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 22, 2018, 1:00 P.M.

Meeting No. 1206

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of Minutes of May 8, 2018 (Meeting No. 1205).

UNFINISHED BUSINESS
None.

NEW APPLICATIONS

2. 22441—Christopher Granados
Modification to a previously approved Special Exception (BOA-21591) to permanently allow a vehicle repair/maintenance use in a CS District (Section 15.020). LOCATION: 11426 East 21st Street South (CD 6)

3. 22442—Amy Peters
Special Exception to allow a Commercial/Assembly & Indoor Entertainment use (large capacity over 250) in a CS District (Section 15.020). LOCATION: 3502 East 51st Street South (CD 9)

4. 22443—Billy Thompson
Special Exception to permit a carport in the street setback (Section 90.090-C.1). LOCATION: 8933 East Oklahoma Street North (CD 3)

5. 22444—Jay Kingsley
Variance to permit a swimming pool to be located within the street setback (Section 5.030-A, Section 90.090-C). LOCATION: 2929 East 56th Place South (CD 9)

6. 22445—Wallace Engineering – Mike Thedford
Variance of the required street setback from South Birmingham Avenue (Section 5-030-A); Variance to permit a retaining wall within the City of Tulsa street right-
of-way (Section 90.090-A). **LOCATION:** 1803 South Birmingham Avenue 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.
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BOARD OF ADJUSTMENT
CASE REPORT

STR: 9417
CZM: 39
CD: 6
A-P#:

HEARING DATE: 05/22/2018 1:00 PM

APPLICANT: Christopher Granados

ACTION REQUESTED: Modification to a previously approved Special Exception (BOA-21591) to permanently allow a vehicle repair/maintenance use in a CS District (Section 15.020).

LOCATION: 11426 E 21 ST S

PRESENT USE: Auto repair shop

ZONED: CS

TRACT SIZE: +11.25 acres

LEGAL DESCRIPTION: LT 1 BLK 1, RICHARD HENRY ADDN, BURRIS SQUARE, LESLIE LEIGH ADDN, BRIANA ANN ADDN RESUB L1 B1 LESLIE LEIGH ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property:
BOA 21591: on 7.23.13 the Board approved a Special Exception to allow for a auto repair shop (Use Unit 17) in a CS district (Section 701) with a 5-year time limit.

BOA 20659; on 4.8.08 the Board approved a Special Exception to permit automobile repair in a CS district with conditions.

BOA 20060; on 6.28.05 the Board approved a Special Exception to permit automotive repair in a CS zoned district with conditions.

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

Town Centers are medium-scale, one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods, and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations.

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 property abuts residentially zoned properties to the east and south; CS zoned tract to the north and west.

STAFF COMMENTS:
The applicant is before the Board requesting a modification to a previously approved Special Exception to permanently allow a vehicle repair/maintenance use in a CS district. As shown on the attached minutes, the Board has consistently approved the special exception to permit an automobile repair shop with time limits at this location. The subject property is already being utilized for vehicle repair and services. No physical alterations to the subject property are proposed with this application.

The site and building currently operate as an automotive repair business under a Special Exception granted by the Board (BOA-21591) with a 5-year time limit that will expire in July 2018. The detached building is within a larger shopping center and is located on the northeast portion of the property.

As the automobile repair use was permitted by special exception the Board may consider utilizing the same criteria – ensuring the proposed modification is consistent with the intent of the original (or previous) approval(s). If inclined to approve the Board may consider any conditions it deems necessary and reasonably related to the request to ensure that the site modification is compatible with the surrounding context. The previous meeting minutes for BOA-21591 are attached for ease of reference pertaining to previous conditions imposed.

Sample Motion

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.

Move to _________ (approve/deny) a Modification to a previously approved Special Exception (BOA-21591) to permanently allow a vehicle repair/maintenance use in a CS District (Section 15.020).
Mr. Henke re-entered the meeting at 2:48 P.M.

21591—Daniel Miranda

Action Requested:
Special Exception to allow for auto repair shop (Use Unit 17) in a CS district (Section 701). Location: 11426 East 21st Street South, Tenant Space: 11682 East 21st Street South, Unit B (CD 6)

Presentation:
Arturo Saldivar, 10860 East 33rd Court, Tulsa, OK, interpreter for Mr. Daniel Miranda; stated Mr. Miranda moved into the unit in March and was not aware that he needed a special exception to have an auto repair shop because he was aware there had been a previous exception granted. He is now before the Board taking the steps necessary to receive a special exception for his auto repair shop.

Mr. Henke asked Ms. Back if this request is for an extension to a previous special exception. Ms. Back stated the previous special exception had expired as stated in the case report, and he is now under violation.

Interested Parties:
Lewis Dillon, 2142 South 117th East Avenue, Tulsa, OK; stated the subject area is unique. The area has transients and drug traffic that the area residents are leary of. The area also has low-income apartments designed for families, and the subject center is the only place children have to safely cross the street. He supports the proposed business and he thinks the neighbors would be happy if the same restrictions that were previously placed on the previous special exception could be maintained.

Rebuttal:
Mr. Saldivar came forward. Mr. White asked Mr. Saldivar if Mr. Miranda could abide by the conditions placed on the previous special exception, and Mr. White read the previous conditions. Mr. Saldivar consulted with Mr. Miranda, and stated that Mr. Miranda could abide by the conditions that were read.

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 Special Exception to allow for auto repair shop (Use Unit 17) in a CS district (Section 701). The legal description covers the entire shopping center and he is going to limit this motion to the physical building located 11682 East 21st Street, Unit B. This approval is subject to a period of five years from today’s date of July 23, 2013. This
approval will be limited to automobile repair only; no outside storage of materials, batteries, parts or pieces; no repair work to be performed outside of the six service bays; no more than six customer vehicles awaiting for repair in the parking lot in front of the business; the applicant is to keep the lot clean of trash and shopping carts; and no illegal disposal of solvents. 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:

LT 1 BLK 1, BURRIS SQUARE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21592—Rodney Pendergrass

Action Requested:
Special Exception to allow a carport in the required front yard setback (Section 210.B.10.g); Variance from the maximum allowed carport size from 20 feet x 20 feet to 30 feet x 24 feet (Section 210.B.10.a); Variance of maximum height from 8 feet to 9 feet at its perimeter (Section 210.B.10.d); Variance from extending 20 feet into the required front yard to 30 feet from the existing principal building (Section 210.B.10.c); Variance from the requirements that all sides of a carport shall be open and unobstructed (Section 210.B.10.e). LOCATION: 547 South Maplewood Avenue East (CD 5)

Presentation:
Rodney Pendergrass, 547 South Maplewood Avenue, Tulsa, OK; stated the President of the homeowner's association has sent him a letter stating there are no by-laws restricting carports, and he has e-mailed a copy of the letter to Carolyn Back. He has planted crepe myrtles on each side of the carport, four plants per side, to help camouflage the carport.

Mr. White stated that he does not recall ever having a carport case come before the Board that has enclosed sides, and he has been on the Board for 16-1/2 years. He is having great difficulty with this case. His first thought when he saw the carport was that it looked like a covered bridge with a garage on one end. The carport is big. Mr. White asked Mr. Pendergrass if he had considered installing a driveway in the rear, since he is located on a corner, and having the carport in the back yard. Mr. Pendergrass stated that his garage is located on the front of his house so he naturally had the carport installed on the front.

After completing construction of the carport Mr. Pendergrass stated that even he thought the carport looked like a big billboard, that is why planted the crepe myrtles to cover the sides and expects that in three years the walls of the carport will not even be seen because of the growth of the crepe myrtles.
Mr. White interjected, noting the wording of the motion was from the previous hearing.

Ms. Stead Withdraw her Motion.

On Motion of White, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Special Exception to modify the maximum permitted height of a fence in the required front yard in an RS-3 district from 4 ft. to 6 ft. (Section 210.B.3), per plan submitted, as shown on page 3.7 of the agenda packet, 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, on the following described property:

LT 8 BLK 2, MODERN HGTS, City of Tulsa, Tulsa County, State of Oklahoma

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**NEW APPLICATIONS**

**Case No. 20559**

**Action Requested:**
Special Exception to permit automobile repair (Use Unit 17) in a CS district (Section 701), located: 11682 East 21st Street.

**Presentation:**
Chanh Thanh Lam, stated his request.

**Comments and Questions:**
Ms. Stead confirmed that he wanted an extension of time for the approval. He stated the lease is for eight years. He obtained a lease in January 2007. He responded to Mr. White that he did not have the conditions to the approval of this use. Mr. Cuthbertson stated the conditions would have been attached to his Zoning Clearance Permit. He added that the original approval and conditions have expired.

**Interested Parties:**
Louis Dillon, 2142 South 117th East Avenue, Tulsa, Oklahoma 74129, pointed out where he lives. He did not have any objection as long as the property is kept up. He mentioned a couple of inoperable vehicles parked at or near the property.

Ms. Stead asked Mr. Lam if he has contracted to fix the inoperable truck. He has not been able to contact the owner of the truck. He planned to put a "lien sale" on the truck.
Board Action:
On Motion of Stead, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Special Exception to permit automobile repair (Use Unit 17) in a CS district (Section 701), with conditions of: approval for a period of five years at the location of 11682-B East 21st Street, pertaining to the automobile repair unit only; no outside storage of materials, batteries, parts or pieces; no repair work outside of the six service bays; no more than six customer vehicles awaiting repair in the parking lot in front of the business; to keep the lot clean of trash and shopping carts; no illegal disposal of solvents; 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, on the following described property:

LT 1 BLK 1, BURRIS SQUARE, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20661
Action Requested:
Special Exception to permit a mini-storage facility (Use Unit 16) in a CS district; a Special Exception to remove the screening requirement for a Use Unit 16 use from an R district to the north and south boundary of the proposed mini-storage facility (Section 212.04); and a Variance of the requirement for frontage on an arterial street for a Use Unit 16 use (Section 1216.C.3), located: 6202 South Sheridan Road.

Presentation:
Lou Reynolds, 2727 East 21st Street, stated the west portion of the property was approved for a traditional mini-storage facility and a parallel building that has been built out for a mini-storage facility. They need a special exception of the screening requirement on the north side of the property for mini-storage. They proposed to build a two-story building. They previously obtained a mutual access easement to Sheridan but they do not have arterial frontage on Sheridan. The site plan is (Exhibit C-1).

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

Comments and Questions:
Mr. Tidwell asked if they still have the mutual access easement, to which Mr. Reynolds replied that they do.

Board Action:
On Motion of White, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE the Special Exception to permit a mini-storage facility (Use Unit 16) in a CS district; a
LT 8 BLK 6, LT 9 BLK 6, BELLVIEW ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20060**

**Action Requested:**
Special Exception for automobile repair in a CS zoned district - SECTION 701 - Use Unit 17, located: 11426 East 21st Street South.

**Presentation:**
Loc Tram, 11682 East 21st Street South, #B, proposed to have an auto repair shop.

**Comments and Questions:**
Mr. Dunham asked about numerous disabled vehicles on the parking lot. Mr. Tram replied they belong to customers that brought their car in and they could not afford to pay for repairs. He applies for Title 42 to do with the vehicle as he chooses. Mr. Dunham inquired about the kind of work he does. Mr. Tram replied he repairs air conditioning, motor rebuilding and electrical jobs. Ms. Stead asked if he operates any type of wrecker service, to which he replied that he does not. In answer to questions from the Board Mr. Tram informed them that he has someone else process Title 42 for him. He stated he would do the best he could to get the abandoned vehicles off the lot. He estimated the abandoned vehicles are on the lot about 60-90 days. He has been running this business for four years. He informed the Board that he applied for the special exception because he received a notice of violation.

**Interested Parties:**
Louis Dillon, 2142 South 117th, submitted photographs (Exhibit B-1). He contested his taxes and they lowered his property taxes because he lived near this business.

Debbie Squires, 13516 E. 39th St., stated she is a property manager for Mr. and Mrs. Earl Sauer, who are out-of-state investors. They are opposed to a zoning change and an auto repair shop.

Rapheal Planos, 5209 South 66th, stated he owns the shopping center across the street and opposed the business. He was concerned about the accumulation of inoperable vehicles.

**Comments and Questions:**
The Board members discussed limiting the number of inoperable vehicles on the lot. Mr. Tram responded that knowing this he would make sure to remove the cars quickly.
Board Action:
On Motion of Paddock, the Board voted 4-0-0 (Dunham, Paddock, Henke, Stead "aye"; no "nays"; no "abstentions"; Stephens "absent") to APPROVE a Special Exception for automobile repair in a CS zoned district - SECTION 701 - Use Unit 17, subject to the following conditions: no outside storage of materials; no repair work outside the six service bays; no more than six customer vehicles awaiting repair, parked on the parking lot in front of the business; to keep the lot clean of trash and shopping carts; and limit this approval to two years, finding it 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, on the following described property:

LT 1 BLK 1, BURRIS SQUARE City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20062
Action Requested:
Special Exception to allow a school related use (Use Unit 5) in an RS-2 district and approval of an amendment to an approved site plan, located: 6410 South Yorktown Avenue.

Presentation:
The applicant was not present. Staff was asked to contact the applicant by phone. The case was moved down on the agenda.

Interested Parties:
There were several parties present.

Case No. 20063
Action Requested:
Variance of the setback for a projecting sign from the required 40 feet to 37 feet (Section 1221.C.6), located: 514 South Boston Avenue.

Presentation:
B. R. Ritzhaupt, 3527 South Trenton, had done some research and was awaiting approval by the Board.

Comments and Questions:
Ms. Stead asked how high the bottom of the sign would be from the sidewalk. Mr. Ritzhaupt estimated 12' above the sidewalk. She suggested it should be higher. Mr. Paddock agreed that it should be higher.
Free-Standing Building on Mall Parcel
Previously approved by BOA for Auto Repair Shop with 5 year time limit.

Larger Strip Mall on Subject Property
Looking southwest towards the front of the subject site on E. 21st St. S.
January 10, 2018

Daniel Miranda
11682 E. 21st ST., #B
Tulsa, OK 74129

RE: Board of Adjustment Case No.: 21591
Address of Property: 11426 E 21 Street S

Hello:

The approved special exception by City of Tulsa Board of Adjustment (BOA) will expire in 2018. The records of your BOA approval are attached; our records indicate you to be the original applicant and/or the property owner.

You are required to apply to the BOA to extend the time limit of the special exception.

To request an extension of the approved special exception please submit a BOA application to INCOG at the office located at 2 West Second Street, Suite 800, in Tulsa, OK 74103. To avoid enforcement action of the Tulsa Zoning Code you are required to go before the Board to request an extension of the approved special exception.

If you have questions feel free to call me at 918-584-7526.

Sincerely,

Nikita D. Moye, AICP
Board of Adjustment Administrator

CC: Ut Van Le & Loi Van Thi
9943 E. 97th Street S.
Tulsa, OK 74113
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BOARD OF ADJUSTMENT
CASE REPORT

STR: 9333
CZM: 47
CD: 9
A-P#: 

HEARING DATE: 05/22/2018 1:00 PM

APPLICANT: Amy Peters

ACTION REQUESTED: Special Exception to allow a Commercial/Assembly & Indoor Entertainment use (large capacity over 250) in a CS district. (Section 15.020)

LOCATION: 3502 E 51 ST S

PRESENT USE: Vacant Commercial Space

LEGAL DESCRIPTION: LT 1 LESS W50 S167.28 & LESS E50 N125 & LESS BEG 272S NWC LT 1 TH E APR 34.81 S APR 3.04 SW127.48 SW220.23 N APR 348.07 POB & LT 3 LESS TR BEG NWC LT 3 TH E209 S174 W35 S5 W25 S50 E60 S43 W209 N272 POB BLK 1, LOU NORTH WOODLAND ACRES 2ND ADDN, ENIX GROVE ADDN, SOUTHERN HILLS MALL ADDN AMD, CRESCENT PARK ADDN, WATERFORD, SOUTHERN HILLS MALL SECOND ADD RSB PT B1 SO HILLS MALL

RELEVANT PREVIOUS ACTIONS: None Relevant.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a “Town Center” 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.

Town Centers are medium-scale, one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods, and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations.

ANALYSIS OF SURROUNDING AREA: The subject property abuts E. 51st St. S. to the north; S. Harvard Avenue to the west; a residential multi-family use to the south; and a mix of commercial and residential to the east.
STAFF COMMENTS:
The applicant is before the Board requesting a special exception to permit a event center/indoor trampoline park (Indoor Assembly & Entertainment greater than 250 persons capacity) in the CS district.

The applicant is proposing to convert a portion of the existing, now vacant grocery store, shown on the attached site plans and photos into an event center/indoor trampoline park. A special exception is required due to the potential adverse affects of the proposed Indoor Assembly & Entertainment use in the CS district; however if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted.

Sample Motion

Move to ________ (approve/deny) a Special Exception to allow a Commercial/Assembly & Indoor Entertainment use (large capacity over 250) in a CS district. (Section 15.020)

- 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.
Looking southwest—towards front of site—on subject lot

Looking east—towards the larger commercial complex—on subject lot
Looking west – towards the larger commercial complex on subject lot
URBAN AIR ADVENTURE PARK #176 TULSA

3328 EAST 51ST STREET, TULSA, OK 74135

ISSUE FOR PERMIT 03.02.18

PARTITION TYPE NOTES

1. PARTITION TYPE NOTES:
   - PARTITION TYPE: 
     - RATED (HR) U.L. DESIGN NO. 494
   - PARTITION TYPE: 
     - NON-RATED
   - PARTITION TYPE: 
     - RATED (HR) U.L. DESIGN NO. 495

STANDARD DEMOLITION GENERAL NOTES

1. STANDARD DEMOLITION GENERAL NOTES:
   - SECTION D: DEMOLITION SPECIFICATIONS
   - SECTION E: DEMOLITION DRAWINGS
   - SECTION F: DEMOLITION CONTRACTS
   - SECTION G: DEMOLITION PROJECTS
   - SECTION H: DEMOLITION ENGINEERING

2. DEMOLITION SPECIFICATIONS:
   - URBAN AIR CORPORATE GENERAL NOTES
   - URBAN AIR CORP. GENERAL SPECIFICATIONS
   - URBAN AIR ADVENTURE PARK

3. DEMOLITION DRAWINGS:
   - URBAN AIR CORPORATE GENERAL NOTES
   - URBAN AIR ADVENTURE PARK

4. DEMOLITION CONTRACTS:
   - URBAN AIR CORPORATE GENERAL NOTES
   - URBAN AIR ADVENTURE PARK

5. DEMOLITION PROJECTS:
   - URBAN AIR CORPORATE GENERAL NOTES
   - URBAN AIR ADVENTURE PARK

6. DEMOLITION ENGINEERING:
   - URBAN AIR CORPORATE GENERAL NOTES
   - URBAN AIR ADVENTURE PARK

7. DEMOLITION CODE :
   - URBAN AIR CORPORATE GENERAL NOTES
   - URBAN AIR ADVENTURE PARK

8. DEMOLITION PERMITS :
   - URBAN AIR CORPORATE GENERAL NOTES
   - URBAN AIR ADVENTURE PARK

9. DEMOLITION INSURANCE :
   - URBAN AIR CORPORATE GENERAL NOTES
   - URBAN AIR ADVENTURE PARK

10. DEMOLITION SAFETY :
    - URBAN AIR CORPORATE GENERAL NOTES
     - URBAN AIR ADVENTURE PARK

11. DEMOLITION REGULATIONS :
    - URBAN AIR CORPORATE GENERAL NOTES
     - URBAN AIR ADVENTURE PARK

12. DEMOLITION SPECIFICATIONS :
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15. DEMOLITION PROJECTS :
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16. DEMOLITION ENGINEERING :
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17. DEMOLITION CODE :
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     - URBAN AIR ADVENTURE PARK

18. DEMOLITION PERMITS :
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     - URBAN AIR ADVENTURE PARK

19. DEMOLITION INSURANCE :
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20. DEMOLITION SAFETY :
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     - URBAN AIR ADVENTURE PARK

21. DEMOLITION REGULATIONS :
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     - URBAN AIR ADVENTURE PARK

22. DEMOLITION SPECIFICATIONS :
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     - URBAN AIR ADVENTURE PARK

23. DEMOLITION DRAWINGS :
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24. DEMOLITION CONTRACTS :
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     - URBAN AIR ADVENTURE PARK

29. DEMOLITION INSURANCE :
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     - URBAN AIR ADVENTURE PARK

30. DEMOLITION SAFETY :
    - URBAN AIR CORPORATE GENERAL NOTES
     - URBAN AIR ADVENTURE PARK

31. DEMOLITION REGULATIONS :
    - URBAN AIR CORPORATE GENERAL NOTES
     - URBAN AIR ADVENTURE PARK
CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER
TEL (918)596-9688
c Lange@cityoftulsa.org

DEVELOPMENT SERVICES
175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1059243-1

DARRYL EVANS
NOVE STUDIOS
5050 QUORUM RD STE 150
DALLAS, TX 75254

APPLICATION NO: 443739 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: 3328 E 051 ST S
Description: ALTERATION - INTERIOR

PHONE: (214)814-1178

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
(TMPC) 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" [X IIS [ IIS 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)
Note: Please direct all questions concerning special exceptions 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.

Se.15.020 Table 15-2: Your proposed event center is designated a Commercial/Assembly & Entertainment/Indoor (large > 250 person capacity) Use and is located in a CS zoning district. This will require a special exception reviewed and approved per Sec.70.120.

Review comment: Submit a copy of the special exception, reviewed and approved per Sec.70.120, to allow a Commercial/Assembly & Entertainment/Indoor (large > 250 person capacity) Use in a CS zoning district

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: 222  Case Number: BOA-22443
CZM: 30
CD: 3
A-P#:

HEARING DATE: 05/22/2018 1:00 PM

APPLICANT: Billy Thompson

ACTION REQUESTED: Special Exception to permit a carport in the street setback. (Sec. 90.090-C.1)

LOCATION: 8933 E OKLAHOMA ST N  ZONED: RS-3

PRESENT USE: residential  TRACT SIZE: 7949.73 SQ FT

LEGAL DESCRIPTION: LOT 20 BLK 3, VAN ACRES ADDN AMD

RELEVANT PREVIOUS ACTIONS:
None relevant.

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 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.

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.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by RS-3 zoned residential uses on all sides.

STAFF COMMENTS:
The applicant is requesting a Special Exception to permit a carport in the street setback. (Sec. 90.090-C.1).
As shown on the attached pictures the applicant is proposing an 18' x 20' carport within the required 25 ft. street (front) setback of the site. Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception:

- A carport may be a detached accessory building or an integral part of the principal building.

- The area of a carport may not exceed 20 feet in length by 20 feet in width. A detached carport may not exceed 8 feet in height at its perimeter or 18 feet in height at its highest point. A carport erected as an integral part of the principal building may not exceed 8 feet in height within 10 feet of a side lot line or 18 feet at its highest point.

- The carport structure must be setback from side lot lines by a minimum distance of 5 feet or the depth of the principal building setback, whichever is a greater distance from the side lot line.

- The carport structure may project into the required street setback by a maximum distance of 20 feet. This distance must be measured from the required street setback line or the exterior building wall of the principal building, whichever results in the least obstruction of the street setback.

- All sides of a carport that are within the required street setback must be open and unobstructed, except for support columns, which may not obstruct more than 15% of the area of any side.

- The entire area under a carport may be used only for storage of operable, licensed motor vehicles (i.e., cars, boats, pickup trucks, vans, sport utility vehicles), which are customarily accessory to the dwelling. No other use of the carport area is allowed.

The Code's street setback requirement for carports is intended to ensure that carports located within the street setback are compatible with a minimum desired residential character found in the neighborhood and do not hinder transparency for other vehicles.

**Sample Motion**

Move to ________ (approve/deny) a Special Exception to permit a carport in the street setback. (Sec. 90.090-C.1)

- 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.
Subject Tract

BOA-22443

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

Aerial Photo Date: February 2016
Looking east–on E. Oklahoma St.

Looking west–on E. Oklahoma St.
Looking north – towards site – on E. Oklahoma St.
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.

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Special exception approval required; see §90.090-C1.

1. Sec.90.090-C.1 Carports: Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures of Section 70.120. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception process:

   a. A carport may be a detached accessory building or an integral part of the principal building.

   b. The area of a carport may not exceed 20 feet in length by 20 feet in width.

   c. A detached carport may not exceed 8 feet in height at its perimeter or 18 feet in height at its highest point. A carport erected as an integral part of the principal building may not exceed 8 feet in height within 10 feet of a side lot line or 18 feet at its highest point.

   d. The carport structure must be setback from side lot lines by a minimum distance of 5 feet or the depth of the principal building setback, whichever is a greater distance from the side lot line.

   e. The carport structure may project into the required street setback by a maximum distance of 20 feet. This distance must be measured from the required street setback line or the exterior building wall of the principal building, whichever results in the least obstruction of the street setback.

   f. All sides of a carport that are within the required street setback must be open and unobstructed, except for support columns, which may not obstruct more than 15% of the area of any side.

   g. The entire area under a carport may be used only for storage of operable, licensed motor vehicles (i.e., cars, boats, pickup trucks, vans, sport utility vehicles), which are customarily accessory to the dwelling. No other use of the carport area is allowed.

Review comment: The proposed carport is located in the street setback area and requires special exception granted by the BOA. Please contact an INCOG representative at 918-584-7526 for further assistance. Please note: the regulations underlined above must be addressed as part of the special exception process as the...
proposed structure is not in compliance with said regulations as submitted. If approved, submit a copy of the approved special exception as a revision to your application.

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.
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BOARD OF ADJUSTMENT
CASE REPORT

STR: 9332
CZM: 47
CD: 9
A-P#:

HEARING DATE: 05/22/2018 1:00 PM

APPLICANT: Jay Kingsley

ACTION REQUESTED: Variance to permit a swimming pool to be located within the street setback (Sec. 5.030-A, Sec. 90.090-C)

LOCATION: 2929 E 56 PL S

ZONED: RS-2

PRESENT USE: residential

TRACT SIZE: 12601.96 SQ FT

LEGAL DESCRIPTION: LT 10 BLK 2, FAIRWAY ESTATES THIRD ADDN

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties: BOA 22101: on 6.28.16, the Board approved a Variance to reduce the required rear (street) setback to permit construction of a swimming pool (Section 90.090-C). Located; property immediately to the west 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.

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ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by single-family residential uses to the south, east and west; a Junior High School abuts the site on the north.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance to permit a swimming pool to be located within the street setback (Sec. 5.030-A, Sec. 90.090-C)

Per the code, rear setbacks are measured from the rear lot line, except on double-frontage lots. On double-frontage lots, street setbacks apply from all property lines that abut streets (Section 90.090-A.3). Because of this requirement, the proposed swimming pool will be located within the street yard setback of E. 56th St. S. The RS-2 district requires that a swimming pool meet the 30 ft. street setback in an attempt to establish and preserve development intensity and a uniform development pattern within the district.

If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed use and future development of the subject property is compatible with and non-injurious to the surrounding area.

Sample Motion

Move to ________ (approve/deny) a Variance to permit a swimming pool to be located within the street setback (Sec. 5.030-A, Sec. 90.090-C)

- 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.”
Mr. Van De Wiele would like to see the one tree kept and have the applicant come back with a detailed site plan showing the landscaping, including the subject tree, and others. It sounds like the church is agreeable to a construction time frame as to when the trees would or would not be removed. Churches and church parking lots in the middle of neighborhoods are compatible with the Zoning Code. Mr. Van De Wiele appreciates Ms. Harmon's honesty and he thinks the Board could reach an approval but he would like to see a more detailed landscape plan incorporating as many of the mature trees as possible.

Mr. Bond stated that it sounds like there is good faith on both sides and a willingness to work together. The best chance to protect the trees is for the church to work with the community. He would like to see the good faith effort put together to work out a plan and reach a compromise that benefit everyone for years to come.

**Board Action:**
On **MOTION** of **BOND**, the Board voted 5-0-0 (Bond, Flanagan, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the request for a Special Exception to allow a religious assembly use in the RS-3 District to permit the expansion of a parking area for an existing church (Section 55.080-D) to the Board of Adjustment meeting on July 26, 2016. The Board requests the applicant bring a detailed landscape plan to this meeting; for the following property:

**E90 S140 N165 W485 BLK 10; W 90 OF S 140 OF N 165 OF W 180 OF E 485BLK 10, 36TH STREET SUBURB, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**22101—Heather Earnhart**

**Action Requested:**
**Variance** to reduce the required rear (street) setback to permit construction of a swimming pool (Section 90.090-C). **LOCATION:** 2921 East 56th Place South (CD 9)

Mr. Van De Wiele recused himself and left the meeting at 3:21 P.M.

**Presentation:**
**Heather Earnhart**, 2929 East 56th Place, Tulsa, OK; stated she has lived there for 15 years and she purchased the house next door. She and her husband are completely renovating 2921 East 56th Place and adding a three car garage. They would also like to add a swimming pool. In December 2015 they were measuring 25 feet from the center of the street for the setback, and now the pool permit was denied because the setback is now 30 feet from the building line not the center of the street. They would like to have a diving pool and not just a wading pool.
Mr. White asked Ms. Earnhart if there were any utilities on the 56th Street side that might be a problem. Ms. Earnhart stated that she has had OKIE locate all utilities and they have been rerouted as needed for the garage, and the pool decking will start on the other side of the sewer line which misses that by 11 feet.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of FLANAGAN, the Board voted 4-0-1 (Bond, Flanagan, Snyder, White "aye"; no "nays"; Van De Wiele "abstaining"; none absent) to APPROVE the request for a Variance to reduce the required rear (street) setback to permit construction of a swimming pool (Section 90.090-C), subject to conceptual plan 15.11, Exhibit C. The setback will be from 30 feet to 11 feet. 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:

LT 11 BLK 2, FAIRWAY ESTATES THIRD ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Mr. Van De Wiele re-entered the meeting at 3:29 P.M.
Subiect Tract BOA-22444

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

Aerial Photo Date: February 2016
Subject Tract

BOA-22444

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

Aerial Photo Date: February 2016

5.8
Looking east— along E. 56th St. S.— subject site to the south

Looking south— toward subject site on E. 56th St. S.
Looking west—along E. 56th St. S.—subject site to the south
ZONING CLEARANCE PLAN REVIEW

April 18, 2018

Phone: (918)743-3472

JAY KINGSLEY
POOLS PLUS
P O BOX 14136
TULSA, OK 74159

APPLICATION NO: 444643 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 2929 E 056 PL S
Description: NEW

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

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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.

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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. 444643

2929 E 056 PL S

April 18, 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 Table of Regulations
The lot and building regulations of Table 5-3 apply to all principal uses and structures in R districts, except as otherwise expressly stated in this zoning code. General exceptions to these regulations and rules for measuring compliance can be found in Chapter 90.

Review comments: Your lot is zoned RS-2 and you have a street setback required from the front and rear of this lot due to streets. The required rear street setback is 30'. Revise your plans to indicate a 30' rear setback or apply to the City of Tulsa Board of Adjustment (BOA) for a Variance to reduce the required rear street 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

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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 ZONING CLEARANCE PERMIT.
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9308
CZM: 37
CD: 4
A-P#: Case Number: BOA-22445

HEARING DATE: 05/22/2018 1:00 PM

APPLICANT: Mike Thedford

ACTION REQUESTED: Variance of the required street setback from S Birmingham Ave (Sec. 5-030-A); Variance to permit a retaining wall within the City of Tulsa street right-of-way (Sec. 90.090-A)

LOCATION: 1803 S BIRMINGHAM AV E

PRESENT USE: Residential

LEGAL DESCRIPTION: LT 9 BLK 2, BARNARD VIEW ADDN EXT, BARNARD VIEW ADDN

ZONED: RS-3
TRACT SIZE: 8520.37 SQ FT

RELEVANT PREVIOUS ACTIONS:
Surrounding Properties:

BOA 14025: on 4.17.86, the Board approved a variance of the required 50 feet setback from the centerline of South Atlanta Avenue to 30.10 feet to reconstruct a garage in a RS-3 zoned district. Located; northeast corner of East 19th Street South and South.

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 is surrounded by RS-3 zoned single-family residences.
STAFF COMMENTS:
The applicant is proposing to replace the existing sidewalk and add a retaining wall and stairs. The applicant has stated that the proposed changes are to "properly address the grade change on site for improved access to the existing residence." As shown on the site plan, the proposed retaining wall appears to be completely within the City of Tulsa right-of-way.

The Code (Section 90.090-A) states unless otherwise expressly stated that no part of any structure may be located within the right-of-way or planned right-of-way of a street shown on the Major Street and Highway Plan. To permit the retaining wall as proposed, the applicant has requested a Variance to allow the structure within the right-of-way along S. Birmingham Ave.

The required street setback along S. Birmingham Ave. is 25 ft. To permit the retaining wall as shown, the applicant has requested a Variance to reduce the street setback along S. Birmingham Ave.

The Code traditionally prohibits structures 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. If inclined to approve staff request that the Board require the owner to obtain a removal agreement from the City to permit the structures in the planned right-of-way.

Sample Motion

Move to ______ (approve/deny) Variance of the required street setback from S Birmingham Ave (Sec. 5-030-A); Variance to permit a retaining wall within the City of Tulsa street 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

6.3
REVISED 9/15/2018
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. 14024 (continued)
Lot 6, Block 11, Fairhill 2nd Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14025

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the required 50' setback from the centerline of Atlanta Avenue to 30.10' to reconstruct a garage that was previously non-conforming, located on the NW/c of 19th Street and Atlanta Avenue.

Presentation:
The applicant, James Titus, 2503 East 19th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit L-1) and asked the Board to allow him to build a garage which will replace an old garage that has been demolished.

Comments and Questions:
Ms. White asked the applicant if the garage will line up with the garage to the north and he replied that it does line up with the others on the street.

Ms. Wilson asked Mr. Titus to state the size of the proposed garage and he replied that it will be 24' by 24'.

Board Action:
On MOTION of WILSON, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no, "abstentions"; Clugston, "abstent") to APPROVE a Variance (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the required 50' setback from the centerline of Atlanta Avenue to 30.10' to reconstruct a garage that was previously non-conforming; per plot plan submitted; finding that the garage will align with the existing house; and finding a hardship imposed on the applicant by the corner location, with setbacks from 2 streets, and the narrow shape of the lot; on the following described property:

Lot 11, Block 6, Lewiston Gardens Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14026

Action Requested:
Minor Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of the required 50' setback from 26th Place North to 40', located on the SW/c of 26th Place North and Quaker Street.
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2016

BOA-22445

19-13 08
BOA-22445

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

Aerial Photo Date: February 2016
1 - PARTIAL SITE PLAN

1/8" = 1'-0"
Date 10.24.17 Sheet No. 31-3 of 5
Job 803 S. BIRMINGHAM
Subject STAIR

Stair

1/2" exp. joint w/ backer rod and silicone sealant

5' slab

Epoxy coated #5 esi. wrap 12" drill and powder 6" into side walls, lapped 24" at midspan of slabs

4000 psi conc. w/ 6% air - entrench and grade co

Repair - no repair below 9" slab

No repair here

1

\[
\text{Scale: } 1'' = 1'-0''
\]
4.1: Conc. Sub. by Epoxy coated #4 Rebar
C 14" OC. Exp. Way Over 4" OD PT.
Type 12 Aggregate compacted to
95% Proctor over compacted sub-
grade (95% Proctor).

3/4" Radius Toused 2X65

1/4" Radius Toused Crack
Control Joints - Typical

2 Sub Control Joint
1" = 1'-0"

4,000 psi Conc. W/6% Air: Entrainment
Grade 60 - Epoxy Coated Rebar
APPLICATION FOR LICENSE AGREEMENT TO CONSTRUCT AND MAINTAIN PRIVATE IMPROVEMENTS UPON PUBLIC WAY

APPLICANT NAME AND ADDRESS
(This person will receive a copy of the filed agreement.)

Robert William Wallace

ADDRESS OF THE PUBLIC WAY

1803 South Birmingham Ave., Tulsa, OK 74104-5813

NAME OF CONTACT PERSON (IF OTHER THAN PROPERTY OWNER)

Thomas William Wallace, P.E.

ADDRESS AND LEGAL DESCRIPTION OF THE PUBLIC WAY TO BE OCCUPIED.

Lot Nine (9), Block Two (2), Barnard View Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat No. 1116, and known as 1803 South Birmingham Avenue.

Explanation of purpose or need to occupy Public Way (relate to Criteria for Consideration).

The side yard and main entrance to the residence is and always has been bermed approximately 3'-0" above curb level. The original walkway from the street to the entry porch of the house was uneven and broken sandstone that was excessively sloped with two 9" tall steps within the Right-of-Way. To correct this problem, the existing grade with the berm slope by the curb requires more steps and a less steeply sloped sidewalk from the curb to the house be located within the R.O.W. This condition would be similar to several other properties in the immediate neighborhood with steps and/or retaining walls in the R.O.W. There are no buried utilities in the R.O.W. where the construction is proposed.

Type of improvement requested for License Agreement

We request that we be allowed to add a 4'-0" wide concrete sidewalk, concrete steps and two 3'-8" tall concrete retaining walls on each side of new concrete steps in the Right-of-Way. We request that we be allowed to add a 28'-0" long by 4'-0" wide concrete sidewalk at the bottom of the steps and adjacent to the curb to provide a place to safely get out of vehicles without stepping onto a steeply sloped grade. We request that we be allowed to provide a planter between the sidewalk at the curb and the retaining walls, to landscape and beautify the front of the retaining walls.

Plat of Survey or representative sketch or drawing has been attached delineating the described request showing all data pertinent to the property e.g. distance bearings and encroachments.

Submitted by:

OWNER SIGNATURE

PERSON SUBMITTING ON BEHALF OF OWNER BY (SIGNATURE)

DATE OF APPLICATION
February 20, 2018

TELEPHONE NUMBER
918-640-6645

TELEPHONE NUMBER
918-629-1820

EMAIL twallace@wallacesc.com

Revised 11/13
ZONING CLEARANCE PLAN REVIEW

LOD Number: 1058271-1

Robert William Wallace
Homeowner
1803 S Birmingham Av
Tulsa, OK 74104

Application No: 443338 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: 1803 S Birmingham Av E
Description: New

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.incoq.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” [jis [x] JIS 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. 443338 1803 S BIRMINGHAM AV E April 05, 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 : Setback(s) (Residential): You are proposing to construct in a Right-of-Way (ROW). Required setback from the center of Birmingham st is 25’. Structures are required to be located on your lot outside the ROW.

Step # 1
Review Comments: This structure is completely in the (R-O-W) and therefore requires a City of Tulsa R-O-W license and removal agreement. Relocate the structure to comply with the minimum setback requirements or contact Chris Kovac @ 918-596-9649 for information on acquiring a R-O-W license and removal agreement.

Step # 2
Review comment: Revise your site plan showing the structure to be located out of the right of way or you may pursue a variance from INCOG (Indian Nation Council of Government) BOA to permit a structure in the City of Tulsa right of way.

Step# 3
Submit the approved R-O-W license removal agreement and the BOA variance approval documents to the City Of Tulsa permit center as a revision to your application.

Note: A Right Of Way (ROW) construction permit will be required after your applications for the ROW license and removal agreement and the BOA variance are approved.

Right Of Way (ROW) construction permits contact: Jerry Daily at 918-596-9630
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.