD: 7
A-P#: 

HEARING DATE: 05/08/2018 1:00 PM (continued from 4/24/18)

APPLICANT: Christian Ortiz

ACTION REQUESTED: Variance of the allowable number of freestanding signs (Table 60-2) and display area for freestanding signs in the IL district (Table 60-3).

LOCATION: 5230 S MINGO RD

PRESENT USE: Medical Clinic with billboard.

LEGAL DESCRIPTION: Lot 1 Block 1, 51ST & MINGO COMMERCIAL CENTER, 5200 MINGO COMMERCIAL RESUB PRT RES A, 5300 COMMERCE PARK

RELEVANT PREVIOUS ACTIONS: None relevant.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an “Employment” area and an “Area of Growth”.

Employment Areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity.

Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

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.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by IL zoned properties.
The Board continued the case to allow the applicant time to research information that would provide a more definitive answer to ownership issues. The Board requested the following information pertaining to former and current land ownership to explain the history of the pre-existing sign. Specifically, it was suggested that “the current or former landowner or both, give the Board an explanation as to how they have gotten into this situation with the sign already on the property and what the hardship is for wanting another sign”.

The applicant submitted the attached statement regarding this issue.

**STAFF COMMENTS:**

The applicant is requesting a Variance of the allowable number of freestanding signs (Table 60-2) and display area for freestanding signs in the IL district (Table 60-3).

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Maximum Aggregate Number of Signs Allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>CG, CH, and CBD</td>
<td>1 per 100 feet of major street frontage or fraction thereof</td>
</tr>
<tr>
<td>CO, CS and IL</td>
<td>1 per 150 feet of major street frontage or fraction thereof</td>
</tr>
<tr>
<td>IM and IH</td>
<td>1 per 200 feet of major street frontage or fraction thereof</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Maximum Aggregate Sign Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>MX, CO and CS</td>
<td>1 sq. ft. per linear foot of major street frontage</td>
</tr>
<tr>
<td>CG, CH, CBD, IL, IM and IH</td>
<td>1 sq. ft. per linear foot of major street frontage</td>
</tr>
</tbody>
</table>

The subject lot has 220 feet of frontage along South Mingo Road. Per Table 60-2 and Table 60-3, the allowable maximum aggregate sign area would be 220 sq. ft. As shown on the attached plans and drawings the existing outdoor advertising sign on the site is 624.75 sq. ft. and the proposed freestanding sign is 32 sq. ft. The applicant has requested a Variance to increase the permitted sign display area on the site as well as increase the maximum aggregate number of signs to permit 2 signs per 150 feet of the major street frontage.

The existing off-premise outdoor advertising sign did not receive Board approval.

**Sample Motion for a Variance**

Move to ________ (approve/deny) Variance of the allowable number of freestanding signs (Table 60-2) and display area for freestanding signs in the IL district (Table 60-3).

- Finding the hardship(s) to be ____________________________.
- Per the Conceptual Plan(s) shown on page(s) ________ of the agenda packet.
- Subject to the following conditions ________________________________.

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."
Action Requested:
Variance of the allowable number of freestanding signs (Table 60-2) and display area for freestanding signs in the IL District (Table 60-3). LOCATION: 5230 South Mingo Road East (CD 7)

Presentation:
Christian Ortiz, Encinos 3D Custom Products, 9810 East 58th Street, Tulsa, OK; stated the sign being requested is a total of 32 square feet. There is 220 linear feet of frontage along South Mingo Road, but there is a pre-existing billboard sign that has been there for quite some time. That sign is not owned or leased by the current property owner, and the sign was in place prior to current owner purchasing the property and developing it. The existing sign consumes the whole sign budget of 440 square feet, thus the Variance request so the property owner can have a sign for his business for identification purposes. The requested sign will be 65 feet away from the existing billboard.

Mr. Van De Wiele asked Mr. Ortiz if the kidney center owned the property. Mr. Ortiz stated they do own the property now, but they did not prior to the billboard being erected. Mr. Van De Wiele asked Mr. Ortiz who owned the land where the billboard sign is located. Mr. Ortiz stated the lease is owned by the previous owner.

Mr. Van De Wiele stated this issue has come before the Board in the past, so he wants to understand this situation. Mr. Van De Wiele asked Mr. Ortiz if the piece of the property that is shown on page 7.8 is owned by the company that is building the building and operating the kidney center. Mr. Ortiz stated that is his understanding. Mr. Van De Wiele asked if they owned the piece of ground on which the billboard sits. Mr. Ortiz stated that is his understanding, but the lease to the billboard is owned by the previous owner of the property. Mr. Van De Wiele stated he has a concern about how a billboard was placed on an arterial street outside the sign corridor, and an issue with how this isn't a self-imposed hardship.

Ms. Miller stated she has spoke with Mr. Bob Kolibas in the permit office, and he clarified that even though it is legal non-conforming, it still needs to count in the sign budget. The applicant does have the correct request today, it is just the situation.

Mr. Van De Wiele stated he looked at the County Assessor's website and the County Clerk's website, the lease of the sign is referenced as a "permitted encumbrance on a deed" to the last owner. He has an issue with this from a self-imposed standpoint.

Mr. Bond stated that he would like to know more about this billboard and the property.
Mr. Van De Wiele stated there was this same issue with a sign on Highway 169, where there was a new owner not owning the sign but, yet it was in his back yard, and the Board denied that request.

Mr. Van De Wiele stated the reality is that this entity is wanting more signs for a piece of property that is allotted. That is not a hardship, it is just the reality. Mr. Ortiz stated the current owner was not aware that there is a sign budget that would affect him.

Mr.Van De Wiele suggested that this case be continued to have someone, either the current land owner or the former land owner or both, give the Board an explanation as to how they have gotten into this situation with the sign already on the property and what the hardship is for wanting another sign.

Mr. Bond stated that the Board is asking whose fault is it that the sign exists now, and what is the reason that when the property was sold to the current owner why did the sign not go with the piece of property.

Mr. Ortiz stated that he believes it is Lamar that owns the billboard. Mr. Ortiz asked if the Board is asking him to contact the current owner and the previous owner to see how it exactly transgressed.

Mr. Van De Wiele asked Mr. Ortiz if he was hired by the kidney center. Mr. Ortiz stated his company was hired by the sign company that was hired by the kidney center to manufacturer a sign, and his company is only installing that sign.

Interested Parties:
James Adair, 7508 East 76th Street, Tulsa, OK; stated he has been in the sign business in Tulsa for 50 years, and he used to own Claude Neon Signs and he is an employee there. Mr. Adair stated he was also on the sign advisory board for about 20 years. The current sign code was changed a couple of years ago, and the major change in the billboard industry was in 1985. Up until that time the outdoor industry was not regulated much, and billboards were being erected within 500 feet of each other and erected on arterial streets. In 1985 it was changed so that billboards could only be placed in freeway corridors and at a 1,200-foot spacing. It was also added, that if a billboard is on a lot that there cannot be on premises sign even if there was a commercial building on the lot. The sign advisory board was attempting to create a hardship to make the billboards come down, but that plan did not work out well. The outdoor industry has long term leases, 25 and 50-year leases. Once there is a lease on a property nothing can happen, whether a business is changed or not, whether there is a lot combination or lot split, or even if someone purchases a property. Typically, over the years, when someone purchases a lot they do not realize that they cannot have regular signage on the lot because they are not told. All the new owner sees are other buildings in the area have a sign, so they too want a sign. Over the years it has been enforced or not enforced, but recently it has been enforced.
Board Action:
On MOTION of BOND, the Board voted 5-0-0 (Back, Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; absent) to CONTINUE the request for a Variance of the allowable number of freestanding signs (Table 60-2) and display area for freestanding signs in the IL District (Table 60-3) to the April 24, 2018 Board of Adjustment meeting; for the following property:

Lot 1 Block 1,51ST & MINGO COMMERCIAL CENTER, 5200 MINGO COMMERCIAL RESUB PRT RES A, 5300 COMMERCE PARK, City of Tulsa, Tulsa County, State of Oklahoma

22418—J. D. Harp

Action Requested:
Special Exception to allow the driveway width to exceed 20 feet on the lot and in the right-of-way in an RS-4 District (Section 55.090-F.3). LOCATION: 18608 East 43rd Street South (CD 6)

Presentation:
J. D. Harp, 11885 South Yale Avenue, Tulsa, OK; stated he was before the Board about a year ago regarding many lots in the same subdivision, and inadvertently the subject property was left off that former request. Until he submitted for a building permit he was not aware that the subject property was not covered under the approved Special Exception.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of BACK, the Board voted 5-0-0 (Back, Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; absent) to APPROVE the request for a Special Exception to allow the driveway width to exceed 20 feet to allow 30 feet on the lot and in the right-of-way in the RS-4 District (Section 55.090-F.3), subject to conceptual plan 8.12. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LT 6 BLK 8, CYPRESS CREEK, City of Tulsa, Tulsa County, State of Oklahoma
Hello Amy,

I found out that Fresnius Kidney Care is a tenant and not the owner of the property at 5230 S. Mingo Rd. as I had previously stated. Fresnius was not aware of sign permitting issues that would arise due to the billboard. They had submitted the building plans with all the proposed signage. They assumed there would be no issues since they were not red flagged in the initial permitting. Fresnius went ahead and spent the money to have the signs manufactured because of it.

Thanks,

Christian Ortiz

---

Hello,

Have you received any new information regarding the ownership of the existing billboard at 5230 S. Mingo Rd.? I am writing my staff report for your Board case and wanted to add any additional information if possible. Thank you.

Amy Ulmer | Land Development Planner
2 West Second Street, Suite 800
Tulsa, OK 74103
918.579.9437
918.579.9537 fax
aulmer@in cog.org
Looking south— on site

Looking southeast— on site
LOD Number: 1044401-1

Sign contractor: Encinos 3D Custom Products
9810 E 58th Street
Tulsa OK 74146

APPLICATION NO: 436186 (PLEASE REFERENCe THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: 5230 S MINGO RD E
Description: Fresenius Kidney Care (Freestanding Sign)

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) 596-9501. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

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

IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS 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)
Title 51 § 106.1.1 Information on construction documents. Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official.

Review comment: There appears to be an outdoor advertising sign on the lot along S. Mingo Road street frontage. Provide a site plan with the length of street frontage of the lot, location of the OAS on the lot along with the proposed ground sign location and the display surface area of the OAS in order to determine sign compliance. Revise and submit.

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 for a Sign Permit 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 AND SIGN CODE REVIEW

NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITAL FROM THE APPLICANT.

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A CITY OF TULSA SIGN PERMIT.
March 26, 2018

Re: Application # BOA-22412

To whom it may concern:

I am requesting a variance to increase the sign budget at 5200 S. Mingo Rd., Tulsa, OK. 74146. The lot has 220 feet of road frontage along S. Mingo Rd. Tulsa zoning code Section 60.080 allows for 1 sq. ft per liner foot of road frontage when multiple signs are present. The proposed sign for Fresnius Kidney Care is 32 sq. ft. The 220 sq foot budget is consumed by the pre-existing outdoor advertising sign which are two 10’6” x 29’9” panels with a total of 624.75 sq feet and are not owned or leased from Fresnius Kidney Care.

Regards,

Christian Ortiz
Operations Manager
Encinos 3D Custom Products LLC
cortiz@encinos3d.com
918-814-9942 cell
918-286-8535 office
BOARD OF ADJUSTMENT  
CASE REPORT

STR: 9329                  Case Number: BOA-22425
CZM: 47
CD: 9
A-P#: 

HEARING DATE: 05/08/2018 1:00 PM (continued from 4/24/2018)

APPLICANT: Christian Ortiz

ACTION REQUESTED: Variance to permit an additional wall sign in an OM district to be located on the East building wall without any street frontage. (Sec.60.060-B)

LOCATION: 2845 E SKELLY DR S     ZONED: OM

PRESENT USE: medical clinic       TRACT SIZE: ± 1.6 acres

LEGAL DESCRIPTION: E370.45 LESS E20 LT 1 BLK 1, WEIR ADDN RESUB PRT L13-18 B9 VILLA GROVE ADDN, WEIR FOURTH ADDN RESUB PRT WEIR & WEIR THIRD ADDNS, VILLA GROVE SUB

RELEVANT PREVIOUS ACTIONS:

Surrounding Property:

BOA 16090: on 7/28/92 the Board approved a Variance of the maximum allowed floor area for a detached accessory building. Located; 2848 E. 49th St.

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

Mixed-Use Corridors are Tulsa’s modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.

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.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by an OM parcel to the west, OL parcel on the east; abuts RS-1 zoned lots to the north and E. Skelly Dr. is to the south.
PREVIOUS COMMENTS:
The application was originally continued from the 4/08/18 meeting agenda to be placed 4/24/18 hearing. It was brought to staff’s attention by the adjacent property owner’s that the parcel and address identified in the original application was incorrect. The staff contacted the applicant and corrected the parcel information. Staff asked for a continuance to allow time to re-notice the application.

The application was continued to the 5/08/18 agenda at the applicant’s request.

STAFF COMMENTS:
Lots in office districts are allowed one on premise sign per street frontage. The allowed on-premise sign may be a wall sign, a projecting sign, and a freestanding sign (60-060-B). As shown on the attached plans, the proposed Fresenius Kidney Care sign with logo on the East Building wall elevation does not have any street frontage.

The applicant is requesting a Variance to permit an additional wall sign in an OM district to be located on the East building wall without any street frontage (Section 60.060-B).

Sample Motion
Move to _________ (approve/deny) a Variance to permit an additional wall sign in an OM district to be located on the East building wall without any street frontage (Section 60.060-B).

• Finding the hardship(s) to be ____________.

• Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.

• Subject to the following conditions ____________.

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.”
Case No. 16089 (continued)

Mr. Jones informed that Mayor Savage (Exhibit E-1) and Jim Moon (Exhibit E-2) have requested by letter that Case No. 16089 be continued.

Board Action:
On MOTION of CHAPPELLE, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to CONTINUE Case No. 16089 to August 11, 1992, as requested.

Case No. 16090

Action Requested:
Variance of the maximum 750 sq ft for a detached accessory building to 765 sq ft - SECTION 402.B.1.d.
Accessory Use Conditions - Use Unit 6, located 2848 East 49th Street.

Presentation:
The applicant, Patti Kuck, 2848 East 49th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit F-1) for a three-car garage. She explained that the old garage will be removed and the new structure will be placed at the same location, with the addition of garage space for a third vehicle. Ms. Kuck noted that the other structure on the lot, which might appear to be an accessory building, is used for a residence.

Comments and Questions:
Mr. T. White asked the applicant if the house to the west has a three-car garage, and she answered in the affirmative.

Protestants:
None.

Board Action:
On MOTION of S. WHITE, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Variance of the maximum 750 sq ft for a detached accessory building to 765 sq ft - SECTION 402.B.1.d.
Accessory Use Conditions - Use Unit 6; per plot plan submitted; finding that the lot is large enough to support the added garage space, and there are other three-car garages in the immediate area; and finding that granting of the variance request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lot 3, Block 3, Villa Grove, City of Tulsa, Tulsa County, Oklahoma.

7.28.92:613(11)
Looking northwest—towards the east side of the site—on site.
Sign Dimensions: 26' by 4'
SIGN PLAN REVIEW

December 05, 2017

LOD Number: 1044372-1

Sign contractor:
Encinos 3D Custom Products
9810 E 58th Street
Tulsa OK 74146

APPLICATION NO: 436178 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: 2835 E SKELLY DR S SIGN A
Description: Fresenius Kidney Care (West Building Wall elevation)

INFORMATION ABOUT SUBMITTING REVISIONS

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REVISIONS NEED TO INCLUDE THE FOLLOWING:
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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 RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

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IMPORTANT INFORMATION

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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)

4.11
REVIEW COMMENTS

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

Application No. 43612835 E SKELLY DR S SIGN A December 05, 2017

This letter of deficiencies covers Sign Plan Review items only.

For ground, monument, pole & outdoor advertising structure sign applications only, you may receive additional letters from other disciplines such as Water/Sewer/Drainage for additional deficiencies regarding Utility Easement placement which are not addressed in this letter.

Section 60.060 Signs in Office Zoning Districts

60.060-B Signs Allowed
In addition to any sign exceptions allowed pursuant to Section 60.030, lots in office zoning districts are allowed a maximum of one on premise sign per street frontage. The allowed on premise sign may be a wall sign, a projecting sign or a freestanding sign. Roof signs and off-premise outdoor advertising signs are prohibited in office districts.

Review Comments: The proposed Fresenius Kidney Care sign with logo on the West building wall elevation does not appear have any street frontage. You may pursue a variance from the BOA to permit a wall sign in an OM zoning district to be located on the West building wall elevation without any street frontage.

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 for a Sign Permit 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 AND SIGN CODE REVIEW

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

STR: 9305
CZM: 37
CD: 4
A-P#: 

HEARING DATE: 05/08/2018 1:00 PM (continued from the 4/24/18 meeting)

APPLICANT: Brian Henley

ACTION REQUESTED: Special Exception to permit a religious assembly in the RS-3 district (Section 5.020). Variance of the required 25' setback from an adjacent R-district for special exception uses (Section 5.030). Variance of the required lot area for a religious assembly use in R districts (Sec. 40.320-A). Variance of the required parking from 25 spaces to 0 spaces (Sec. 55.020).

LOCATION: NW/c of E. 1st St. S. & S. Atlanta Ave.

ZONED: RS-3

PRESENT USE: Vacant

TRACT SIZE: 25465.28 SQ FT

LEGAL DESCRIPTION: LT 23 BLK 5; LT 24 BLK 5; LT 22 BLK 5, EAST HIGHLAND ADDN RES B1

RELEVANT PREVIOUS ACTIONS:

Surrounding Property:

BOA 17152: on 9/22/95, the Board approved a special exception to permit a church in an RS-3 District per plan submitted. Located; NE/c of E. 1st St. S. & S. Atlanta Ave.

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

The Existing Residential Neighborhood category is intended to preserve and enhance Tulsa's existing single family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

The Areas of Stability include approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.
ANALYSIS OF SURROUNDING AREA: The subject tract abuts a CS zoned school to the north; a RS-3 zoned church to the east; and residences to the west and south.

PREVIOUS COMMENTS:
The staff requested a continuance to the 5/08/18 meeting as additional relief was needed.

STAFF COMMENTS:
In January, 2018 the TMAPC approved a lot-combination (LC-839) to combine the 3 subject lots. As shown on the submitted plan the applicant is proposing to construct a new chapel on the subject site. Per code, a Special Exception is required for a Public, Civic, or Institutional/ Religious Assembly Use in an RS-3 district.

The supplemental use regulations below apply to Religious Assembly uses in AG and R districts.

- **40.320-A**: In AG and R zoning districts, religious assembly Uses must be located on lots with a minimum lot area of one acres and a minimum lot width of 100 feet.

The combined property has a lot area of 25,407 sq. ft. and does not meet the lot area requirements. The applicant is requesting a Variance of the required lot area for a Religious Assembly Use in R districts (Sec. 40.320-A).

The proposed building is on an RS-3 zoned lot and the setback from the west RS-3 zoned lot line is 5'. Per the Code, any uses requiring special exception approval in R zoning districts require a minimum 25' building setback from R-zoned lots occupied by residential uses. The applicant has requested a Variance of the required 25' setback from an adjacent R-district for special exception uses (Section 5.030).

Per Section 55.020, Table 55-1, the parking requirement for a Religious Assembly Use is 24.25 spaces per 1,000 sq. ft of sanctuary floor area or 1 space per every 3 seats, whichever is greater. The proposed sanctuary floor area is 998 sq. ft. which requires 25 spaces and the fixed 48 seats require 16 spaces, therefore 25 spaces are required. The proposed site plan indicates that there will be 0 parking spaces on the subject lot. The applicant requests a Variance of the required parking from 25 spaces to 0 spaces (Sec. 55.020).

Sample Motion for a Special Exception

Move to ________ (approve/deny) a Special Exception to permit a religious assembly in the RS-3 district (Section 5.020)

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions (including time limitation, if any): ________.

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Sample Motion for a Variance:

Move to ________ (approve/deny) a Variance of the required 25' setback from an adjacent R-district for special exception uses (Section 5.030). Variance of the required lot area for a religious assembly use in R districts (Sec. 40.320-A). Variance of the required parking from 25 spaces to 0 spaces (Sec. 55.020).
Finding the hardship(s) to be

Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.

Subject to the following conditions

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."
**Case No. 17152**

**Action Requested:**
Special Exception to permit a church in an RS-3 District - SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 2, located 25 South Atlanta.

**Presentation:**
The applicant, Steve Olsen, 324 East 3rd Street, submitted a plot plan (Exhibit G-1) and stated that the church in question has been at the current location for approximately 50 years. He informed that church use has never been requested on the tract, and asked that the application be approved.

**Comments and Questions:**
In reply to Mr. Doverspike, Mr. Olsen stated that no exterior changes are proposed.

**Protestants:**
None.

**Board Action:**
On MOTION of DOVERSPIKE, the Board voted 5-0-0 (Abbott, Bolzie, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Special Exception to permit a church in an RS-3 District - SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 2; per plan submitted; finding that the church has been at the current location for many years and no exterior changes are proposed; on the following described property:

Lots 7 - 18, Block 6, East Highland Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17153**

**Action Requested:**
Variance of the permitted floor area for a detached accessory building from 750 sq ft to 1080 sq ft - SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS - Use Unit 6, located 11919 East 23rd Street.

**Presentation:**
The applicant, Morton Building, Inc., Box 1388, Muskogee, Oklahoma, was represented by Jim Jones, contractor for the project.

Tom Martin, 11919 East 23rd Street, submitted a plot plan (Exhibit H-1) and requested permission to construct a storage building for his personal vehicles.
CHAPEL SANCTUARY = 998 SF, 49 FIXED SEATS
PARKING:
RELIGIOUS = 24.25/1,000 SF MIN. = 24.25 SPACES REQUIRED
OR 1/3 SEATS = 16 SEATS (24.25 IS GREATER PER 55,020)
192 SPACES PROVIDED ON CHURCH CAMPUS,
PLUS ADDITIONAL STREET PARKING FOR NEIGHBORHOOD CHURCH.

LEGAL DESCRIPTION
LOTS 22, 23, & 24, BLOCK 5 EAST
HIGHLAND ADDN RES B1
ZONED RS-3

ST. FRANCIS CATHOLIC CHURCH - CHAPEL
Looking southwest—towards the north half of the site—on S. Atlanta Ave.

Looking west—towards the east half of the site—on steps of adjacent church on S. Atlanta Ave.
Looking southwest—towards the north half of the site—on S. Atlanta Ave.
Looking southwest—towards the south of the site—on intersection of S. Atlanta Ave. & E. 1st St. S.
To whom it may concern,

The proposed expansion and construction and special exception for case number 22432 at St. Francis Xavier Church is something that has been discussed for many years now. St. Francis Xavier has taken community input and used feedback to ensure that it is a beneficial project for not just the parish community but the neighborhood as well.

The Kendall Whittier neighborhood fully supports this proposed project and would like to watch it benefit the neighborhood.

Maria Barnes
Community Outreach Director
Crosstown Learning Center, Inc.
918 706-2252
ZONING CLEARANCE PLAN REVIEW

April 05, 2018

APPLICATION NO: 9604 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: 2439 E 001 ST S
Description: RELIGIOUS CHAPEL

INFORMATION ABOUT SUBMITTING REVISIONS

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

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

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

IMPORTANT INFORMATION

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

(continued)
REVIEW COMMENTS

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

Application No. 9604 2439 E 001 ST S April 05, 2018

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

Note: This review is for new chapel only.

1. Sec.5.020 Table 5-2: The proposed building is located on an RS-3 zoning district. It is designated a Public, Civic or Institutional/Religious Assembly Use. This type of use requires a Special Exception in order to be located in this zoning district.
   Review comment: Submit two copies of the Special Exception reviewed and approved per Sec.70.020 to allow an accessory building to a Public, Civic or Institutional/Religious Assembly Use in an RS-3 zoning district.

2. Sec.70.080-B1b (2): No building permit or zoning clearance permit may be issued until that portion of the subject parcel for which the permit is sought has been included within a subdivision plat or replat, submitted to and approved by the planning commission, and filed of record in the county clerk’s office of the county in which the property is located. This platting requirement applies to any property for which special exception was approved for a Public, Civic or Institutional/Religious Assembly Use.
   Review comment: Submit two copies of the subdivision plat or replat, submitted to and approved by the planning commission, and filed of record in the Tulsa County Clerk’s office. You may wish to obtain TMAPC approval for a plat waiver.

3. IBC Sec.105.3.2: To obtain a permit, the applicant shall first file an application that describes the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work. The address for the proposed building is 2439 E 1st ST. The legal description for this address is Lot 22-24 Block 5 in the E Highland Addition. It is being built across the lot lines.
   Review comment: A lot combination is required for new buildings built across multiple lot lines. Submit a lot combination, for Lots 22-24 Block 5 in the E Highland Addition, which has been approved by the TMAPC, stamped and signed by the County Clerk, and filed at the County Courthouse.

4. Sec.5.030-B [4]: Uses requiring special exception approval in R zoning districts require minimum 25’ building setback from R-zoned lots occupied by residential uses.
   Review comment: Your proposed building is located on a lot that is in an RS-3 district and the proposed setback from the west lot line is 5’. The abutting lot is also in an RS-3 district. A 25’ setback is required. Resubmit your site plan providing a 25’ from the west property line. You may wish to consider a variance, reviewed and approved per Sec.70.130, to reduce the setback to 5’.
5. **Sec.40.320-A**: The supplemental use regulations of this section apply to religious assembly uses in R districts. Religious assembly uses must be located on lots with a minimum lot area of one acre and a minimum lot width of 100 feet.

**Review comment**: The lot combination required in item #3 will provide a lot area of 25,407 ft². The required lot area is 43,560 ft² (1 acre). This will require a variance, reviewed and approved per Sec.70.130, to reduce the required lot area to 25,407 ft². Note: the lot combination is also needed to meet the 100’ lot width requirement.

6. **Sec.55.020 Table 55-1**: The parking requirement for a Religious Assembly Use is 24.25 spaces per 1000 ft² of sanctuary floor area or 1 space for every 3 seats, whichever is greater. The sanctuary floor area is 998 ft². This requires 25 spaces and the 48 fixed seats require 16 spaces, therefore 25 spaces are required.

**Review comment**: Resubmit your site plan providing 25 parking spaces. You may wish to consider an alternative parking ratio per Sec.55.050-K. All parking is required to comply with the following sections:

- **Sec.55.080-A**: Except as otherwise expressly stated in this chapter, required off-street parking areas must be located on the same lot as the proposed chapel building.

- **Sec.55.088-D4**: All or a portion of required off-street parking may be provided off-site. Off-site parking areas must be located within a 1,000-foot radius of the use served by such parking, measured between the nearest public entrance door of the use to be served and the outer perimeter of the furthest parking space within the off-site parking lot. Off-site parking lots are allowed only in zoning districts that permit non-accessory parking or in districts that allow the principal use to be served by the off-site parking spaces. Off-site parking areas must comply with all applicable parking area design regulations of Sec.55.090. The property to be occupied by the off-site parking facilities must be under the same ownership as the lot containing the use to be served by the parking. The off-site parking area may be under separate ownership only if an agreement is provided guaranteeing the long-term availability of the parking, commensurate with the use served by the parking. The agreement must be filed of record in the county clerk’s office of the county in which the property is located. Off-site parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. If an off-site parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this chapter.

**NOTE**: All proposed on- and off-site parking shall be provided exclusively for visitors to the chapel and not available to the public at-large. Non-accessory parking, i.e. parking that has 25% or more of its spaces leased to persons other than visitors to the chapel is not permitted in an R zoned district. A written statement shall be provided, stating all proposed on- and off-site parking shall be provided exclusively for visitors to the chapel and not available to the public at-large.

- **Sec.55.110**: Accessible parking facilities must be provided in accordance with the building code Sec.1106. Required accessible parking spaces may not be located off site (Sec.55.080-D1).

- **Sec.55.090-F1**: 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 Sec.55.090-F4. Parking area surfacing must be completed prior to initiation of the use to be served by the parking.

- **Sec.55.090-C**: Parking spaces must be at least 8.5 feet in width and 18 feet in length, exclusive of access drives and aisles. In parking areas where permanent wheel stops have been installed, 2.5 feet of the parking space length (depth) beyond the wheel stop may be counted as part of the required stall length if that area is unobstructed and not part of another parking stall, drive aisle or sidewalk.

- **Sec.55.090-D**: Parking areas must be designed and marked in accordance with the dimensional standards of Table 55-5, which shows minimum dimensions for various parking layouts (angles). Requirements for layouts or angles not shown in Table 55-5 may be interpolated from the layouts shown, as approved by the development administrator.
Table 55-5: Parking Area Geometrics

<table>
<thead>
<tr>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
</tr>
</thead>
<tbody>
<tr>
<td>0°</td>
<td>8.5</td>
<td>22.0</td>
<td>12.0/20.0</td>
</tr>
<tr>
<td>9.0</td>
<td>22.0</td>
<td></td>
<td>12.0/20.0</td>
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<tr>
<td>45°</td>
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<td>18.0</td>
<td>12.0/20.0</td>
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<tr>
<td>9.0</td>
<td>18.0</td>
<td></td>
<td>11.0/19.0</td>
</tr>
<tr>
<td>60°</td>
<td>8.5</td>
<td>18.0</td>
<td>16.0/21.0</td>
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<tr>
<td>9.0</td>
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</tr>
<tr>
<td>9.0</td>
<td>18.0</td>
<td></td>
<td>20.0/21.0</td>
</tr>
<tr>
<td>90°</td>
<td>8.5</td>
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<td>-/24.0</td>
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</tr>
<tr>
<td>10.0</td>
<td>18.0</td>
<td></td>
<td>-/20.0</td>
</tr>
</tbody>
</table>

A = Stall Angle, B = Stall Width, C = Stall Length, D = Aisle Width (1-way/2-way)

Figure 55-5: Parking Area Geometrics

- **Sec.55.130-A,B&C:** An on-site circulation system for pedestrian and non-motorized travel is required in order to provide safe, direct and convenient pedestrian access connecting main entrance of the building, other such entrances and with available access points including parking, streets, sidewalks and transit stops. Pedestrian access must consist of an accessible, easily-discernible walkway or multiuse path with a minimum width of 5 feet. The pedestrian access surface located on private property must be constructed of concrete, asphalt or other fixed, firm and nonslip material, approved by the development administrator. Pedestrian access routes that cross parking lots, drive aisles or other vehicular use areas must be clearly differentiated from the vehicle surface through the use of physical separation or by durable, low-maintenance materials such as pavers, bricks, scored concrete, pavement textures or painted surfaces to define places of pedestrian movement.
7. **Sec.65.020-A1:** The landscaping and screening regulations of this chapter apply as set forth in the individual sections of this chapter.

- **Sec.65.030-B:** Street yard landscaping is required to comply with the following requirements. The street yards abutting S Atlanta and E 1st ST is 25':
  
  1. At least 20% of the required street setback area must be established and maintained as landscaped area. At least one tree must be preserved or planted and maintained or replaced in required street yard landscape areas for each 1,200 square feet of area, or fraction thereof.
  2. The landscaped area must be at least 5 feet in width and extend along the entirety of abutting street right-of-way, except at points of vehicular or pedestrian access. This area may be counted towards satisfying the minimum landscaped area requirements of §65.030-B1.

- **Sec.65.040-B:** The following parking lot landscaping requirements apply in surface off-street parking lots that are not located in the CBD zoning district. **NOTE:** This will apply to new parking areas only:
  1. Off-street parking areas located within 25 feet of a street right-of-way, residential zoning district or residential development area must be separated from the abutting rights-of-way, residential districts and abutting residential development areas by a landscaped area that is at least 10 feet in width and that contains an S1 screen (see Sec.65.060-C1) containing at least 3, 5-gallon shrubs per 10 linear feet. This area may be counted towards satisfying the minimum street landscaping requirements of Sec.65.030-B1 if it is located within the street yard.
  2. All parking spaces must be located within 50 feet of a tree. Required parking lot trees must be located in a landscaped area that is at least 64 square feet in area and that has a minimum width or diameter of 8 feet.

- **Sec.65.050-B:** All required trees must be planted in a permeable area, landscape area or tree pit not less than 5 feet in diameter. Tree planting areas within off-street parking lots must have a minimum permeable area of 64 square feet, with minimum dimensions of at least 8 feet. Minimum required tree sizes at time of planting are as follows:
  
  a. Deciduous trees used to satisfy the requirements of this chapter must be at least 8 feet in height and 1.5 inches in caliper size at the time of planting; and
  b. Conifers/evergreen trees (e.g., pine, spruce or cedar) used to satisfy the requirements of this chapter must be at least 6 feet in height at the time of planting.

- **Sec.65.070-A:** An underground irrigation system must be provided for all required landscape area.

- **Sec.65.070-C:** Required landscaping must be installed in accordance with an approved landscape plan.
  
  1. All landscaped areas that are adjacent to pavement must be protected with curbs or equivalent barriers. Flush curbs, curb cuts, or other methods must be used to direct storm water to landscape areas that abut paved areas.
  2. Landscaping may not obstruct traffic visibility at street intersections or at access points to streets.
  3. Required landscaping must be maintained in a live and healthy condition. Dead or diseased plants must be replaced with equivalent plantings.
  4. Required landscaped areas must be maintained free of debris and litter.
5. The owner of the property for which landscaping is required is responsible for the maintenance of all required landscaping. Landscaping that dies or is damaged must be removed and replaced by the owner of such property.

- **Sec.65.070-D1&2:** All required landscaping and appurtenances, except trees, must be installed prior to the issuance of a certificate of occupancy. All required trees must be installed within 120 days after issuance of a certificate of occupancy or temporary certificate of occupancy.
- **Sec.65.080-A:** All building permit applications for sites requiring landscaping must include a landscape plan that includes at least the following information:
  
  1. The date, scale, north arrow, and name of the owner;
  2. The location of property lines and dimensions of the site;
  3. The approximate center line of existing water courses, the approximate location of significant drainage features, the location and size of existing and proposed streets and alleys, existing and proposed utility easements and over-head utility lines on or adjacent to the lot, and existing and proposed sidewalks on or adjacent to the lot;
  4. The location, size and type (tree, shrub, ground cover) of proposed landscaping and the location and size of the proposed landscape areas;
  5. Planting details and/or specifications;
  6. The method of protecting any existing trees and vegetation proposed to be preserved, including the identification of existing and finished contours illustrating the limits of grading near the drip line of any trees;
  7. The proposed irrigation plan for each required landscape area, including a list of abbreviations and symbols, water main size, water meter size and location, point of connection, backflow prevention assembly size, make and model;
  8. The schedule of installation of required trees, landscaping and appurtenances;
  9. The location of all proposed drives, alleys, parking and other site improvements;
  10. The location of all existing and proposed structures on the site;
  11. The existing topography and proposed grading;
  12. The area in which grading and vegetation removal will occur; and
  13. The area and dimensions of each landscape area and the total landscape area provided on the site.

- **Sec.65.080-B:** Required landscape plans for sites that have an area of more than 50,000 square feet and that are occupied by buildings with a combined gross floor area of more than 15,000 square feet must be prepared and sealed by an architect, landscape architect or engineer licensed to practice in the State of Oklahoma. All other required landscape plans must meet the same requirement or be accompanied by written certification from an architect, landscape architect or engineer licensed to practice in the State of Oklahoma, that the landscape plan is in conformance with the minimum requirements of this chapter.

- **Sec.65.080-D:** You may wish to obtain approval for an Alternative Compliance Landscape that is in compliance with section.

8. **Sec.65.090-B** All outdoor lighting must comply with the following general standards:

  1. Recessed fixtures must be used in all under-canopy lighting. No lamps, reflectors, refractors or focusing or diffusing may extend below the underside of the canopy surface.
  2. Light sources must be concealed or shielded with cutoffs so that no more than 2.5% of the light emitted directly from the lamp or indirectly from the fixture is projected at an angle of more than 90 degrees above nadir and no more than 10% of the light emitted directly from the lamp or indirectly from the fixture is projected at an angle of more than 80 degrees above nadir.
3. Light trespass along the lot line of the subject property may not exceed 0.5 foot-candles when abutting an agricultural or residential zoning district and may not exceed 3.0 foot-candles when abutting any other zoning district or public right-of-way. Maximum illumination levels are measured 3 feet above grade or from the top of any opaque screening fence or wall along the property line.

• **Sec.65.090-C:** Outdoor lighting plans demonstrating compliance with the standards of this section are required with the submittal of a site plan. If no outdoor lighting is proposed, a note must be placed on the face of the site plan indicating that no outdoor lighting will be provided. Applicants have 2 options for the format of the required lighting plan:

**Option 1:** Fixture Height Standard Lighting Plans establishes maximum light fixture heights but does not require submittal of a detailed photometric plan.

   a. Information Required:

      1) Fixture height standard lighting plans must include at least the following:
      2) A scale drawing of the site with all outdoor lighting locations shown;
      3) Fixture specifications, including catalog cut-sheets or generic standards;
      4) Pole type and height of fixture;
      5) Lamp type and size; and
      6) Fixture mounting and orientation.

   b. Allowable heights of light fixtures must be measured from the light-emitting surface to finished grade at the base of the pole. Maximum allowed light fixture heights are based on the (ground-level) horizontal distance between the light fixture and any agricultural or residential zoning district or public right-of-way, as established in **Table 65-1:**

   **Table 65-1: Maximum Light Fixture Heights**

<table>
<thead>
<tr>
<th>Distance from AG District, R District or Public Right-of-Way</th>
<th>Maximum Fixture Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 – 50</td>
<td>16</td>
</tr>
<tr>
<td>50.01 – 250</td>
<td>20</td>
</tr>
<tr>
<td>More than 250</td>
<td>35</td>
</tr>
</tbody>
</table>

**Option 2:** Under option 2 (Photometric Study Lighting Plan) no maximum fixture heights are established, but applicants are required to submit a photometric study in sufficient detail to demonstrate that all applicable outdoor light standards will be met. The photometric study must include at least the following:

   a. A scale drawing of the site with all outdoor lighting locations shown;
   b. Fixture specifications, including catalog cut-sheets or generic standards;
   c. Lamp type and size;
   d. Fixture mounting heights, mounting orientation, and tilt angles if applicable; and
   e. A representative point-by-point illumination array for the site showing property lines and all off-site lighting impacts.

• **Sec.65.090-D:** Light levels must be measured with a direct-reading, portable light meter, calibrated annually by an independent laboratory regularly engaged in the calibration of such instruments. The meter’s sensor must be located at the top of the visual screening fence or wall along on the property line (or at a height of 3 feet above finished grade at the property line if there is no fence or wall), aimed towards the subject property in horizontal position. Readings must be recorded after the value has stabilized. Measurements are made after establishment of darkness with the light sources to be measured illuminated, and then with those light sources extinguished. The difference between
these 2 readings must then be compared to the maximum allowed illumination at the property line. In this way, contributions to light levels by the moon and other ambient light sources are eliminated and the light intensity from the subject light sources can be accurately determined.

This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

A hard copy of this letter is available upon request by the applicant.

END – ZONING CODE REVIEW

NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

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

Case Number: BOA-22435

HEARING DATE: 05/08/2018 1:00 PM

APPLICANT: Kendall Baillie

ACTION REQUESTED: Variance to permit a fence to be located within the planned right-of-way (Section 90.090-A).

LOCATION: 6128 W CHARLES PAGE BV S; 6130 W CHARLES PAGE BV S  ZONED: CS

PRESENT USE: residential  TRACT SIZE: 16500.6 SQ FT

LEGAL DESCRIPTION: LT 8 BLK 2; LT 9 BLK 2, LAWNWOOD ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Lot:  
BOA 22199: on 2.28.27, the Board approved a special Exception to allow an expansion of an existing non-conforming structure in a CS/CH district (Section 80.030-D). Located; 6128 W. Charles Page Blvd. S.

Surrounding Properties:  
BOA 5683: on 12.05.67 the Board approved a variance to allow a single-family residence. Located; immediately east of the subject site.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an "Existing Neighborhood" and an "Area of Stability".

The Existing Residential Neighborhood category is intended to preserve and enhance Tulsa's existing single family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

The Areas of Stability includes approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality.
of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

**ANALYSIS OF SURROUNDING AREA:** The subject tract abuts commercially zoned, residential uses to the east, and west; Rm-2 zoned residential properties to the south; W. Charles Page Blvd. abut the property to the north.

**STAFF COMMENTS:**
The total planned right-of-way along W. Charles Page Blvd. S. is 120’ wide.; therefore, the required building and/or structure setback along W. Charles Page Blvd. S. is 60 ft. from the centerline of the street. Based on the proposed site plan it appears that the proposed fence will extend into the planned street right-of-way (R-O-W).

The applicant has requested a Variance to permit a fence to be located within the planned right-of-way (Section 90.090-A) along W. Charles Page Blvd.

**Sample Motion**

Move to ________ (approve/deny) a Variance to permit a fence to be located within the planned right-of-way (Section 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 ____________________________.

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.”

6.3

REVISED 5/2/2018
22199—Genaro Ornelas

**NEW APPLICATIONS**

**FILE COPY**

**Action Requested:**

Special Exception to allow an expansion of an existing non-conforming structure in the CS/CH District (Section 80.030-D). **LOCATION:** 6128 West Charles Page Boulevard (CD 1)

**Presentation:**

Genaro Ornelas, 6128 West Charles Page Boulevard, Tulsa, OK; stated the request is to add two bedrooms on the front of the house.

Mr. Van De Wiele asked Mr. Ornelas if any of his neighbors had voiced opposition to the addition to him. Mr. Ornelas stated that there no one has contacted him.

Mr. Van De Wiele asked Mr. Ornelas if the addition would be any closer to Charles Page Boulevard than his neighbor's house to the west. Mr. Ornelas stated that it would not because it is only a 35 foot addition.

Ms. Back asked Mr. Ornelas if there would be any windows or a door in the addition on the side that faces Charles Page Boulevard. Mr. Ornelas stated there would be windows.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of Back, the Board voted 3-0-0 (Back, Bond, Van De Wiele "aye"; no "nays"; no "abstentions"; Flanagan, White absent) to **APPROVE** the request for a Special Exception to allow an expansion of an existing non-conforming structure in the CS/CH District (Section 80.030-D), per conceptual plan 3.8 of the agenda packet. The approval is subject to the condition that the side of the house closest to Charles Page Boulevard will have a window and be similar as it looked previously. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the
Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LT 8, BLK 2, LAWNWOOD ADDN, City of Tulsa, Tulsa County, State of Oklahoma

********

22200—Thelisa Fuselier

Action Requested:
Spacing Verification to allow a family child care home in the RS-3 District (Section 45.070-A). LOCATION: 2742 North Boulder Avenue (CD 1)

Presentation:
Thelisa Fuselier, 2742 North Boulder Avenue, Tulsa, OK; no formal presentation was made by the applicant but she was available for any questions from the Board.

Mr. Van De Wiele stated that Board is in receipt of the applicant's survey on page 4.8 in the agenda packet.

Mr. Van De Wiele asked Ms. Fuselier if she was aware of any other child care facilities in the area. Ms. Fuselier stated that she was not aware of any other child care facilities in her area.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of BOND, the Board voted 3-0-0 (Back, Bond, Van De Wiele “aye”; no “nays”; no “abstentions”; Flanagan, White absent) I move that based upon the facts in this matter as they presently exist, we ACCEPT the applicant’s verification of spacing shown on the attached exhibit, indicating that there are no existing Family Child Care Homes operating within the required spacing radius of the subject lot pursuant to the verification on page 4.8 in the Board’s agenda packet; for the following property:

LT 2 BLK 4, HIGHLAND HILLS AMD, City of Tulsa, Tulsa County, State of Oklahoma
Action Requested: Variance (Section 23) of the permitted use provisions of U-3D (Section 5 (L) (1)), to permit a single-family residence, on a tract located at 6126 Charles Page Boulevard.

Presentation: V. B. Goff, applicant, stated that the tract is vacant and in a residential area.

Protests: None.

Board Action: On MOTION of AVERY, the Board of Adjustment (4-0) granted a variance (Section 23) of Section 5 (L) (1), to permit a single-family residence in a U-3D district, on the following described tract:

Lot 7, Block 2, Lawnwood Addition, to the City of Tulsa, Tulsa County, Oklahoma.

Action Requested: Variance (Section 23) of the setback and area requirements of U-2A (Section 5 (e) (1) (aa)), to permit a house to be moved onto a lot approximately 2,600 square feet in size (Front section of lot was taken by expressway) (Ordinance requires 50 foot frontage and 6,000 square feet), on a tract located at 844 North Lansing.

Presentation: Essie Wallace, applicant, stated that there were four houses and a garage on the entire tract and that expressway acquisition will include two of the houses and a garage. She proposed eliminating one house and the garage and moving the other house to the remainder of the tract.

Protests: None.

Board Action: On MOTION of AVERY, the Board of Adjustment (4-0) granted a variance (Section 23) of Section 5 (e) (1) (aa), modifying the setback and area requirements to permit two houses, on the following described tract:

Lot 13 and 14, Block 2, less Expressway right-of-way, Fairview Second Addition to the City of Tulsa, Tulsa County, Oklahoma.

12.5.67:9(20)
Subject Tract BOA-22435

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

Aerial Photo Date: February 2016
Looking south—towards the subject sites—on W. Charles Page Blvd.

Looking southwest—towards the subject sites—on W. Charles Page Blvd.
Looking southeast—towards the subject sites—on W. Charles Page Blvd.

Looking southwest—towards the subject sites—on W. Charles Page Blvd.
<table>
<thead>
<tr>
<th>REVIEW COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT <a href="http://WWW.CITYOFTULSA-BOA.ORG">WWW.CITYOFTULSA-BOA.ORG</a></td>
</tr>
<tr>
<td>Application No. 9573</td>
</tr>
</tbody>
</table>

Note: As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

1. **90.090-A Measurement** - 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.

Review Comments: The proposed fence will be located in a proposed Right Of Way (ROW). Proposed ROW width at 6128 w Charles Page blv is 120’ wide, 60’ wide from the center of the street. This lot is zoned CS. Single family dwellings are only allowed in this zoning district by special exception. Apply to BOA for a special exception to construct a fence in a proposed ROW.

This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

A hard copy of this letter is available upon request by the applicant.

<table>
<thead>
<tr>
<th>END – ZONING CODE REVIEW</th>
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<tbody>
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INFORMATION ABOUT SUBMITTING REVISIONS

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

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

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

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

IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.

2. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2ND ST., 8TH FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.

3. A COPY OF A "RECORD SEARCH" [ ] IS [x] IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.)
REVIEW COMMENTS

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

Application No. 9572  6128 W CHARLES PAGE BL S  March 22, 2018

Note: As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

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Review Comments: The proposed fence will be located in a proposed Right Of Way (ROW). Proposed ROW width at 6128 w Charles Page blv is 120' wide, 60' wide from the center of the street. This lot is zoned CS. Single family dwellings are only allowed in this zoning district by special exception. Apply to BOA for a special exception to construct a fence in a proposed ROW.

2. You are proposing to construct a fence on two separate properties. City ordinances require a separate permit for each address. This application will be for 6128 w Charles Page blv. You will need to apply for a separate permit for 6130 w Charles page blv address.

This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

A hard copy of this letter is available upon request by the applicant.

END – ZONING CODE REVIEW

NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

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

March 22, 2018

KENDALL BAILLIE
BAILLIE LAW FIRM
1606 E 17TH PL
TULSA, OK 74120

APPLICATION NO: 9573 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: 6130 W CHARLES PAGE BL S
Description: REPLACE DILAPIDATED WOOD FENCE WITH CHAIN LINK

INFORMATION ABOUT SUBMITTING REVISIONS

Our review has identified the following code omissions or deficiencies in the project application forms, drawings, and/or specifications. The documents shall be revised to comply with the referenced code sections.

Revisions need to include the following:
1. A copy of this deficiency letter
2. A written response as to how each review comment has been resolved
3. The completed revised/additional plans form (see attached)
4. Board of adjustment approval documents, if relevant

Revisions shall be submitted directly to the City of Tulsa Permit Center located at 175 East 2nd Street, Suite 450, Tulsa, Oklahoma 74103, Phone (918) 596-9601. The City of Tulsa will assess a resubmittal fee. Do not submit revisions to the plans examiners.

Submittals faxed / emailed to plans examiners will not be accepted.

IMPORTANT INFORMATION

1. Submit two (2) sets [4 sets if Health Department review is required] of revised or additional plans. Revisions shall be identified with clouds and revision marks.

2. Information about Zoning Code, Indian Nation Council of Government (INCOG), Board of Adjustment (BOA), and Tulsa Metropolitan Area Planning Commission (TMAPC) is available online at www.inco.org or at INCOG offices at 2 W. 2nd St., 8th Floor, Tulsa, OK, 74103, Phone (918) 584-7526.

3. A copy of a "record search" [ ] is [ ] is not included with this letter. Please present the "record search" along with this letter to INCOG staff at time of applying for board of adjustment action at INCOG. Upon approval by the Board of Adjustment, INCOG Staff will provide the approval documents to you for immediate submittal to our office. (See revisions submittal procedure above.)
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9331
CZM: 47
CD: 9
A-P#: 

HEARING DATE: 05/08/2018 1:00 PM

APPLICANT: A-max Sign Company, Inc.

ACTION REQUESTED: Variance to permit a dynamic display sign to be located within 200 feet of an RS-3 zoning district. (Sec 60.100-F).

LOCATION: 5301 S PEORIA AV E

ZONED: CS,RS-3

PRESENT USE: commercial

TRACT SIZE: 1.19 acres

LEGAL DESCRIPTION: N/2 N/2 NW SW NW LESS E265 & LESS N25 & W24.75 FOR ST SEC 31 19 13 1.19AC,

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA 9285: on 11.4.76, the Board approved a special exception to permit off-street parking in an RS-3 district to be used in conjunction with commercial on adjoining property; special exception to remove the screening requirement.

Surrounding Property:

BOA 21529: on 1.22.13, the Board approved a variance to allow 3 wall signs in an RS-3 district. Located; 5345 S. Peoria Ave. E.

BOA-21503; on 12.11.12, the Board approved a variance to allow a digital sign in an RS-3 District. Located; 5345 S. Peoria Ave. E.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a “Mixed use Corridor” and an “Area of Growth”.

Mixed-Use Corridors are Tulsa’s modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path
across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.

**Areas of Growth** are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.

**ANALYSIS OF SURROUNDING AREA:** The property abuts S. Peoria on the west; commercial uses to the north; RS-3 zoned residential uses to the east and south.

**STAFF COMMENTS:**
The applicant is proposing to install a 10'-6'' x 12'-6'' (131.25 sq. ft.) dynamic display sign along S. Peoria Ave. as shown on the submitted plans and photos. It appears that the proposed dynamic display sign is within 200 ft. of a R district on the south. It was determined that the R district to the east exceeds the 200 ft. distance requirement.

The Code requires that no dynamic display sign, if visible from an R district other than street, highway or freeway right-of-way, shall be located within 200 feet of the R district. The Code attempts to protect nearby and visible R districts from the impacts of digital signs. The applicant is requesting a variance to allow proposed dynamic display sign within 200' of an R-zoned district. The applicant provided the following statement: "Even though the sign is within 200' of the residential, the sign itself sits on the north end of the property and the actual house is in the middle of the property. It is right at 200' from the sign to house. There are an abundance of trees in the front and to the side of the house to block existing commercial lighting."

**Sample Motion**

Move to ________ (approve/deny) a Variance to permit a dynamic display sign to be located within 200 ft. of an RS-3 zoning district (Section 60.100-F).

- Finding the hardship(s) to be ________.

- Per the Conceptual Plan(s) shown on page(s) ______ of the agenda packet.

- Subject to the following conditions ________.

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."
on the upper level of the parking garage along with the other elements in the screening plan will provide sufficient screening to satisfy the requirements of the code. This large mixed use property with the signage requirements are necessary for identification and directional purposes. Finding 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. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

Beginning at the Southwest Corner (SW/C) of Lot One (1), Block One (1), HOLIDAY HILLS CENTER ADDITION, a Resubdivision of “Reserve A”, HOLIDAY HILLS ADDITION, Tulsa County, State of Oklahoma, according to the recorded Plat thereof; thence N 2°38'20" W along the west line of said Lot One (1) a distance of 447.36 feet to a point; thence due East a distance of 243.68 feet to a point; thence S 1°43'01" E a distance of 447.10 feet to a point on the south line of said Lot One (1) a distance of 236.48 feet to the POINT OF BEGINNING, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA.

Mr. Henke re-entered the meeting at 1:47 p.m.

21529 – Kerry Fielding

Action Requested:
Variance to allow three wall signs in an RS-3 district (Section 402.B.4). LOCATION: 5345 South Peoria Avenue East (CD 9)

Presentation:
Kerry Fielding, 399700 West 3100 Road, Ramona, OK; stated he represents Spirit Life Church. The church changed their name and there are existing signs on three walls that need to be changed to reflect the new name. The signs will remain in their current locations.

Interested Parties:
Tommy McLorin, Executive Pastor, 507 West 119th Street, Jenks, OK; stated he wanted to let the Board know that he was available for any questions they may have.

Comments and Questions:
None.
Board Action:
On MOTION of WHITE, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to APPROVE the request for a Variance to allow three wall signs in an RS-3 district (Section 402.B.4). This approval is subject to conceptual plans on 8.9, 8.11 and 8.13. This approval is also subject to conceptual plan on 8.8 for the locations, being where the existing signs are and the new signs will replace them in the same location. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

S/2 NW SW NW LESS BEG NWC THEREOF TH S330 E660 N330 W25 S305 W585 N305 W50 POB FOR ST SEC 31 19 13 4.096ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21531—Executive Homes

Action Requested:
Variance of the lot-width from 100 feet to 65 feet; Variance of lot-area from 13,500 square feet and land area from 16,000 square feet to 9,022 square feet to allow a lot-split on a RS-1 property (Section 403). LOCATION: 1735 East 31st Street South (CD 4)

Presentation:
Ron Cates, Attorney, 601 South Boulder, Suite 400, Tulsa, OK; stated he represents Executive Homes and they have a desire to develop the subject lot for single family residential purposes. Due to the size of the lot and the surrounding uses, many of which being smaller lots, the commercial practicability of the development of one single family residence on this lot is unlikely. In order to develop the subject property it will be necessary to obtain a lot split, and in order to obtain a lot split the requested variances are needed. This is not so much to obtain economic advantage as development ability. The lot presently, the size and the price associated with it, would dictate the placement of a $2 million structure on the property which would be inconsistent with the surrounding uses. The developmental patterns indicate the requested relief of a lot split would not be inconsistent with the area. He does not believe the lot split would be injurious to the surrounding uses because there is a RS-1 and a RS-2 zones. If the Board approves the variance requests today and a lot split is obtained, one lot would be 65 feet in width and the other lot would be 72.5 feet in width.

01/22/2013-1086 (10)
Commencing at the Northeast corner of said SE/4 NE/4; thence S 01°22'00" E along the East line of said SE/4 NE/4 for a distance of 766.69 feet; thence S 88°37'27" W parallel to the North line of said SE/4 NE/4 for a distance of 50.00 feet to the Point of Beginning; thence continuing S 88°37'27" W for a distance of 686.69 feet; thence N 01°22'00" W for a distance of 418.00 feet; thence N 88°37'27" E for a distance of 270.35 feet to the West line of Terra Aedes Addition; thence N 88°38'00" E for a distance of 1208.17 feet; thence S 01°22'33" E for a distance of 25.00 feet; thence S 88°37'27" E for a distance of 58.17 feet; thence S 01°22'00" E for a distance of 30.00 feet; thence N 88°38'00" E for a distance of 66.25 feet; thence S 56°39'47" E for a distance of 63.46 feet; thence S 56°39'47" E for a distance of 10.00 feet; thence N 88°37'23" E for a distance of 63.46 feet; thence N 88°37'27" E for a distance of 10.00 feet; thence S 40°43'47" E for a distance of 50.45 feet; thence S 45°08'22" E for a distance of 66.25 feet; thence S 88°37'27" E for a distance of 10.00 feet; thence N 88°37'27" E for a distance of 63.46 feet; thence N 88°37'23" E for a distance of 25.00 feet; thence S 01°22'33" E for a distance of 250.00 feet to the Point of Beginning. Containing 252,279.89 square feet or 5.7915 acres, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Mr. Henke re-entered the meeting at 2:04 p.m.

21503—Kerry Fielding

**Action Requested:**
Variance to allow a digital sign in an RS-3 District (Section 402.B.4). **LOCATION:**
5345 South Peoria Avenue East (CD 9)

**Presentation:**
Kerry Fielding, 399700 West 3100 Road, Ramona, OK; stated that the existing sign will be removed and a new sign will be installed in the same location at the same height as the old sign. The bottom portion of the sign will be the only portion that is digital and it will be a LED display.

**Interested Parties:**
Tim Turner, 5713 East 101st Place, Tulsa, OK; stated that the sign will have the capabilities to scroll or have animation. His company understands that the sign is not to be a running video board but it will have some animated capabilities.

**Comments and Questions:**
None.

**Board Action:**
On **MOTION** of WHITE, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) to **APPROVE** the request for a Variance to allow a digital sign in an RS-3 District (Section 402.B.4). This approval will be per conceptual plan on page 6.14, with the sign being erected in the same location.
and the same height as the existing sign on the subject property. This approval is subject to the conditions that the sign will be operated during the hours no longer than 7:00 A.M. to 10:00 P.M. There will be no blinking, twinkling, flashing, rolling, or animation. Scrolling will be only from right to left. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

S/2 NW SW NW LESS BEG NWC THEREOF TH S330 E660 N330 W25 S305 W585 N305 W50 POB FOR ST SEC 31 19 13 4.096ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

* * * * * * *

NEW BUSINESS

21508—Lou Reynolds

Action Requested: Special Exception to permit an automobile wash (Use Unit 17) in a CS district (Section 701). LOCATION: 4631 South Peoria Avenue East (CD 9)

Mr. Henke recused and left the meeting at 2:15 p.m.

Presentation: Lou Reynolds, 2727 East 21st Street, Tulsa, OK; stated he represents Mark Redmon who is the owner of the subject property. The property is an unusually deep piece of property, and one of the brokers let it be known that this site was the site for the first McDonald's in Oklahoma in 1961. The proposed project will be approximately 100 feet from the Swiss Air Condominiums. Typically people are concerned with the noise of the dryers at the car wash. The dryers will be at the west end of the building and the dryer housing will be masonry walls. The decibels as going towards South Peoria will be softer than the noise generated by the typical Peoria Avenue traffic. There will be no access to the north or to the east. The alley will not be used in any fashion for the carwash. The landscaping exceeds the code requirements. The facility will be a very nice facility and there is an identical facility located at Tulsa Hills, and Mr. Redmon has
A Part of Lot 5, Block 3, Sherrelwood, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, being more particularly described as follows:

Beginning at the Northwest corner of said Lot 5; thence Easterly along the Southerly line of 69th Street and around a curve to the left having a radius of 1,107.96' for a distance of 25.03' to a point of tangency; thence Easterly for a distance of 30.01' to a point of curvature; thence around a curve to the right having a radius of 165' for a distance of 184.20' to a point of tangency; thence continuing Southeasterly along the Southerly line of 69th Street and the Northerly line of said Lot 5 for a distance of 59.74'; thence South 74°38'-37'' West for a distance of 265.42' to a point on the Westerly line of said Lot 5; thence North 5°58'-11'' West along the Westerly line of said Lot 5 for a distance of 202.59' to the Northwest corner thereof and the point of beginning.

Action Requested:
Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) for permission to locate a mobile home in an RS-3 District located at 6006 West 60th Street.

Presentation:
David Jones, applicant, requested a mobile home on his property in a residential area to live in. He stated there were no other structures on the property and there were other mobile homes in the area.

Protests: None.

Board Action:
On MOTION of SMITH, the Board voted unanimously (4-0) to approve for one (1) year an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) for permission to locate a mobile home in an RS-3 District on the following described tract:

Lot 2, Block 12, New Taneha Addition to the City of Tulsa, Okla.

Action Requested:
Exception (Section 1680.1 (g) - Special Exception - General) for permission to establish off-street parking in an RS-3 District to be used in conjunction with commercial on adjoining property; and Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) for permission to remove the screening requirement where the purpose of the screening requirement cannot be achieved located at 1332 East 53rd Place.

Presentation:
Charles Norman, Attorney, presented the Site Plan (Exhibit "P-1") and stated that the restaurant is located at 51st Place and Peoria Avenue in a CS District. There is a screening wall required around the tract,
the delivery access is across from the property zoned for office, and the adjacent land is being used for tractor storage. He requested an exception to the screening requirement and desires no fencing. Mr. Gardner asked if the additional parking is needed in accordance with the Code and if not, would be used for employee parking? Mr. Norman stated the parking was not required by the Zoning Code but was desired for patrons of the restaurant. Mr. Gardner stated the Staff was concerned about a "tie" contract.

Protests: None.

Board Action:
On MOTION of JOLLY, the Board of Adjustment voted unanimously (4-0) to approve, per plot plan submitted and subject to a tie contract an Exception (Section 1680.0 (g) - Special Exception - General) for permission to establish off-street parking in an RS-3 District to be used in conjunction with commercial on adjoining property; and Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) for permission to remove the screening requirement where the purpose of the screening requirement cannot be achieved on the following described tract:

Beginning 25' South and 295' East of the Northwest corner of the SW/4, NW/4, of Section 31, Township 19 North, Range 13 East, Tulsa County, Oklahoma; thence South 140'; thence West 78'; thence North 140'; thence East 78' to the point of beginning.

Action Requested:
Variance (Section 420.2 - Accessory Uses in Residential Districts - Accessory Use Conditions - Under the Provisions of Section 1670 - Variances) for a variance of the setback requirements for an accessory building from 3' to 1' 1" from the rear and side yards in an RS-3 District located at 4517 East 7th Street.

Presentation:
Harold Henry, the applicant, was not present and it was explained to the Board that he had built an accessory building over an easement within 1 foot of the property line.

Protests: None.

Board Action:
On MOTION of JOLLY, the Board voted unanimously (4-0) to approve a Variance (Section 420.2 - Accessory Uses in Residential Districts - Accessory Use Conditions - Under the Provisions of Section 1670 - Variances) varying the setback requirements for an accessory building from 3' to 1' 1" from the rear and side yards as per plot plan and subject to a removal contract if there is ever a need for the easement, in an RS-3 District on the following described tract:

Lot 12, Block 1, Kendall View Addition, a Resub. of part of Block 7, to the City of Tulsa, Oklahoma.
Subject Tract  BOA-22436  19-13 31

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

Aerial Photo Date: February 2016
Note: Graphic overlays may not precisely align with physical features on the ground.
FABRICATE AND INSTALL INTERNALLY ILLUMINATED, DOUBLE FACED SIGN CABINET WITH A FULL COLOR MESSAGE CENTER.

WHITE ACRYLIC FACES WITH PSS APPLIED IN COMPANY COLORS.

RETAINERS AND RETURNS PAINTED BLACK.

REPAINT POLE: BLACK
**SIGN PLAN REVIEW**

March 16, 2018

**APPLICATION NO:** 443017 *(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)*

**Location:** 5301 S PEORIA AV E
**Description:** RNR ground Sign with dynamic display

### 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
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**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](http://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)
REVIEW COMMENTS

Sections referenced below are from the City of Tulsa Zoning Code Title 42 and can be viewed at www.inco.org

Application No. 443017 5301 S Peoria Ave March 16, 2018

This letter of deficiencies covers Sign Plan Review items only.

For ground, monument, pole & outdoor advertising structure sign applications only, you may receive additional letters from other disciplines such as Water/Sewer/Drainage for additional deficiencies regarding Utility Easement placement which are not addressed in this letter.

Section 60.100 Dynamic Displays

60.100-F Dynamic displays may not be located within 200 feet of any of the following: (1) an R district (other than street, highway or freeway right-of-way); (2) a residential development area. This separation distance does not apply if the dynamic display is not visible from the referenced district, area or lot, and the requirements may be modified in R and AG districts if approved through the special exception process.

Review Comments: The proposed dynamic display sign in a CS zoning district appears to be located within 200 feet of an RS-3 Residential zoning district to the South. You may pursue a variance from the BOA to permit a dynamic display sign to be located within 200 feet of an RS-3 zoning district.

NOTE: Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, plating, 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 for a Sign Permit 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 AND SIGN CODE REVIEW

NOTE: This constitutes a plan review to date in response to the submitted information associated with the above referenced application. Additional issues may develop when the review continues upon receipt of additional information requested in this letter or upon additional submittal from the applicant.

Keep our office advised of any action by the City of Tulsa Board of Adjustment or Tulsa Metropolitan Area Planning Commission affecting the status of your application for a City of Tulsa Sign Permit.
BOARD OF ADJUSTMENT  
CASE REPORT

STR: 9319  
CZM: 47  
CD: 9  
A-P#:  

Case Number: BOA-22437

HEARING DATE: 05/08/2018 1:00 PM

APPLICANT: Alan Betchan

ACTION REQUESTED: Variance to reduce the minimum lot width from 60' ft to 52.5' to permit a lot split in an RS-3 district. (Sec. 5.030)

LOCATION: 1415 E 38 ST S  

ZONED: RS-3

PRESENT USE: residential  

TRACT SIZE: 14701.56 SQ FT

LEGAL DESCRIPTION: LT 9 BLK 4, LEOKI PLACE

RELEVANT PREVIOUS ACTIONS:

Surrounding Property:

BOA 22017: on 1.12.16, the Board approved a variance of the required lot width in RS-3 from 60' to 52.5' on the property immediately east of the subject tract. Located; 1419 & 1423 E. 38th St. S.

BOA 21595: on 7.23.13, the Board approved a variance of the required lot width in RS-3 from 60' to 52.5' on the property to the northeast of the subject tract. Located; 1420 & 1426 E. 37th Pl.

BOA 21282: on 6.14.11, the Board approved a variance of the required lot width in RS-3 from 60' to 52.5' on the property to the northeast of the subject tract. Located; 1432 & 1436 E. 37th Pl.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an 'Existing Neighborhood' and an 'Area of Stability'.

An Existing Neighborhood is intended to preserve and enhance Tulsa's existing single family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code.

The Areas of Stability include approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small
scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is abutted by RS-3 zoned residences on the north, east and west, and RM-1 zoned residences on the south.

**STAFF COMMENTS:**
As shown on the attached site plans the applicant is proposing to split the subject lot into two tracts; the both proposed tracts will be 7,350 sq. ft. and contain a lot width of 52.50 ft. The Code requires that a RS-3 zoned lot maintain a lot area and lot area per unit of 6,900 sq. ft.; and a lot width of 60 ft.

To permit both tracts as proposed the applicant has requested a Variance to reduce the permitted lot width from 60 ft. to 52.5’ ft. The applicant has provided the following hardship statement; *Since the original platting of the property the area has went through a significant redevelopment. With this redevelopment most if not all lots have been split to allow a density higher than that allowed by RS-3 zoning. This combined with the adjacent commercial real-estate to the south present a hardship for development that may only be remedied by allowing 52.5' lot widths conforming to the surrounding properties.*

**Sample Motion**

Move to _________ (approve/deny) a Variance to reduce the minimum lot width from 60' ft to 52.5' to permit a lot split in an RS-3 district. (Sec. 5.030)

- Finding the hardship(s) to be __________________________.
- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions __________________________

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.”
public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

N50 E/2 NW & LT 1 BLK 1 TULSA JUNIOR COLLEGE SOUTHEAST CAMPUS LESS BEG NEC NW TH S541.87 NW305 N110.02 NW67.14 W700 NW101.98 W300 N10 W119.65 N50 E1320 POB, COLLEGE CENTER AT MEADOWBROOK, SOUTH TOWNE SQUARE EXT, DAVIS VILLAGE, SOUTH TOWNE SQUARE, TULSA JUNIOR COLLEGE SOUTHEAST CAMPUS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

22017—CBC Builds, LLC

Action Requested:
Variance of the lot width from 60 feet to 52.5 feet to allow a lot-split (Section 403.A). LOCATION: 1423 East 38th Street South (CD 9)

Mr. Henke recused and left the meeting at 5:04 P.M.

Presentation:
Alan Betcha, 17 East 2nd Street, Sand Springs, OK; stated this request is to keep in pace with what has redeveloped in the neighborhood. The neighborhood has gone through a revitalization for the past few years. This is an older plat that has been divided several times. Looking at the larger overall area this is in keeping with type of lot size, the 52'6" lot size. This same Variance has been granted on the lot directly to the north.

Interested Parties:
Jeff Bigby, 1415 East 38th Street, Tulsa, OK; stated he lives next door to the subject property. His lot is a 105'-0" wide single residential lot. The lots on the north side on the next street over have had this type Variance granted and some lot splits, which resulted in four houses being squeezed into two spots. Mr. Bigby stated he is opposed to the Variance for the issue of placing infill and density at the expense of the surrounding and existing neighbors. Mr. Bigby asked what would designate a hardship for his property because there is a house on the lot that functions and has been lived in until the last couple of months.

Peggy Caudle, 1416 East 38th Street, Tulsa, OK; stated she lives across the street from the subject lot. She lives in the condominiums and it is heavy traffic. The lot is a deep lot so she can see two long narrow houses being put on the lot. There is a lot parking traffic from the Brookside restaurants and bars plus the people who live in the condos. The condos do have assigned off-street parking spots but if the resident of two houses has more than two cars they will be parking on the street. All the houses in the block have a single car driveway and most people have two cars so already the street is

01/12/2016-1153 (41)
packed with cars. Ms. Caudle stated that she too does not see a hardship because there is a nice little house on the lot. She knows developers want to make money on it because it is an optimum neighborhood but she opposes this request. Ms. Caudle asked the Board to explain what small scale infill means.

Ms. Miller stated this request is exactly what it means. The scale is basically single family homes or multi-family but a small scale not a monster apartment complex.

Rebuttal:
Mr. Alan Betchan came forward and stated this is in keeping with what has developed in the neighborhood. This neighborhood is going to go through redevelopment and that is what was contemplated with the purchase of the subject property. The development to the east and to the west are developments that are on smaller split lots too. Yes the houses have become larger nicer houses but it is in keeping with what is happening in the neighborhood today. And it is consistent with the development patterns happening in the neighborhood today. The hardship is that it cannot be done within the guise of the current Zoning Code.

Comments and Questions:
Mr. White stated that most of the lots to the east have been split and the two big lots have been split in two. Lots to the north of the subject property have been split. There are a few lots that have not been split, and he understands the concern about keeping the lots to the larger size but the growth in Brookside has been significant enough to where the best use are the splits.

Mr. Van De Wiele stated that this is an area where infill has happened and continues to happen. This seems to be one of the areas that certainly has improved with the lot splits. The standard is a 60 foot lot and this is a 7’-6” Variance.

Board Action:
On MOTION of VAN DE WIELE, the Board voted 3-0-1 (Flanagan, Van De Wiele, White “aye”; no “nays”; Henke “abstaining”; Snyder absent) to APPROVE the request for a Variance of the lot width from 60 feet to 52.5 feet to allow a lot-split (Section 403.A), subject to conceptual plan 19.13 showing the lot split. The Board has found that the neighborhood is by in large consists of similar sized 50 to 60 foot lots, and this is in keeping with the development pattern in the neighborhood as well as the Comprehensive Plan identification for small scale infill projects as an existing neighborhood designation. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:
Mr. Henke re-entered the meeting at 5:13 P.M.

22018—James Boswell

Action Requested:
Variance to reduce the required parking to 150 parking spaces to permit a training facility (Sections 1211.D, 1215.D, and 1225.D). LOCATION: 2908 North Harvard Avenue East (CD 1)

Mr. Flanagan left the meeting at 5:14 P.M.

Presentation:
James Boswell, 1400 South Trenton Avenue, Tulsa, OK; stated he is an architect and represents the client on the project. Currently there are two buildings on 46th Street between Memorial and Mingo, so this is basically consolidating the two buildings. The Union Hall closes at 4:30 so all the spaces will not be needed because there are 220 existing spaces and the facility is not used at the same time.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of VAN DE WIELE, the Board voted 3-0-0 (Henke, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Flanagan, Snyder absent) to APPROVE the request for a Variance to reduce the required parking to 150 parking spaces to permit a training facility (Sections 1211.D, 1215.D, and 1225.D), subject to conceptual plan 20.10. The Board has found that the facility which is shown on conceptual site plan 20.10 of the Board’s agenda packet will have varying uses on different days and different hours that tend to mitigate the practical parking requirements for the facility. The Board has also found that the new Zoning Code that is going into place also reduces the overall parking, certainly not below the 150 requested but would impact it by making a smaller request. The 150 parking spaces to be provided on conceptual site plan 20.10 are more than ample to address the practical needs of the facility. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or

01/12/2016-1153 (43)
needs to have more visibility via the signs. This approval is subject to per plan on 6.13 for the sign location. The approval is to conform to the zoning code outlined in Section 1221.C.2. The EMC portion of the sign will be allowed to operate 24 hours a day; scrolling is to be right to left only; there is to be no blinking, twinkling, flashing, rolling or animation. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

ALL BLK 20 LESS BEG SECR TH W395.90 N250 E319.05 SE260.90 POB BLK 20, SUBURBAN HILLS ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21595—Mike Alexander

Action Requested:
Variance of the minimum required lot width in the RS-3 district from 60 feet to 52.5 feet to permit a lot split (Section 403.A, Table 3). LOCATION: 1424 East 37th Place South (CD 9)

Presentation:
Mike Alexander, 2202 East 49th Street, Tulsa, OK; no presentation was made but the applicant was available for any questions.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of WHITE, the Board voted to APPROVE the request for a Variance of the minimum required lot width in the RS-3 district from 60 feet to 52.5 feet to permit a lot split (Section 403.A, Table 3). Finding that this lot at 140 feet in depth will still have more than enough lot area in the RS-3 zoning to meet code. This area is part of the Brookside infill task force study and it has been found that a reduction of lot sizes available to be built is the coming trend, and the study is encouraging more of that. Also, within this neighborhood there are numerous houses on each side of the street at the 52.5 foot width. This approval will be per conceptual plan on page 8.10. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional
conditions or circumstances do not apply generally to other property in the same use
district; and that the variance to be granted will not cause substantial detriment to the
public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive
Plan; for the following property:

LT 3 BLK 4, LEOKI PLACE, CITY OF TULSA, TULSA COUNTY, STATE OF
OKLAHOMA

21597—Adam Kenes

Action Requested:
Variance of the building setback from an R District from 10 feet to 8 feet in a CS
District (Section 703, Table 3). LOCATION: 2627 East Pine Street North (CD 3)

Presentation:
Adam Kenes, 16732 East 80th Street, Tulsa, OK; no presentation was made but the
applicant was available for any questions.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of WHITE, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele,
White "aye"; no "nays"; no "abstentions"; none absent) to APPROVE the request for a
Variance of the building setback from an R District from 10 feet to 8 feet in a CS District
(Section 703, Table 3), subject to conceptual plan on page 10.12. Finding that the RS-3
property to the north does not have any dwellings on it and the property is separated
from the RS property by a fence and trees so there will be no sight issue with that
district. This will also allow for most of the tires, that are on the outside to be placed
inside of the barn thus reducing the outside storage problem. Finding by reason of
extraordinary or exceptional conditions or circumstances, which are peculiar to the land,
structure or building involved, the literal enforcement of the terms of the Code would
result in unnecessary hardship; that such extraordinary or exceptional conditions or
circumstances do not apply generally to other property in the same use district; and that
the variance to be granted will not cause substantial detriment to the public good or
impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the
following property:

LT 10 BLK 1 LESS 8 1/2 TO CITY, JOHN MOORE SUB, WAVERLY PLACE ADDN,
CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA
as separation of light, air and access, between single-family detached dwellings in the
district the City permits a reduction of the required sideyard by 20% as a minor
variance; however, this applicant's request is two inches beyond that permissable
consideration. The Board has found that there are extraordinary or exceptional
conditions or circumstances, which are peculiar to the land, structure and building
involved, the literal enforcement of the terms of the Code would result in unnecessary
hardship; that such extraordinary or exceptional conditions or circumstances do not
apply generally to other property in the same use district; and that the variance to be
granted will not cause substantial detriment to the public good or impair the purposes,
spirit, and intent of the Code, or the Comprehensive Plan, subject to per plan on page
8.6; for the following property:

LT 5 BLK 4, DELAWARE POINTE, CITY OF TULSA, TULSA COUNTY, STATE OF
OKLAHOMA

**********

Case No. 21282—Phil Marshall

Action Requested:
Variance of the minimum required lot width in the RS-3 district (Section 403) from
60 ft. to 52.5 ft. to permit a lot-split. Location: 1436 East 37th Place

Presentation:
Phil Marshall, P. O. Box 701316, Tulsa, OK; stated he represents the owners, Jack
and Christa Samson. The property meets all of the bulk and area requirements in the
zoning code. The property is located in the Brookside area. Mr. Marshall has visited
with some of the neighbors, and Mr. Herb Beattle with the Brookside Neighborhood
Association and they indicated no opposition to the lot width reduction or the lot-split.
This request is following the new comprehensive plan in encouraging smaller lots and
more density in some of the neighborhoods. The owner needs the reduction in the lot
width to obtain a lot-split from the Planning Commission. This is also following the trend
of the neighborhood where many similar cases have been approved by the Board of
Adjustment in this area in the past. Mr. Marshall referred to a letter written by Mr. Brad
Gemeinhart in support of the variance. In the letter Mr. Gemeinhart stated that lots on
the north side of the street are all 52'-6" wide so the aesthetic value of the street would
not be damaged. It would add to uniformity of the lots. In the letter Mr. Gemeinhart
stated that he was the former Chairman of the Brookside Infill Development Task Force,
which produced the Brookside Infill Plan which was approved in 2002, and this request
is exactly what was envisioned with the work on the project and the goal was to ensure
growth in the area through infill development without harming the unique qualities that
make Brookside a desirable place to live, work and play. According to Mr. Gemeinhart
this type of development attracts more people and increases property values of all who
live in the area; it also helps the schools and infrastructure funding with the increased
property taxes. Mr. Gemeinhart ended his letter stating that he fully supports the
request and feels that it is in the best interest of the entire area of Brookside, as updated quality housing increases through infill development.

Mr. Henke asked if Mr. Brad Gemeinhart is a City Planner and works for INCOG, and Mr. Cuthbertson stated that Mr. Gemeinhart does work for INCOG but he is not a City Planner. Mr. Gemeinhart’s letter was written in his capacity as a private citizen and neighbor.

Mr. Van De Wiele asked Mr. Marshall to tell the Board what the hardship is, and Mr. Marshall stated that the hardship is the lot width reduction is needed to be able to go before the Planning Commission to request and receive a lot-split. Also, per the Zoning Code, if there is something that prevents the owner from doing what they would like to do with the property, they come to the Board of Adjustment and request the Board’s permission to do it and that should be the hardship.

Mr. Henke stated that there is nothing unusual about the lot and it is in compliance with the code. The other lots may or may not have been split with or without some relief, it was not done in the last 40 years, so the Board is trying to comprehend a valid hardship.

Ms. Stead stated that RS-3 requirements are 7,000 square feet and these lots, because of the depth, have 8,400 square feet even after they are divided.

**Interested Parties:**

**Oakley Deisenroth,** 1440 East 37th Place, Tulsa, OK; stated he lives right next door to the subject property. If the subject property is allowed to reduce the lot width, when the new house is built on the lot, that house would be right next to his privacy fence.

Mr. Henke stated that the setback would not be changed from Mr. Deisenroth’s property, and Mr. Cuthbertson confirmed there would still be a five-foot setback requirement.

**Mary Apperson,** 1424 East 37th Place, Tulsa, OK; stated her parents were the original builders of her family home, and she will be listing her property on the market within a year or two. In 1938 her parents wanted a double lot because they expected a large family and wanted a large yard for that family. When she puts her property on the market she will be before the Board of Adjustment with a similar request because the area is going to smaller lots with new homes, and that will be the only way to sell these double lots.

**Rebuttal:**

Mr. Marshall presented a five win situation to the Board. No. 1, the seller is able to sell the property for the fair market value. No. 2, the property is worth more without the house on the lot. No. 3, the buyer is able to build a new house in a walkable neighborhood which the comprehensive plan really wants. No. 4, the City benefits with the increased sales tax and real estate taxes, and the neighborhood benefits by keeping
the property values up. No. 5, the comprehensive plan benefits in keeping homeowners in the City of Tulsa and not moving to the suburbs, which is one of the important items discussed in the comprehensive plan, plus it, would create a smart growth neighborhood.

**Comments and Questions:**
None.

**Board Action:**
On MOTION of WHITE, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to APPROVE the Variance of the minimum required lot width in the RS-3 district (Section 403) from 60 ft. to 52.5 ft. to permit a lot split. Finding that this lot has 140 feet in depth will still have more than enough lot area in the RS-3 zoning to meet the code. This area is part of the Brookside Infill Task Force study and it was found that the reduction lot sizes available to be built is the coming trend and the study is encouraging more of that. Also, within this neighborhood there are numerous houses on the other side of the street at the 52'-6" width and there are two on this side of the street and there are six in the adjacent street to the rear. This is the trend in the area, and it would be a higher and better use of the property than currently exists. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**LT 4 BLK 4, LEOKI PLACE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

******

**Case No. 21283—James Tilly**

**Action Requested:**
Variance of the rear yard requirement in the RS-2 district from 25 ft. to 4 ft. (Section 403) to permit an addition to an existing dwelling. **Location:** 2150 South Cincinnati Avenue

**Presentation:**
**Robert Schaefer,** 1208 East 26th Street, Tulsa, OK; stated he represents Mr. Tilly because of family matters that had to be dealt with.

Ms. Stead stated that there had been two previous items brought before the Board but nothing had been done with them, and Mr. Schaefer stated that it was true but it was because the project had changed and became much less complex. Mr. Tilly's existing
Note: Graphic overlays may not precisely align with physical features on the ground.
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2016
Looking north—towards the site—on E. 38th St. S.

Looking northwest—towards the site—on E. 38th St. S.
LEGAL DESCRIPTION

LOT NINE (9), BLOCK FOUR (4), LEOKI PLACE, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 835.

BASIS OF BEARING IS THE SOUTH LINE OF BLOCK FOUR (4), LEOKI PLACE ADDITION BEARING N90°00'00"E

REAL PROPERTY CERTIFICATION

I, ROGER W. TAYLOR, CERTIFY THAT THE ATTACHED LEGAL DESCRIPTION CLOSES IN ACCORDANCE WITH EXISTING RECORDS, IS A TRUE REPRESENTATION OF THE REAL PROPERTY AS DESCRIBED, AND MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING OF THE STATE OF OKLAHOMA.

ROGER W. TAYLOR
OKLAHOMA PLNO. 1273
LEGAL DESCRIPTION

THE EAST HALF LOT NINE (9), BLOCK FOUR (4), LEOKI PLACE, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 835.

BASIS OF BEARING IS THE SOUTH LINE OF BLOCK FOUR (4), LEOKI PLACE ADDITION BEARING N90°00'00"E

38TH STREET

REAL PROPERTY CERTIFICATION

I, ROGER W. TAYLOR, CERTIFY THAT THE ATTACHED LEGAL DESCRIPTION CLOSES IN ACCORDANCE WITH EXISTING RECORDS, IS A TRUE REPRESENTATION OF THE REAL PROPERTY AS DESCRIBED, AND MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING OF THE STATE OF OKLAHOMA.

ROGER W. TAYLOR
OKLAHOMA PL S NO. 1273

AAB Engineering, LLC

ROGER W. TAYLOR
L.S.1273

AAB Engineering, LLC
LEGAL DESCRIPTION
THE WEST HALF LOT NINE (9), BLOCK FOUR (4), LEOKI PLACE, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 835.

BASIS OF BEARING IS THE SOUTH LINE OF BLOCK FOUR (4), LEOKI PLACE ADDITION BEARING N90°00'00"E

REAL PROPERTY CERTIFICATION
I, ROGER W. TAYLOR, CERTIFY THAT THE ATTACHED LEGAL DESCRIPTION CLOSES IN ACCORDANCE WITH EXISTING RECORDS, IS A TRUE REPRESENTATION OF THE REAL PROPERTY AS DESCRIBED, AND MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING OF THE STATE OF OKLAHOMA.

ROGER W. TAYLOR
OKLAHOMA PLS NO. 1273

AAB Engineering, LLC
PO Box 2138 Sand Springs, OK 74063
OK CA#R3319 Exp: June 30, 2016
KS CA#5229 Exp: Dec. 31, 2016
Office: (918) 514-4283 Fax: (918) 514-4288
Board of Adjustment Case Number:__________ Date: Tuesday ____________, 1:00 p.m.

Tulsa City Council Room, 2nd Level, One Technology Center, 175 East 2nd Street

A person knowledgeable of the application and the property must attend the meeting to represent the application.

Site Plans must be submitted at the time of application. Other drawings, photographs or exhibits may be submitted at the hearing.

VARIANCES:
The applicant must prove a hardship to the Board. The Board of Adjustment is allowed to approve variances only after determining that the following conditions exist. Please be ready to describe how your request satisfies each of these conditions at the hearing:

1. Application of the zoning ordinance requirements to this particular piece of property will create unnecessary hardship to the property. This does not include financial hardship to the applicant.
2. There are conditions that are peculiar to this piece of property, which do not apply to other properties in the same zoning district.
3. The variance, if granted, will not cause substantial detriment to the public good or impair the purpose and intent of the zoning ordinance or the comprehensive plan.

In granting a variance, the Board may make appropriate conditions or safeguards and may require a bond or other guarantee necessary to enforce compliance with the conditions.

Please state your hardship: Since the original platting of the property the area has went through a significant redevelopment. With this redevelopment most if not all lots have been split to allow a density higher than that allowed by RS-3 zoning. This combined with the adjacent commercial real-estate to the south present a hardship for development that may only be remedied by allowing 52.5' lot widths conforming to the surrounding properties.

Applicant Signature: ______________________________

SPECIAL EXCEPTIONS:
The Board of Adjustment is allowed to approve special exceptions only after determining that the following conditions exist. Please be ready to describe how your request satisfies each of these conditions at the hearing:

1. The special exception will be in harmony with the spirit and intent of the Zoning Code.
2. The special exception will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Further, if the special exception is for “special residential facilities” the following factors shall be considered. Please be ready to address each of these items at the hearing:

A. Size of the facility;
B. Number of staff and staff-to-client ratio;
C. Levels of treatment;
D. Location of site in relation to needed services;
E. City infrastructure in the area;
F. Compliance with state licensure and certification requirements;
G. Proximity to similar uses;
H. Distance from sensitive uses (single-family residential districts, schools, parks, child day care centers).

In granting any special exception, the Board may make appropriate conditions or safeguards, may limit the approval to a specified period of time and may require a bond or other guarantee necessary to enforce compliance with the conditions.

If your application is approved, you WILL need additional permits. Contact the Permit Center at 596-9601 or Development Services Plans Review at 596-9456.

CITY OF TULSA BOARD OF ADJUSTMENT
2 West Second Street, Suite 800, Tulsa, Oklahoma 74103
(918) 584-7526
Hi Amy,

I am a Brookside resident and I just received a notice in the mail about splitting the lot at 1415 E. 38th Street. Your email was listed on it. If I need to contact someone else, please let me know. I am glad that someone is going to update that property, but I am very concerned about these ugly boxy houses going up all jammed next to each other. Our street and the whole area is already congested with cars and traffic. This does nothing to benefit our community, only more money for some greedy developer. I am wondering if others share my concerns about all these lots being split into two. If so, is there any recourse for us to stop this obnoxious trend in Brookside.

Sent from Mail for Windows 10

"Ulmer, Amy"
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BOARD OF ADJUSTMENT
CASE REPORT

STR: 9318
CZM: 37
CD: 4
A-P#: 

HEARING DATE: 05/08/2018 1:00 PM

APPLICANT: David Van Dalsem

ACTION REQUESTED: Variance to allow less than a 25' rear setback in an RS-2 zoned district (Sec. 5.030-A)

LOCATION: 2201 S ST LOUIS AV E

ZONED: RS-2

PRESENT USE: residential

TRACT SIZE: 13190.02 SQ FT

LEGAL DESCRIPTION: LT 5 BK 5, TERWILLEGGER HGTS

RELEVANT PREVIOUS ACTIONS:

Surrounding Property:

BOA 22049: on 3.23.16, the land use administrator approved an administrative adjustment to reduce the required street setback from 30 ft. to 25ft; variance to reduce the rear setback from 25ft to 20.2 ft to permit construction of a detached house. Located; 1571 E. 22nd Pl. S.

BOA 19372: on 6.11.02, the Board approved a special exception to reduce the required RS-2 zoning district front yard from 30' to 25'; variance to reduce the required 25' rear yard setbacks. Located; 2204 S. Troost Ave.

BOA 18139: on 8.11.98, the Board approved a variance of required 25' rear yard setback to 4' to permit an addition that will connect the dwelling to an existing detached garage; variance to enlarge a nonconforming structure per plan submitted. Located; immediately south of the subject property; 2217 South St. Louis Avenue.

BOA 18071: on 6.9.98, the Board approved a variance of the side yard from 10' to 5'; variance to expand a nonconforming structure. Located; 2221 S. Troost Ave.

BOA 17851: on 3.11.97, the Board approved a variance of the required side yard from 10' to 6'1"; variance of the required rear yard setback from 25' to 6'1". Located; 1573 E. 22nd St.

BOA 16471: on 11.9. 93, the Board approved a variance of the required side yard from 10' to 5'; variance of the required rear setback from 25' to 20'. Located; 2205 S. Troost.

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

REVISED4/30/2018
The **Existing Residential Neighborhood** category is intended to preserve and enhance Tulsa’s existing single family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

The **Areas of Stability** include approximately 75% of the city’s total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is surrounded by RS-2 zoned lots on all sides.

**STAFF COMMENTS:**
Based on the submitted drawing it appears that the proposed rear addition will encroach onto the required 25 ft. rear yard setback. To permit the addition as proposed the applicant has requested a **Variance** to allow less than a 25' rear setback in an RS-2 zoned district (Sec. 5.030-A).

The applicant provided the following statement: "The unusual lot shape with two streets makes adding a replacement garage and main level master very challenging with new zoning setbacks. The existing garage and quarters are already non conforming".

**Sample Motion**

Move to ________ (approve/deny) a Variance to allow less than a 25' rear setback in an RS-2 zoned district (Sec. 5.030-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 ______________.

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.”
boundary line of said NW/4 NE/4 a distance of 163.80'; thence 90° to the N a distance of 125.00'; thence W along the Nly boundary line of said NW/4 NE/4 a distance of 921.51' to the POB, and Beg. at a point in the W line of the NE/4 of the NE/4 Section 18, T-19-N, R-13-E, 185.00' S of the NW/4 thereof, said point being the SW/c of Lot 3, Block 1, Brentwood Heights Addition to the City of Tulsa; thence S 765.00' along said W line to a point in the N line of 22nd Pl.; thence E along said N line of 22nd Pl. 16.25'; thence NEly along the W line of Yorktown Ave. upon a curve to the right of radius 30 30' a distance of 60.50'; thence continuing along said W line of Yorktown Ave. N 11°45'51" E a distance of 418.91' to a point of tangent upon a curve to the left of radius 1620.08'; thence along said curve and along the W boundary of Yorktown Ave., a distance of 297.70' to the SE/c of Lot 1, Block 1, of Brentwood Heights Addition; thence W 152.19' to the POB, City of Tulsa, Tulsa County, State of Oklahoma.

**Case No. 19372**

**Action Requested:** Special Exception under Section 403.A.7 of the Tulsa Zoning Code reducing the required RS-2 zoning district front yard from 30' to 25'. SECTION 403.A. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, Bulk and Area Requirements in the RE, RS, RD, RT and RM Districts – Use Unit 6; and a Variance of the requirements of Section 403.A to permit the southwesterly corner of the proposed residence to encroach by 244 square feet within the required RS-2 25' rear yard to a distance of 10' from the west boundary of the lot. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located 2204 S. Troost Ave.

**Presentation:**

Charles Norman, 2900 Mid-Continent Tower, submitted a petition of support signed by twenty-six property owners and photographs (Exhibit G-2). Four neighbors purchased the subject property, removed the old house, improved the lot and offered it for sale. It is an odd-shaped lot; each side has a different dimension. The subdivision was developed with a 25' front yard setback building restriction. That restriction applies to both sides of this lot. The proposed residence would encroach on the backyard setback at one corner. Mr. Norman mentioned the staff comment that this might be too large of a house for the lot, that the lot area is 12,643 square feet, and the footprint of the first story is 3,642 square feet and the driveway is 1,020 square feet. He added there will be 7,780 square feet of livability space compared to the 5,000 square feet required in the RS-2. It is not an attempt to overbuild the lot but to deal with the unusual geometry. A site plan was provided (Exhibit G-1).

**Interested Parties:** There were no interested parties who wished to speak.
In discussion, Mr. Dunham noted the people most directly affected have gone together to do this. He added that it appears to be an improvement to the property. Mr. Cooper was in agreement that it met the livability requirements.

Board Action:

On MOTION of Dunham, the Board voted 4-0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to APPROVE a Special Exception under Section 403.A.7 of the Tulsa Zoning Code reducing the required RS-2 zoning district front yard from 30’ to 25’; and a Variance of the requirements of Section 403.A to permit the southwesterly corner of the proposed residence to encroach by 244 square feet within the required RS-2 25’ rear yard to a distance of 10’ from the west boundary of the lot, finding the configuration of the lot to be the hardship, on the following described property:

Lot 1, Block 5, Terwilliger Heights, City of Tulsa, Tulsa County, State of Oklahoma.

***********

Case No. 19373

Action Requested:

Variance of required setback from East 111th Street from 100’ from centerline to 83’ from centerline. SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS – Use Unit 11, located SW/c S. Yale & E. 111th St.

Presentation:

The applicant was not present. No interested parties were present. The case was tabled until later on the agenda.

***********

Case No. 19374

Action Requested:

Approval of an amended site plan to add addition on north end of existing building and replacement building on south end. Use Unit 11, located 11929 E. Pine St.

Presentation:

Julie Birky, 3148 S. 108th E. Ave., Ste 145, stated they are asking for approval of an amended site plan to apply for a permit to put a 35’ x 82’ to replace a previous building 32’ x 82’ that has been demolished. They plan to build an addition on the backside of an existing building, of 20’ x 35’ for storage. They are pre-engineered metal buildings. A site plan was provided (Exhibit H-1).

Comments and Questions:

Mr. Dunham reminded her that it is limited to one-story. She was aware of the height limitation.
Case No. 18138 (continued)

Comments and Questions:
In response to Mr. Stump's question of the hardship for the landscaping, Mr. Carter stated that there are several large old trees already in existence and that he did not want to hire a landscape architect to certify that his trees are in compliance. Mr. Beach clarified that the request relief was for Chapter 10 in its entirety. He could ask for relief of a specific portion of Chapter 10, which could be the certified statement from the landscape architect.

Interested Parties:
None.

Board Action:
On MOTION of DUNHAM, the Board voted 4-0-0 (Cooper, Dunham, Perkins, White, "aye"; no "nays"; no "abstentions"; Turnbo “absent”) to APPROVE a Special Exception to allow a drive-in restaurant (U.U. 18) in a CS zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 18; a Variance of required setback from centerline of 83rd E. Ave. from 50' to 45'. SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS; and a Variance of setback from centerline of E. 11th St. from 100' to 92'. SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS; and to DENY a Variance of the landscaping requirements. SECTION 1002. LANDSCAPE REQUIREMENTS, per plan on the following described property:

Lot 4, Block 2, Forest Acres Addition, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 18139

Action Requested:
Variance of required 25' rear yard to 4' to permit an addition that will connect the dwelling to an existing detached garage. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, and a Variance to enlarge a nonconforming structure. SECTION 1405.A. STRUCTURAL NONCONFORMITIES, located 2217 S. St. Louis Ave.

Presentation:
Pat Fox stated that the house was built in 1920s and is situated on two single-family lots in an older part of town. The owners would like to expand the kitchen, incorporate the garage as a part of their living quarters, and to provide a cover over an existing paved area for three automobiles and storage. The property is unusually shallow for a platted single-family lot, being only 83' deep. The site plan was recorded as Exhibit O-1.
Case No. 18139 (continued)

Interested Parties:
None.

Board Action:
On MOTION of DUNHAM, the Board voted 4-0-0 (Cooper, Dunham, Perkins, White, "aye"; no "nays"; no "abstentions"; Turnbo "absent") to APPROVE a Variance of required 25' rear yard to 4' to permit an addition that will connect the dwelling to an existing detached garage. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6, and a Variance to enlarge a nonconforming structure. SECTION 1405.A. STRUCTURAL NONCONFORMITIES per plan submitted finding the hardship to be the depth of the lot on the following described property:

Lots 6-7, Block 5, Terwilliger Heights, an addition in the City of Tulsa, Tulsa County, State of Oklahoma

Case No. 18140

Action Requested:
Variance of structure height of accessory building from one story to two story. SECTION 210.B.5. YARDS; Permitted Obstructions in Required Yards and a Variance of size of accessory building from 750 SF to 1,168 SF. SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS; Accessory Use Conditions, located 1719 S. Cincinnati Pl.

Presentation:
Brian Hadden, 5515 E. 15th Pl., stated that the owners are wanting to build a two-story garage, using the upper level for storage. The site plan was recorded as Exhibit P-1.

Comments and Questions:
Mr. Dunham asked if the garage would be used as another living space. Mr. Hadden responded that the Nafis were transferred out of country after they had purchased the property and they are desiring to build the garage to store their belongings and rent the house.

Interested Parties:
Kathy King, 1732 S. Detroit, and Richard West, 1728 S. Detroit, stated that the property is located in the Maple Ridge's history district and the street is already very crowded. There is a duplex and triplex in the area, and they expressed concern about additional rental property in the area. She stated that the proposal would not be aesthetically pleasing in the historic district. She wondered how high the garage would
Case No. 13071

Action Requested:
Variances of side yard from 10’ to 5’. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6 and a Variance to expand a nonconforming structure in a manner which increases its nonconformity. SECTION 1405. A. STRUCTURAL NONCONFORMITIES, located 2221 S. Troost Ave.

Presentation:
The applicant, Bill Powers, is represented by Julie Fulton, 9401 S. 68th E. Ave. Ms. Fulton stated that the property owned by Mrs. Harper was built prior to zoning ordinances that are now in effect. According to the zoning for that area, the side yard setback is insufficient by 4.8' to comply with RS-2 zoning. The planned expansion is for an enlarged master area. The planned expansion does not change the footprint of the house or the lot. It is on a second story addition. The hardship is that Mrs. Harper is a cancer patient and will be spending more and more time at home and there is no other economically feasible way to enhance her living accommodations in the home.

Comments and Questions:
Mr. Beach asked if the house currently exists at this distance from the side lot line. Ms. Fulton stated that they are only adding a second story.

Mr. Stump stated that the lot is smaller that most RS-3 lots which have a 5' side yard requirement.

Board Action:
On MOTION of TURNBO, the Board voted 4-0-1 (Cooper, Dunham, Turnbo, Perkins, "aye"; no "nays", White "abstentions"; no "absent") APPROVE Variance of side yard from 10’ to 5’. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6 and a Variance to expand a nonconforming structure in a manner which increases its nonconformity. SECTION 1405. A. STRUCTURAL NONCONFORMITIES finding the hardship to be the size of the lot and the age of the house on the following described properties:

Lot 5, Block 7, Terwilliger Heights
Case No. 17650

Action Requested:

Special Exception for church use on subject property. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 2, located 5434 East 91st Street.

Presentation:

The applicant, Joseph M. Salomon/Fellowship Bible Church, submitted a letter requesting a continuance to May 13, 1997, in order to readvertise newly acquired property.

Comments and Questions:

Mr. Beach informed the Board that this continuance was made timely.

Board Action:

On MOTION of BOLZLE, the Board voted 5-0-0 (Abbott, Bolzle, Dunham, Tumbo, White, "aye"; no "nays" no "abstentions"; none "absent") to CONTINUE Case No. 17650 to May 13, 1997, at 1:00 p.m. to enable the applicant to readvertise newly acquired property.

Case No. 17651

Action Requested:

Variance of the required side yard from 10’ to 6’-1” and a Variance of the required rear yard 25’ to 6’-1” to permit attaching an existing detached garage. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6, located 1573 East 22nd Street.

Presentation:

The applicant, Donna Paddock, 1573 East 22nd Street, submitted a plot plan (Exhibit I-1) and stated she is requesting a variance to allow her to attach the new addition to an existing garage. She informed the Board that the addition is in compliance with all of the setback requirements. Ms. Paddock stated her request is to attach the new addition that is in compliance to an existing garage that is not in compliance, which was grandfathered in. Ms. Paddock commented the reason for attaching the garage...
Case No. 17651 (continued)

is for extra space. She explained the home is a two bedroom home with her mother and two children, plus an in-home office. Ms. Paddock stated she is building an additional bedroom and attached garage. She explained the new garage is attached and she feels safer using the new garage in the evening versus the detached garage in the back. Ms. Paddock stated that the existing detached garage was falling in when she purchased it eight (8) months ago. She informed the Board that she has completely renovated the detached garage into a living area and would like to connect it to the new addition so that she will not have to go outside to enter it. Ms. Paddock stated her hardship is that she does not have enough space and she has gone to a great deal of expense to improve the detached garage for a living area. She indicated that if the detached garage was not allowed to be connected to the new addition then she will have to decide whether to use the detached garage as an office or a bedroom and with either use she will have to leave the building to go to the home for restroom facilities.

Comments and Questions:

In response to Mr. Bolzle, Ms. Paddock stated that it will take approximately 1' in order to connect the existing garage to the new addition.

Ms. Paddock stated that there will be approximately 1' of concrete and 4' of board to attach the roof line.

Ms. Turnbo asked the applicant if there were any problems with livability space? She answered negatively.

Mr. White stated that the house next door has a two-story addition that is attached to the garage.

Ms. Paddock stated the new addition was built behind the highest peak of the house and you cannot see the addition. She explained that the original design of the home has been preserved.

Protestants:
None.

03:11:97:722(15)
Case No. 17651 (continued)

Board Action:
On MOTION of BOLZLE, the Board voted 5-0-0 (Abbott, Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to APPROVE a Variance of the required side yard from 10' to 6'-1" and a Variance of the required rear yard 25' to 6'-1" to permit attaching an existing detached garage. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6; per plan submitted; finding that the two structures could remain and meet the Code; finding that not connecting the addition will result in an unnecessary hardship for the applicant; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Lot 17, Block 1, Terwilleger Heights, Tulsa County, City of Tulsa, Oklahoma.

Case No. 17652

Action Requested:
Special Exception to permit a mobile home in an RM-2 district permanently. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 9, located 4929 West 11th Street.

Presentation:
The applicant, Brian R. Sorrels, represented by Charles Voseles, 3336 East 32nd Street, submitted photographs (Exhibit J-1) and stated that Mr. Sorrels has resided in this neighborhood for a number of years. Mr. Voseles explained that the subject lot is approximately 1 acre in size and his family lives in the immediate area. Mr. Voseles indicated that there are other mobile homes in the immediate vicinity and they are being used as residential structures.

Protestants:
Mr. John Kerns, 409 South 54th West Avenue, stated he is representing his sister, who is the executor of the estate for his parents at 4915 West 11th Street. He inquired if the approval of this application will reduce the value of his parents property? Mr. Kerns stated that the possibility of the property value dropping is the main concern.

Applicant's Rebuttal:
Mr. Voseles stated this application will not decrease the value of property in the immediate area and will probably increase the value since the lot is currently vacant. He explained that the mobile home will not be new or unique for the area since there are several within one block of the subject lot.
Case No. 16455 (continued)

Comments and Questions:
Mr. Bolzle noted that there are no residential uses near the subject property.

Protestants:
None.

Board Action:
On MOTION of BOLZLE, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White "aye"; no "nays"; no "abstentions"; S. White, "absent") to APPROVE a Variance of the all weather surface requirement for off-street parking - SECTION 1303.D. Standards for Off-Street Parking and Loading Areas; per plan submitted; finding that there are no surrounding residential developments in the area, and approval of the request will not have a negative impact on the surrounding land uses; on the following described property:

SW/4, W/2, SE/4, SW/4 NW/4, E/2, NW/4, E/2, NW/4, NW/4 of Section 16, T-20-N, R-14-E, Tulsa County, Oklahoma, except 10.86 acres described as follows: a strip, piece or parcel of land lying in part of the SW/4 of Section 9, T-20-N, R-14-E, Tulsa County, Oklahoma, said parcel being more particularly described as follows: Beginning at a point on the east line of said SW/4 a distance of 226.7' north of the SE/c of said SW/4, thence southerly on a curve to the right having a radius of 8769.4' a distance of 732.8' to a point on the south line of said SW/4, thence west along said south line a distance of 1948.1' to the SW/c of said SW/4, thence north along the west line of said SW/4 a distance of 16.5', thence N88°45'E a distance of 350.0', thence N70°44'E a distance of 134.5', thence northeasterly on a curve to the left having a radius of 8434.4' a distance of 588.8', thence S89°59'E a distance of 50.1', thence northeasterly on a curve to the left having a radius of 8444.4' a distance of 1498.1', thence N68°11'E a distance of 97.5' to a point in the east line of said SW/4, thence south along said East line a distance of 346.8' to point of beginning, containing 10.86 acres more or less of new right-of-way, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16471

Action Requested:
Variances of the required side yard from 10' to 5', variance of the required rear yard from 25' to 15' and a variance of the required livability space - SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6, located 2205 South Troost.
Case No. 16472 (continued)

Presentation:
The applicant, Dean Cristopoulos, 7020 South Yale, #270 was represented by Vern L. Suess, who submitted a revised site plan (Exhibit C-1) for a proposed dwelling. He informed that the livability space requirement is 5000 sq ft, and the lot area of the lot in question is 4845 sq ft. Mr. Suess stated that the lot is irregular in shape, and requested that the required rear yard be reduced from 25' to 20', with side yards being 5'.

Comments and Questions:
Mr. Bolzle asked if the variance of the rear yard setback from 25' to 20' is the only difference in this application and the one previously heard, and Mr. Suess answered in the affirmative.

Protestants:
None.

Board Action:
On MOTION of BOLZLE, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White "aye"; no "nays"; no "abstentions"; S. White, "absent") to APPROVE a Variance of the required side yard from 10' to 5', variance of the required rear yard from 25' to 20' and a variance of the required livability space - SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6; per revised plan submitted; finding a hardship demonstrated by the curvature of the street, the irregular shape of the lot and the fact that the subdivision was platted prior to current Zoning Code requirements; on the following described property:

Lot 2, Block 7, Terwilliger Heights, City of Tulsa Tulsa County, Oklahoma.

Case No. 16472

Action Requested:
Special Exception to permit a bank drive-in facility in an OL zoned district, and for a variance of the required setback from the centerline of South Utica from 100' to 55' - SECTION 601. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICTS - Use Unit 11, located 1514-1524 South Utica.

Comments and Questions:
Mr. Bolzle informed that he will abstain from hearing Case No. 16472.
Subject Tract BOA-22438

19-13 18

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

Aerial Photo Date: February 2016
Looking south towards existing garage—located on the east end of the property—along E. 22nd St. S.

Looking east towards existing garage—along E. 22nd St. S.
ZONING CLEARANCE PLAN REVIEW

April 03, 2018

TOM NEAL
TOM NEAL DESIGN
2507 E 11 PL
TULSA, OK 74104

APPLICATION NO: 9601
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 2201 S ST LOUIS AV E
Description: RESIDENTIAL ADDITION

INFORMATION ABOUT SUBMITTING REVISIONS

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

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601.

THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

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

IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.

2. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.

3. A COPY OF A "RECORD SEARCH" IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.)
REVIEW COMMENTS

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

Application No. 9601 2201 S ST LOUIS AV E April 03, 2018

Note: As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

5.030-A: In the RS-2 zoned district the minimum rear yard setback shall be 25 feet from the rear property line.

Review Comments: Revise your plans to indicate a 25 rear setback to the property line, or apply to INCOG for a variance to allow less than a 25’ rear setback.

This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

A hard copy of this letter is available upon request by the applicant.

END – ZONING CODE REVIEW

NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

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

STR: 9318  
CZM: 37  
CD: 4  
A-P#: 

Hearing Date: 05/08/2018 1:00 PM

Applicant: Robert Darby

Action Requested: Special Exception to allow a fence to exceed 4 feet in height in the front street setback. (Sec. 45.080-A). Variance of the minimum street setback requirement to permit an unenclosed accessory parking area (Table 55-4). Variance to allow a parking area to be located in the right-of-way/planned right-of-way (Sec. 90.090-A).

Location: 2121 E 30 ST S  
Zoned: RE

Present Use: Residential  
Tract Size: 44788.58 SQ FT

Legal Description: LT 6 & PRT LT 7 BEG NWC TH E88 S162.92 W95 N165.34 POB BLK 13, FOREST HILLS

Relevant Previous Actions:

Surrounding Property:

BOA 20269: on 5.23.06, the Board approved a variance of the maximum permitted height for an accessory building in the required rear yard; and a variance of the maximum permitted square footage for detached accessory buildings; in an RE district. Located; 2121 E. 29th St. S.

BOA 16344: on 5.25.93, The Board approved a special exception to permit a 6 feet tall fence in the front yard of a RS-1 zoned district. Located; 2140 East 30th Street South.

BOA 14396: on 2.19.87, The Board approved a variance of the required 25 feet rear yard in a RS-1 zoned district to 21 feet to permit an addition to an existing dwelling. Located; 2140 East 30th Street South.

Relationship to the Comprehensive Plan: The Tulsa Comprehensive Plan identifies the subject property as part of a "Existing Neighborhood" and an "Area of Growth". The Existing Residential Neighborhood category is intended to preserve and enhance Tulsa's existing single family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.
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.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is surrounded by RE zoned, single-family residential uses.

**STAFF COMMENTS:**

The property owner is proposing to build a 5’ tall fence within the required street setback along E. 30th St. S. As shown on the site plan, the proposed fence will not extend along the entire property. The required street setback in an RE zoned district is 35 ft.

The Code (Section 45.080-A) limits fence and wall heights in the required front setback along E. 30th St. S to 4 feet; however, the Code permits the Board of Adjustment to increase the permitted height through special exception approval. The applicant has requested a **Special Exception** to allow a fence to exceed 4 feet in height in the front street setback (Section 45.080-A).

The applicant is proposing to build a parking area along E. 30th St. S. Table 55-4 shows the setback requirements for unenclosed off-street parking areas:

<table>
<thead>
<tr>
<th>Table 0-1: Parking Space Setback Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Street Setback (feet)</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Residential Zoning Districts</strong></td>
</tr>
<tr>
<td>Accessory to a household living use</td>
</tr>
<tr>
<td>Accessory to another use</td>
</tr>
<tr>
<td><strong>Other Zoning Districts</strong></td>
</tr>
<tr>
<td>Within 50 feet of a residential district</td>
</tr>
</tbody>
</table>

The applicant has stated that the parking area will fit 4 or 5 cars. The applicant is requesting a **Variance** of the minimum street setback requirement to permit an unenclosed accessory parking area (Table 55-4).

The applicant is proposing to build the parking area within the right-of-way on E. 30th St. S. The Code states that 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 (Section 90.090-A). The applicant will also be required to request a license and removal agreement with the City of Tulsa. The code defines parking areas as structures (Section 95.220). The applicant is requesting a **Variance** to allow a parking area to be located in the right-of-way/ planned right-of-way (Sec. 90.090-A).

The applicant provided the following statement: *"When cars are parked on 30th St. it creates congestion with traffic. Have two teenage kids who will have friends coming over to swim and use facilities. Having parking on the property and off-street will ease congestion. The proposed area is ideal so no large trees would have to be removed."*

**Sample Motion for Special Exception**
Move to ________ (approve/deny) a Special Exception to allow a fence to exceed 4 feet in height in the front street setback. (Sec. 45.080-A)

- Per the Conceptual Plan(s) shown on page(s) ______ of the agenda packet.

- Subject to the following conditions: ____________

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

**Sample Motion for Variance**

Move to ________ (approve/deny) a Variance of the minimum street setback requirement to permit an unenclosed accessory parking area (Table 55-4). Variance to allow a parking area to be located in the right-of-way/planned 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 ____________.

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."
LT 1 BLK 2, HICKORY MANOR ADDN, City of Tulsa, Tulsa County, State of Oklahoma

**********

Case No. 20269

Action Requested:
Variance of the maximum permitted height for an accessory building in the required rear yard, located: 2121 East 29th Street South.

A Variance of the maximum permitted square footage for detached accessory buildings, in an RE district was withdrawn as shown on the agenda.

Presentation:
Allen Madewell, 5314 South Yale, represented the owners, John and Linda Kantor. They proposed to increase the height of a cabana that is under construction from 18 ft. to 24 ft. at the ridge, and need the variance because it extends into the backyard setback five feet. Only 43 in. of the width would be encroaching and it would still be twenty feet to the existing fence line, which is also the property line. The house to the back of it is also 50' to 60' away from the subject property. The concept was to match the English architecture of the historic home, built in 1936. They want to keep the impact to the side at a minimum. The lot has a curving arc so that it has setbacks from 29th Street and Yorktown, allowing only a small area for construction in the side yard. The original design has a motor court at the back of the house, which functioned as the main entrance. The front entrance was secondary so the house basically has no back yard. The feel is as a country estate and they built as far back on the property as possible. The plan was to keep as much open space as possible between the buildings. A site plan and photographs were provided (Exhibits C-1, C-2 and C-3).

Comments and Questions:
Ms. Stead asked if the 24 ft. height would be in excess of the garage height. Mr. Madewell replied it would be similar and the garage is probably 21 to 22 ft. in height. Mr. Madewell stated that the hardship was the non-conforming lot, curved small area for construction and without a rear yard.

Interested Parties:
There were no interested parties who wished to speak.

Board Action:
On Motion of Stead, the Board voted 4-0-0 (Dunham, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; Tidwell "absent") to APPROVE a Variance of the maximum permitted height to 24 ft. for an accessory building in the required rear yard, per plan, finding a non-conforming large lot, structure built in 1936, and to be compatible with the existing architecture; finding the literal enforcement of the terms of the code would result in an unnecessary hardship, and that such
extraordinary exceptional conditions or circumstances do not apply generally to other properties in the same use district; finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

LT 7 & 8 BLK 9, FOREST HILLS, City of Tulsa, Tulsa County, State of Oklahoma

**********

Case No. 20270
Action Requested:
Variance of the frontage requirement in a CS district; to permit a lot split, located:
6350 South Lewis Avenue.

Presentation:
Rick Riddle, 5314 South Yale, Suite 200, represented the owner for a variance to permitt a lot-split. He provided a survey (Exhibit D-1).

Comments and Questions:
Mr. Dunham asked if they were going to change anything on the existing improvements or access points. Mr. Riddle replied that nothing else would be changed.

Interested Parties:
There were no interested parties who wished to speak.

Board Action:
On Motion of Stead, the Board voted 4-0-0 (Dunham, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; Tidwell "absent") to APPROVE a Variance of the frontage requirement in a CS district; to permit a lot split, per survey, finding that by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

LT 18 LESS PRT BEG SECRT 18 TH N175 W150 S175 E150 POB, PRT LT 18 BEG SECRT LT 18 TH N175 W150 S175 E150 POB, PECAN ACRES, City of Tulsa, Tulsa County, State of Oklahoma

**********
Case No. 16361 (continued)

Comments and Questions:
Mr. Bolzle asked if the parking spaces to the north of the drive-thru will be eliminated, and the applicant stated that this space is not used for parking, but is a drive reserved for individuals picking up laundry.

Mr. Bolzle pointed out that insufficient parking for the business could have an adverse impact on parking in the center, and wanted to be sure the Building Inspector checked the parking requirements. He noted that a variance of parking was not requested.

Protestants:
None.

Board Action:
On MOTION of DOVERSPIKE, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Minor Special Exception to amend a previously approved site plan; per amended plan submitted; subject to compliance with parking requirements; finding that the proposed awning will align with the existing building wall and will not extend further toward the street; on the following described property:

All of Lots 4, 5 and 6, Albert Pike Second Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 16344

Action Requested:
Variance of the maximum height for a fence in a required front yard from 4' to 6' - Section 210.B. Permitted Obstructions in Required Yards - Use Unit 6, located 2140 East 30th Street.

Presentation:
The applicant, Charles Norman, 2900 Mid-Continent Tower, submitted a plot plan (Exhibit D-1) and informed that his client is proposing to construct a wrought iron and stone column fence on the north and east boundaries of his property. He pointed out that, although the fence will exceed the 4' height limitation in the front yard, there are similar fences in the immediate neighborhood. Photographs (Exhibit D-2) were submitted. Mr. Norman informed that the fence will not obstruct the line of sight at the corner, and will comply with Traffic Engineering requirements.
Case No. 16344 (continued)

**Protestants:**
None.

**Board Action:**
On MOTION of CHAPPELLE, the Board voted 5-0-0 (Bozle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Variance of the maximum height for a fence in a required front yard from 4’ to 6’ - Section 210.B. Permitted Obstructions in Required Yards - Use Unit 6; per plan submitted; finding that there are similar fences in the immediate neighborhood; and finding that the granting of the variance will not cause substantial detriment to the area, or violate the spirit, purposes and intent of the Code; on the following described property:

Lots 1 and 2, Block 15, Forest Hills Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 16345

**Action Requested:**
Variance of the maximum 750 sq ft for a detached accessory building to 4000 sq ft, and a variance to amend a previously approved plot plan - Section 402.b.1.D Accessory Use Conditions - Use Unit 6, located 17384 East 13th Street.

**Presentation:**
The applicant, Larry Covert, 18008 East Brady Street, Catoosa, Oklahoma, submitted a plot plan (Exhibit E-1) and stated that he is representing the owner of the property in question. He informed that he is proposing to build an addition to an existing 2000 sq ft accessory building.

**Comments and Questions:**
Ms. White inquired as to the use of the 4000 sq ft accessory building, and the applicant stated that he needs the additional storage space for his antique cars.

Mr. Bolzle asked if the cars are sold on the property, and the applicant replied that the cars are not for sale.

Mr. Gardner asked if the owner lives on the property, and Mr. Covert answered in the affirmative.

**Protestants:**
None.
Case No. 14389 (continued)

Presentation:
The applicant, Judy Stephens, 1424 South Winston Avenue, Tulsa, Oklahoma, submitted photographs (Exhibit B-1) and stated that the attached garage has been converted to a room and asked the Board to allow the construction of a carport.

Mr. Stephens, 1424 South Winston Avenue, Tulsa, Oklahoma, informed that the roof line will be extended to make a 3 tier roof.

Comments and Questions:
Ms. White commented that she has viewed the area and found that there are numerous carports in the neighborhood.

Protestants: None.

Board Action:
On MOTION of QUARLES, the Board voted 4-0-0 (Bradley, Chappelle, Quaries, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to APPROVE a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of setback from the centerline of Winston Avenue from 50' to 47' to allow for the construction of a carport; finding that there are numerous carports in the neighborhood; and finding that the granting of the variance request will not cause substantial detriment to the public good or impair the spirit, purposes and intent of the Code or the Comprehensive Plan; on the following described property:

Lot 5, Block 4, Adamson Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14396

Action Requested:
Minor Variance - Section 430 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a minor variance of rear yard setback from 25' to 21' to allow for additional construction on the existing dwelling unit, located at 2140 East 30th Street South.

Presentation:
The applicant, Bill Stoskopf, 3809 South Troost, Tulsa, Oklahoma, submitted a plot plan (Exhibit C-1), and stated that his clients Mr. and Mrs. Donald Baker are proposing to construct an addition to their home at the above stated location. He informed that the portion of the addition which contains the indoor pool and dressing rooms will encroach over the rear yard setback line.

Protestants:
Mike Lewis, 2141 East 30th Place, Tulsa, Oklahoma, informed that he
Case No. 14396 (continued)

lives to the south of the subject property and is concerned with the water run-off which would be increased by the 3,000 sq. ft. addition. He informed that his property is lower than the subject tract and the high pitched roof which will be approximately 21' from his lot line, will dominate his back yard.

Comments and Questions:
Ms. White asked Mr. Lewis if resolving the drainage problem is his main concern with the application, and he replied that he is concerned with drainage, but also objects to building the addition so close to his property line.

Mr. Stoskopf informed that water run-off to the west from the subject property is handled by an underground system that outlets at 30th and Zunis and as many outlets as needed will be channeled in that direction. He pointed out that the Lewis house is not next to the construction.

Board Action:
On MOTION of QUARLES, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"); no "nays"; no "abstentions"; Smith, "absent") to APPROVE a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of rear yard setback from 25' to 21' to allow for additional construction on the existing dwelling unit; per plot plan submitted with installation of drainage systems; subject to Stormwater Management approval; finding a hardship demonstrated by the size and shape of the lot; on the following described property:

Lots 1 and 2, Block 15, Forrest Hills Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14398

Action Requested:
Minor Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of setback from the front from 30' to 25', from the side yard from 10' to 8' 6" and from the rear yard from 25' to 20' 6" in order to permit a dwelling unit, located at 2108 East 25th Place.

Presentation:
The applicant, John Woolman, Oklahoma, was represented by Steve Schuller, 610 South Main, Tulsa, Oklahoma, who submitted a revised plot plan (Exhibit E-1). He informed that the subject property is located in a neighborhood where all of the lots are approximately 50' to 60' wide. Mr. Schuller pointed out that the owner designed a house for the lot and assumed that the zoning was RS-3; however, when he applied for a Building Permit, he found that the property was zoned RS-2. He explained that Mr. Woolman is attempting to
Subject Tract BOA-22439

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

Aerial Photo Date: February 2016
Looking north—towards the site—on E. 30th St. S.
Looking west– site is on north side of E. 30th St. S.
LEGAL DESCRIPTION

ALL OF LOTS SIX (6) AND SEVEN (7), BLOCK THIRTEEN (13), FORREST HILLS,
AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA,
ACCORDING TO THE RECORDED PLAT NO. 956, LEGS AND EXCEPT:

THE EAST 45 FEET OF LOT SEVEN (7), BLOCK THIRTEEN (13), FORREST HILLS,
AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA,
ACCORDING TO THE RECORDED PLAT NO. 956.

EAST 30TH STREET SOUTH
I believe it's 4 or 5 cars. There should be a distance shown on the print as well that may help show the scope of the cut-in

Sent from my iPhone

On Apr 18, 2018, at 4:43 PM, Ulmer, Amy <aulmer@incog.org> wrote:

Hello,

I was looking over your site plan and wanted to confirm how many cars would be able to fit in the cut-in parking area? Thanks.

Amy Ulmer | Land Development Planner
2 West Second Street, Suite 800
Tulsa, OK 74103
918.579.9437
918.579.9537 fax
aulmer@incog.org
<image002.jpg>

From: Bobby Darby <Bobby@darbyequip.com>
Sent: Monday, April 16, 2018 9:31 AM
To: Ulmer, Amy <aulmer@incog.org>
Subject: RE: Darby Plan

Sorry – forgot the attachment.

From: Bobby Darby
Sent: Monday, April 16, 2018 9:31 AM
To: 'aulmer@incog.org' <aulmer@incog.org>
Subject: Darby Plan

Amy,

Here is a pdf of the site plan that I brought into you when you helped me set up the meeting with the board of adjustments. I highlighted the two items I wanted a variance on. One was the ability to have a 5’ fence in the location noted on the drawing (City wanted a 4’ fence). The second was the cut-in parking on the yard to get cars off the street. Let me know if you have questions or need anything else.

Thanks,

Bobby Darby
VP of Sales & Marketing
Darby Equipment Company
DEVELOPMENT SERVICES
175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103

ZONING CLEARANCE PLAN REVIEW

January 19, 2018

BOBBY DARBY
HOMEOWNER
2121 E 30 ST S
TULSA, OK 74105

APPLICATION NO: 438348 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: 2121 E 030 ST S
Description: NEW

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

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

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

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

IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED
   OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION
   MARKS.

2. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG),
   BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION
   (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT
   2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.

3. A COPY OF A "RECORD SEARCH" IS NOT INCLUDED WITH THIS LETTER. PLEASE
   PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF
   APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD
   OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR
   IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)
REVIEW COMMENTS

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

Application No. 438348 2121 E 030 ST S January 19, 2018

Note: As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

1.) 45.080-A Fences and walls within required building setbacks may not exceed 8 feet in height, except that in required street setbacks fences and walls may not exceed 4 feet in height. However in R zoned districts, fences up to 8 feet in height are permitted in side street setbacks of detached houses or duplexes located on corner lots and in street setbacks abutting the rear lot line of houses and duplexes located on double frontage lots. The board of adjustment is authorized to modify these fences and wall regulations in accordance with the special exception procedures of Section 70.120.

Review Comments: Provide documentation on the site plan indicating the proposed fence height and within the front 35 foot street setback that the fence will not exceed 4’ in height measured from grade or you may apply to the BOA for a special exception to allow a fence to exceed 4’ in height within the front street setback in an RE zoning district.

2.) 55.080-C Parking Setbacks
1. Unenclosed off-street parking areas must be set back from abutting streets as indicated in Table 55-4:

Table 55-4: Parking Space Setback Requirements Minimum Street Setback (feet)
6 or More Parking Spaces Residential Zoning Districts
Accessory to a household living use 15 feet

Review Comments: The proposed driveway accessory to household living is required to have a 15 foot street setback from E. 30th Street. You may pursue a variance from the BOA to permit accessory parking to be located within the City of City of Tulsa ROW and Chris Kovac with Engineering Services @ 918-596-9649 for information on acquiring a R-O-W license and removal agreement.

3.) 55.080-C Parking Setbacks
4. All unenclosed, accessory off street parking areas containing 6 or more spaces must be screened from abutting RE-zoned lots and RS-zoned lots by an F1 screening fence or wall, in accordance with §65.060-C2, provided that accessory parking areas located more than 50 feet from abutting RE- or RS-zoned lots are not required to provide such screening.
Review Comments: Provide screening for the accessory parking area within 50 feet of the abutting R district to comply with 65.060.C2. You may pursue an alternative compliance landscape/Screening plan form INCOG per 65.080-D.

4.) 55.090-F3 Surfacing: In RE and RS zoning districts, driveways serving residential dwelling units may not exceed the following maximum widths unless a greater width is approved in accordance with the special exception procedures of Section 70.120. Maximum Driveway Width in the Right Of Way (ROW) is 20' and 30' outside of ROW.

Review Comments: This lot is zoned RE. The submitted site plan proposes a driveway width that exceeds the maximum allowable driveway width within the ROW and on the lot. Revise plans to indicate the driveway shall not exceed 20' in width in the ROW or 30 ft. in width on the lot. You may pursue a special exception to from the BOA to permit a driveway within the ROW to exceed 20 feet in width and exceed 30 feet in width on the lot.

This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

A hard copy of this letter is available upon request by the applicant.

END – ZONING CODE REVIEW

NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

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

From: harold ginzburg <haroldginzburg@hotmail.com>
Sent: Monday, April 30, 2018 6:58 AM
To: Ulmer, Amy
Subject: BOA-22439 -

My wife and I own the property directly diagonally across from 2121 E 30 Street, Tulsa, 74114. We reside at 3006 South Yorktown Avenue, Tulsa 74114.
The submitted application, in its present form, is unacceptable. In addition to disturbing the overall character of the neighborhood, the application fails to identify the actual height of the wall, its location from curb/set back, and the material to be used in the wall.

If you require a more formal objection, please let us know the form it should take. If the Darbys [the name on the application] can provide the above information, this may help clarify their intent.

Sincerely,
Harold M. Ginzburg/Jenny Boyer
owners and residents of 3006 South Yorktown Avenue, Tulsa
cell number is 504-858-0066 [left over from when I had a business in New Orleans]
HEARING DATE: 05/08/2018 1:00 PM

APPLICANT: Jennifer McCarthy

ACTION REQUESTED: Special Exception to permit a sign mounted onto a pedestrian bridge to be located in the right-of-way/ planned right-of-way of S. Main Street. (Sec.60.020-E)

LOCATION: 1101 S MAIN ST E; 1115 S BOULDER AV W ZONED: CBD

PRESENT USE: CHURCH TRACT SIZE: 6.6 acres

LEGAL DESCRIPTION: ALL BLKS 1 & 2 FRIEND & GILLETTE ADD & PRT BLKS 195 & 202 & VAC ALLEYS & STREETS BEG NEC 50S LT 5 BLK 195 TH SE150 SE80.67 NEC W/2 LT 7 SLY140 S10 E25 S6 E25 24 NEC LT3 SLY90 NE100 SE50 SW410 S TO PT 10E SCCR BLKS W130 N91.8 W30 N390 E30 NWC BLK 1 N6; ALL BLK 3 & VAC ALLEY BTW & VAC 11TH ST & PRT VAC MAIN ST BEG NEC BLK 3 TH W147.06 N40 E177.06 CL MAIN ST S390 W30 N350 POB, FRIEND & GILLETTE ADDN, TULSA-ORIGINAL TOWN

RELEVANT PREVIOUS ACTIONS:

Surrounding Property:

BOA 22060: on 4.26.26, the Board approved variance to permit a 511.5 SF wall sign on the east elevation of the existing building; and a variance to permit a 668.25 SF wall sign on the north elevation of the existing building in the CBD (Sec.60.080)

BOA 22057: on 4.12.16, the Board approved a special exception to permit a ground sign within the Boulder Avenue right-of-way in the CBD district. Located; 1215 S. Boulder Ave. W.

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

Downtown Core is Tulsa's most intense regional center of commerce, housing, culture and entertainment. It is an urban environment of primarily high-density employment and mixed-use residential uses, complemented by regional-scale entertainment, conference, tourism and educational institutions. Downtown core is primarily a pedestrian-oriented area with generous sidewalks shaded by trees, in-town parks, open space, and plazas.

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 located in the CBD and is surrounded by office space, parking, and commercial uses.

**STAFF COMMENTS:**
The applicant is before the Board requesting a **Special Exception** to permit a sign, mounted onto a pedestrian bridge, to be located in the right-of-way/planned right-of-way of S. Main Street. (Sec.60.020-E)

The planned right-of-way width along S. Main St. is 80 ft. total. The minimum setback for the proposed sign is 40 ft. from the center-line of S. Main St. The submitted site plan indicates that the proposed sign extends into the right-of-way/ planned right-of-way. Main St. Per the code, signs are not allowed to project into the right-of-way or planned right-of-way of a public street, unless a license has been granted by the city and a special exception has been approved by the Board of Adjustment (Section 60.020-E).

The Code traditionally prohibits signs in the planned right-of-way to enable future expansion of the right-of-way and to enable adequate provision of public services along a right-of-way. The required license agreement will enable the City to ensure that the proposed sign does not conflict with provision of public services. The City will also ensure the proposed sign does not obstruct existing sidewalks and streets.

**Sample Motion**

Move to ________ (approve/deny) a Special Exception to permit a sign, mounted onto a pedestrian bridge, to be located in the right-of-way/planned right-of-way of S. Main Street. (Sec.60.020-E)

- Per the Conceptual Plan(s) shown on page(s) ______ of the agenda packet.
- Subject to the following conditions (including time limitation, if any): ___________.

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
Action Requested:
Variance to permit a 511.5 square foot wall sign on the east elevation of the existing building; Variance to permit a 668.25 square foot wall sign on the north elevation of the existing building in the CBD District (Section 60.080). LOCATION: 1215 South Boulder Avenue West (CD 4)

Presentation:
Roy Johnsen, 1 West 3rd Street, Suite 1010, Tulsa, OK; stated that he is before the Board today representing Tulsa University. The applicant is requesting to exceed the permitted square footage for a display surface area on the east wall and the north wall of the existing building.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of VAN DE WIELE, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Flanagan absent) to APPROVE the request for a Variance to permit a 511.5 square foot wall sign on the east elevation of the existing building; Variance to permit a 668.25 square foot wall sign on the north elevation of the existing building in the CBD District (Section 60.080), subject to conceptual plan 4.9 for the dimensions for the proposed sign on the east wall, conceptual plan 4.11 for the location for the proposed sign on the east wall, conceptual plan 4.13 for the dimensions for the proposed sign on the north wall, conceptual plan 4.15 for the location for the proposed sign on the north wall. The Board determines 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; for the following property:

LTS 4 THRU 8 BLK 6 FRIEND GILLETTE & ALL LT 1 & PRT LTS 2 & 9 & 10 BLK 2 HORNER & 16 VAC ALLEY ADJ THERETO BEG NEC LT 4 BLK 6 FRIEND GILLETTE TH S135.5 NWLY 277.23 N255.35 E146 S150 E130 POB, HORNER ADDN AMD, FRIEND & GILLETTE ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

22061—Mark Thomas

Action Requested:
Special Exception to permit a gym/health club (Indoor Commercial/Assembly & Entertainment > 250 person capacity) in the CS District (Section 15.020).
LOCATION: 9142 East 31st Street South (CD 7)

Presentation:
Mark Thomas, 3508 East 75th Street, Tulsa, OK; no formal presentation was made but the applicant was available for any questions from the Board.

Mr. Thomas stated that the previous Zoning Code would have allowed this use in the CS District but the new Zoning Code adopted in January has a limitation placed on 250 occupants, and when the 250 is exceeded it requires a Special Exception. This facility will be all indoor and there is adequate parking for the facility because it will be located in an old PriceMart retail center. Half of the existing building is being used for retail and the gym will be in the other half.

Mr. White asked Mr. Thomas if the business was in anyway going to be a club, dance hall, or entertainment facility where alcoholic beverages will be served? Mr. Thomas stated that it would not.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of VAN DE WIELE, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Flanagan absent) to APPROVE the request for a Special Exception to permit a gym/health club (Indoor Commercial/Assembly & Entertainment > 250 person capacity) in the CS District (Section 15.020), and the proposed use will be contained in the existing structure. Finding the Special Exception

04/26/2016-1160 (6)
**Action Requested:**
Special Exception to permit a ground sign within the Boulder Avenue right-of-way in the CBD District (Section 60.020-E). **LOCATION:** 1215 South Boulder Avenue East (CD 4)

**Presentation:**
Lou Reynolds, Eller & Detrich, 2727 East 21st Street, Tulsa, OK; stated he represents the owner of the former Blue Cross Blue Shield building. This building has over 130,000 square feet of rental space and about 55,000 square feet has been leased to the University of Tulsa, Oxley College and Health Sciences, and Hurricane Health Clinic. The sign is proposed to be placed on the northwest corner of the property. This sign will be on the property that is owned by the building and is not in the Boulder right-of-way. The major street and highway plan for the City of Tulsa shows Boulder as being 80 feet wide and Boulder is not 80 feet wide. The Zoning Code requires a Special Exception for signs in the planned right-of-way and it also requires a license agreement which is actually not proper because the City cannot give permission to place a sign on your own property. Mr. Reynolds stated that he spoke with City Legal and negotiated a removal agreement if for some reason the City were to widen Boulder.

**Interested Parties:**
There were no interested parties present.

**Comments and Questions:**
None.

**Board Action:**
On **MOTION** of VAN DE WIELE, the Board voted 5-0-0 (Henke, Flanagan, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to permit a ground sign within the Boulder Avenue right-of-way in the CBD District (Section 60.020-E), subject to conceptual plan 10.10 showing the location of the sign and 10.11. The applicant is to execute a removal license agreement with the City of Tulsa. Finding 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 following property:

LTS 4 THRU 8 BLK 6 FRIEND GILLETTE & ALL LT 1 & PRT LTS 2 & 9 & 10 BLK 2 HORNER & 16 VAC ALLEY ADJ THERETO BEG NEC LT 4 BLK 6 FRIEND GILLETTE TH S135.5 NWLY 277.23 N255.35 E146 S150 E130 POB, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA
Note: Graphic overlays may not precisely align with physical features on the ground.
FUMC Street Bridge Windows

Welcome to the
Cathedral District
SIGN PLAN REVIEW
March 29, 2018

LOD Number: 1059571-1
Sign contractor: DANIEL STEPHENS
PRECISION IMAGE
195 S 122ND E AVE
TULSA
OK, 74128

APPLICATION NO: 443935 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Phone: (918)430-1102
Location: 1115 S BOULDER AV W SIGN
Description: Cathedral District Sign on Pedestrian Bridge

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 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)
Review Comments

Sections referenced below are from the City of Tulsa Zoning Code Title 42 and can be viewed at www.inco.org.

Application No. 443935 1115 S Boulder Av W Sign March 29, 2018

This letter of deficiencies covers Sign Plan Review items only.

For ground, monument, pole & outdoor advertising structure sign applications only, you may receive additional letters from other disciplines such as Water/Sewer/Drainage for additional deficiencies regarding Utility Easement placement which are not addressed in this letter.

1.) Section 60.020 Prohibited Signs and Sign Characteristics

60.020-E Signs located in or that project into the right-of-way or planned right-of-way of a public street, unless a license has been granted by the city and a special exception has been approved by the board of adjustment in accordance with the procedures of Section 70.120.

Review Comments: The proposed Welcome to the Cathedral District Sign appears to be located in the City of Tulsa planned ROW. The planned ROW width along S. Boulder Avenue is 80 feet total. The minimum setback for the proposed ground sign is 40 feet from the C/L of S. Boulder Avenue. This sign projects into the Planned Right-of-Way (R-O-W) of this street and therefore requires a Special Exception from the COT Board of Adjustment (BOA). You may relocate the sign to comply with the minimum setback requirements or contact INCOG @ 918-584-7526 to apply for a special exception to permit a sign mounted onto the pedestrian bridge to be located in the ROW along S. Boulder Avenue.

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 for a Sign Permit 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 and Sign Code Review

Note: This constitutes a plan review to date in response to the submitted information associated with the above referenced application. Additional issues may develop when the review continues upon receipt of additional information requested in this letter or upon additional submittal from the applicant.

Keep our office advised of any action by the City of Tulsa Board of Adjustment or Tulsa Metropolitan Area Planning Commission affecting the status of your application for a City of Tulsa Sign Permit.