AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, April 23, 2019, 1:00 P.M.

Meeting No. 1227

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of Minutes of April 9, 2019 (Meeting No. 1226).

UNFINISHED BUSINESS

2. **22610—AAB Engineering, LLC**
   Special Exception to allow duplexes in an RS-3 District (Table 5-2.5).
   **LOCATION:** NW/c of East 13th Street South & South Delaware Avenue East (CD 4)

NEW APPLICATIONS

3. **22614—Teresa Knox**
   Special Exception to permit a projecting sign to be located within the City of Tulsa planned street right-of-way (Section 60.020-E).
   **LOCATION:** 1529 East 3rd Street South (CD 4)

4. **22616—Sequoyah Industrial Group – Gabe Palacios**
   Special Exception to allow an Industrial/High-Impact Manufacturing and Industry/High-Impact Medical Marijuana Processing Facility in the IM District (Section 15.020).
   **LOCATION:** 1202 South Sheridan Road East (CD 5)

5. **22617—Jarrett Metzler**
   Variance to allow a detached accessory structure to exceed 500 square feet or 40% of the of the floor area of the principal structure (Section 45.030-A); Variance to permit an accessory building to exceed 30% coverage of the floor area in the rear setback (Section 90.090-C-2); Variance to allow an accessory structure to exceed 10 feet in height to the top of the top plate (Section 90.090-C.2).
   **LOCATION:** 7431 East 7th Street South (CD 3)
6. **22618—Charlie Smith**  
   Special Exception to exceed the allowable driveway width within the right-of-way and within the street setback (Section 55.090-F.3). **LOCATION:** 3003 South Boston Place East  (CD 9)

7. **22619—Christian Harvell**  
   Variance to reduce the minimum ground floor ceiling height requirement (Table 10-4); Variance to reduce the minimum ground floor window transparency requirement (Table 10-4). **LOCATION:** TENANT SPACE – 1121 South Lewis Avenue East  (CD 4)

8. **22620—KKT Architects – Nicole Watts**  
   Variance to permit a dynamic display sign to be located within 200 feet of a residential development area (Section 60.100-F). **LOCATION:** 8418 South 107th Avenue East  (CD 7)

9. **22621—KKT Architects – Nicole Watts**  
   Special Exception to allow a dynamic display sign to be located in an RS-3 District (Section 60.050-B); Modification of a previously approved site plan (BOA-17832). **LOCATION:** 3656 South 103rd East Avenue  (CD 7)

10. **22622—KKT Architects – Nicole Watts**  
    Special Exception to allow a dynamic display sign to be located in an AG District (Section 60.050-B); Modification of a previously approved site plan (BOA-15374). **LOCATION:** 9015 East 79th Street South  (CD 5)

11. **22623—KKT Architects – Nicole Watts**  
    Special Exception to allow a dynamic display sign to be located in an RS-3 District (Section 60.050-B); Modification of a previously approved site plan (BOA-20954-A). **LOCATION:** 10202 East 62nd Street South  (CD 7)

12. **22624—AAB Engineering, LLC – Krista Ann Bendana**  
    Special Exception to allow a fence to exceed 4 feet in height within the required street setback (Section 45.080). **LOCATION:** 1809 East 41st Street South  (CD 9)

13. **22625—Mark Capron**  
    Modification of a previously approved site plan (BOA-15854 & BOA-16838). **LOCATION:** 4825 East 36th Street South  (CD 9)
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 Tulsa Planning Office @ (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 Tulsa Planning Office, 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 Tulsa Planning Office at (918) 584-7526 if you require an official posted agenda.
HEARING DATE: 04/23/2019 1:00 PM (continued from 4/09/19)

APPLICANT: Alan Betchan

ACTION REQUESTED: Special Exception to allow duplexes in an RS-3 District (Table 5-2.5); Variance to allow a detached accessory structure to exceed 500 sq. ft. or 40% of the floor area of the principal structure (Sec. 45.030-B)

LOCATION: NW/c of E. 13th St. S. & S. Delaware Ave. ZONED: RS-3

PRESENT USE: vacant TRACT SIZE: ±42,700 sq. ft.

LEGAL DESCRIPTION: LTS 13 THRU 18 BLK 2, HI-POINTE ADDN

RELEVANT PREVIOUS ACTIONS:

Surrounding Area:
BOA-15652; on 2.12.91, the Board approved, per plans submitted, a Variance of the required 55 feet setback from the centerline of South Delaware Avenue to 28 feet to permit the enclosure of an existing canopy and erection of a new canopy for the existing church use. Located; 2744 E. 12th St.

BOA-4412; on 1.13.65, the Board approved an addition for church and parking uses. Located; Lt 20 & 21, Blk 2, Hi Pointe Addition (immediately north of the subject site)

BOA-3463; on 8.10.60, the Board approved a church use and off-street parking. Located; SE/c and SW/c of S. Columbia Pl. & E. 12th St. S.

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 surrounded by RS-3 zoned lots on all sides.

STAFF COMMENTS:

The applicant's request is for a portion of the overall parcel. The applicant is before the Board requesting a Special Exception to allow duplexes on the subject site. Per the Code, a duplex is defined as a principal residential building occupied by 2 dwelling units, both of which are located on a single lot that is not occupied by other principal residential buildings. The two dwelling units are attached and may be located on separate floors or side-by-side. A duplex use is permitted by special exception only in the RS-3 district.

The applicant has stated that the Variance to allow a detached accessory structure to exceed 500 sq. ft. or 40% of the floor area of the principal structure (Sec. 45.030-B) is not part of the current request sought by the applicant.

Sample Motion

Move to ______ (approve/deny) a Special Exception to allow duplexes in an RS-3 District (Table 5-2.5)

- 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.
Case No. 15652

Action Requested:
Variance of the required setback, as measured from the centerline of South Delaware, from 55' to 28' to permit the enclosure of an existing canopy and the erection of a new canopy - Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 5, located at 2744 East 12th Street.

Presentation:
The applicant, Jim Graber, 5200 South Harvard, Suite 5-E, Tulsa, Oklahoma, architect for the project, submitted a plot plan (Exhibit J-1) and photographs (Exhibit J-2). He explained that the church, which was initially constructed closer to the street than current Code requirements permit, is proposing to enclose the existing canopy and construct an extension along the building to the parking lot. Mr. Graber pointed out that the new construction will not extend closer to the street than the existing canopy.

Comments and Questions:
Mr. Fuller asked if the entire length of the canopy will be enclosed, and Mr. Graber stated that only the existing portion will be enclosed.

Board Action:
On MOTION of FULLER, the Board voted 4-0-0 (Boizle, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to APPROVE a Variance of the required setback, as measured from the centerline of South Delaware, from 55' to 28' to permit the enclosure of an existing canopy and the erection of a new canopy to the south - Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 5; per plot plan submitted; finding that the new construction will not extend closer to the street than the existing canopy, and the approval of the variance request will not violate the spirit, purposes or intent of the Code; on the following described property:

Lots 22, 23 and 24, Block 2, Hi Pointe Addition, City of Tulsa, Tulsa County, Oklahoma.

PRESENT: Cohen, Chairman; Ingle; Avery; Sublett.

This being the date set down for public hearing on the application of the First Church of the Nazarene for permission to use Lots 20 & 21, Block 2, Hi Point Addition for church and parking purposes. There appeared Mr. L. A. Ogden on behalf of the applicant. No protest was offered.

MOVED by Ingle (Avery) that this application be approved.
All members voting yea. Carried.

This being the date set down for public hearing on the application of Mrs. W. J. Smith, after having filed an 58% plus petition of an affected area created by the Board, for permission to operate a home beauty shop on Lot 26, Block 7, Rosewood Addition. No one appeared in behalf of the applicant. No protest was offered.

MOVED by Avery (Sublett) that this application be approved.
All members voting yea. Carried.

This being the date set down for public hearing on the application of Oral Roberts University for permission to establish off-street parking on Lots 13, 14, 15, 16, Block 4, Lavelle Heights Addition for the University. There appeared Mr. H. B. Sisemore on behalf of the applicant. No protest was offered.

MOVED by Avery (Sublett) that this application be approved.
All members voting yea. Carried.

This being the date set down for public hearing on the application of the Red Fork Church of God for permission to expand church and request for a modification of rear yard requirements on Lots 13, 14, 15, 16, Block 12, Yargee Addition. There appeared Mr. W. H. Wolaver on behalf of the applicant. No protest was offered.
This being the date set down for public hearing on the application of the Tulsa Baptist Temple, Inc. for permission to use Lots 3, 4, 22, Block 1, Hi Point Addition for church purposes and permission to use Lot 4, Block 2, Hi Point Addition for off-street parking.

There appeared C. B. Butcher on behalf of the church. There also appeared several protestants.

Mr. C. B. Butcher stated to the Board that the Church was following through on a long range plan that was presented to the Board several years ago.

The protestants stated they were not against the church that their main objection was that the church did not maintain the parking lot they had now.

After considerable discussion it was,

MOVED by Norman (Shaull) that the Board approve Lots 3, 4, and 22, Block 1, Hi Point Addition for church use only and approve Lot 4, Block 2, Hi Point Addition for off-street parking subject to the church providing a permanent surface of the lot and a decorative fence at least five feet high on the south and east line of the lot.

All members voting yea. Carried.

This being the date set down for public hearing on the application of Dorothy Cookery for permission to operate a beauty shop in home on Lot 1, Block 2, Northridge Addition. Dorothy Cookery having filed a petition of 100% of an affected area created by the Board. No protest was offered.

MOVED by Avery (Shuall) that this application be granted.

All members voting yea. Carried.

This being the date set down for public hearing on the application of Austin Barnes for permission to operate a beauty shop in home on Lot 1, Block 1, Valley View Acres Addition. Austin Barnes filed a petition of 100% of an affected area created by the Board. No protest was offered.

MOVED by Avery (Shaull) that this application be granted.

All members voting yea. Carried.

This being the date set down for public hearing on the application of Joe Schuman requesting a modification of 150 feet set-back requirement in a U-4-A District on Lots 1 through 5, inclusive, Block 1, Utica Heights Addition. There being no protest it was,
BOA-22610

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

Aerial Photo Date: February 2018
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

BOA-22610

19-13 08
13th Street Duplexes
Looking northwest—towards the subject site—on E. 13th St. S.

Looking northeast—towards the subject site—on E. 13th St. S.
Looking south- towards the subject site— along S. Delaware Ave.
Looking north towards the subject site along S. Delaware Ave.
REQUEST FOR WAIVER OF LETTER OF DEFICIENCY REQUIREMENT

If the Board staff waives the requirement that an LOD accompany an application to the Board, the Applicant is responsible for requesting all necessary relief and for citing the sections of the Zoning Code pertinent to the relief sought. (The waiver of the requirement that an LOD accompany an application to the Board shall not be considered a waiver of the necessity to apply for a building permit or a zoning clearance permit, as may be required by the particular proposed use or construction.) In the event that the applicant does not request all necessary relief, additional BOA action may be required resulting in significant delays during the building permit process.

I hereby certify that I have read and understand the above requirements and that I request that the LOD requirement be waived for the subject property in case number: ____________

[Signature]

Applicant's Signature

[Date]

3-5-2019

Approved by: ________________________________
The original homes in the Renaissance Neighborhood date from about 1925 through the 1930’s. Architectural styles include art deco, Tudor revival, arts & crafts bungalow and many locally termed ‘gingerbreads’. Most have detached garages in the rear of the property.
These are examples of duplexes, garages, and rear structures, which are among the character of the neighborhood that were built in existing in the Renaissance.
character with our neighborhood.
would actively oppose as being out of
construction that RNA residents and board
These duplexes are examples of new
This is an example of a new single-family home built in the Renaissance Neighborhood that blends in a bit more with the existing homes. Lot size here is equivalent to the six empty lots at 13th & Delaware.
April 9, 2019

Board of Adjustment
2 West 2nd Street, Suite 800
Tulsa, OK 74103

Board of Adjustment:

As the District 4 Tulsa City Councilor, it has come to my attention that there is a conflict that will impact some of my constituents regarding the following agenda item for today’s meeting:

22610—AAB Engineering, LLC
Special Exception to allow duplexes in an RS-3 District (Table 5-2.5). LOCATION: NW/c of East 13th Street South & South Delaware Avenue East (CD 4)

I have received multiple e-mails from the neighborhood expressing concern about the development and its impact on their neighborhood. Renaissance has such a unique character, and they would like to see that character maintained in any development in their neighborhood.

I would hope that the Board of Adjustment, should this pass, it will be with the explicit understanding that the developer will actively work with the neighborhood on design and aesthetic. While I am not opposed to mixed use housing in neighborhoods and believe it fills a vital need, I am only in support of responsible development that takes the needs of existing neighborhoods and residents into consideration.

If there is any way I can be of service in this matter or others, please do not hesitate to contact me.

Sincerely,

Kara Joy McKee
District 4
Tulsa City Council
Angela,

I have received your comments and they will be included with the case file, at this time the meeting has already started and the Board members will not see this email before the case is heard. The Board did receive numerous emails regarding this case and several of those emails did request include a continuance. The meeting can be watched live on TGOV (Channel 24) or at the link below.

https://cityoftulsa.viebit.com/

Best,

Austin Chapman
Planner, Subdivisions
Tulsa Planning Office
2 W. 2nd St., 8th Floor | Tulsa, OK 74103
918.579.9471
achapman@incog.org

Determining compliance to zoning or building code requirements is not a function of this office. The Building Permits Division will address compliance upon application for a building permit or occupancy permit. (918) 596-9456

From: Angela Flax <angelaflax7@gmail.com>
Sent: Tuesday, April 9, 2019 12:37 PM
To: esubmit<esubmit@incog.org>; dist4@tulsacouncil.org
Subject: Fwd:

My name is Angela Flax and I am the Renaissance Neighborhood Association President. I have owned a home in this neighborhood since 2004. I strategically sought after this neighborhood because of the quaint charm and vintage style of the houses and the area business. I have met with several of our neighborhood residents to hear their concerns regarding the development of the Lots 13-18 BLK 2, Hi-Point Addition. In the documents received from AAB show 4 square boxes reflecting duplex housing and 4 smaller boxes representing detached garages. This does not show adequate information to represent a design of the proposed build. As residents we will be directly impacted by the design of the proposed duplexes. This
developer/builder is taking advantage of and leveraging the “brand” and marketability of Renaissance Neighborhood to rent duplexes for his profit. I am requesting, as RNA Board President that he as least consider the current residents’ input into the design of the proposed structures. There has been precedent set where the midtown neighborhood community has had input into the design of new builds. Examples:

- The CVS located at 15th and Utica
- The Renaissance Brewery 12th and Lewis
- The Bill & Ruth’s located at 15th and Columbia

Please see photos attached. All these commercial structures had input into the design – the owner/developer accepted input from residents. Resulting in new structures that look like and fit in with the vintage charm associated with the existing structures in the neighborhood.

Because the residents have now received enough detailed design information from the developer/owner and because the original variance has now been removed, I am asking for a hold on the approval of their requested exception, so we can gather more information.

-------- Forwarded message --------
From: angelaflax7 <angelaflax7@gmail.com>
Date: Tue, Apr 9, 2019 at 12:22 PM

Sent from my U.S.Cellular© Smartphone
Attached is information regarding BOA case #11895 whereby owner was petitioning for an exception to RS3 zoning for admission of a duplex. This was forwarded to me by Joe Roehr who was then and is still a Resident of Renaissance.

Within the information is at least one statement by a Renaissance resident, Ms. Mora Robertson, that the neighborhood has been transitioning away from multiple family rental use to single-family owner occupied use and that property values had increased.

Also within is a petition urging the board to reject the request to allow the duplex. It was signed by no fewer than two present or former Renaissance residents who at one time or another represented the Renaissance Neighborhood Association as board members.

I too urge the board to reject a request for duplexes to be allowed per described in case #22610 to be heard later today.

Mark Ogan
### CITY OF TULSA BOARD OF ADJUSTMENT

201 West 5th Street, Suite 600 • Tulsa, Oklahoma 74103 • (918) 584-7526 • FAX (918) 583-1024

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| GENERAL LOCATION: | 1219 S. Hommae, NLSA, OKLAHOMA |

| PRESENT USE: | Duplex |

| USE UNIT: | 7 |

| RECORD OWNER: | Daniel Young, Perry & Carole A. Perry |

| Does record owner consent to the filing of this application? | Yes | No |

| Applicant providing mailing list | Receipt Number: 201955 |

| Applicant - do not write below this line |

| FEES: |
| APPLICATION FEE: |
| NEWSPAPER PUBLICATION: $50.00 |
| 300-FEET PROP. OWNERS REPORT (Tulsa County) |
| $39.00 |
| $62.00 |
| SIGN - Special Exception Uses $55 x 1 |
| $55.00 |
| $167.00 |

| TOTAL FEES: |
| $317.00 |

| PREVIOUS CASE NUMBERS (Specify E or V): |
| Subject Tract: Complainant #138102 |

| Surrounding Area: |
| 10840 | 18030 | 6784 |

| BOA Action: Deny appeal, Deny CE 5-0-0 |

| DATE / VOTE: |

| PLAT NAME & NUMBER OR WAIVER: |

| Signature: |

| Name: Sam P. Daniel, III |

| Telephone: (918) 749-9007 |

| Address: 1256 S. Utica |

| City/State/Zip: Tulsa, OKLA. 74104 |

| Date: 10-2-10 |

| CERTIFY THAT THE SUBMITTED INFORMATION IS TRUE AND CORRECT. |

| I certify that the submitted information is true and correct. |

| Name: Sam P. Daniel, III |

| Telephone: (918) 749-9007 |

| Address: 1256 S. Utica |

| City/State/Zip: Tulsa, OKLA. 74104 |

| Date: 10-2-10 |

| Applicant - do not write below this line |

| FEES: |
| APPLICATION FEE: |
| NEWSPAPER PUBLICATION: $50.00 |
| 300-FEET PROP. OWNERS REPORT (Tulsa County) |
| $39.00 |
| $62.00 |
| SIGN - Special Exception Uses $55 x 1 |
| $55.00 |
| $167.00 |

| TOTAL FEES: |
| $317.00 |

| PREVIOUS CASE NUMBERS (Specify E or V): |
| Subject Tract: Complainant #138102 |

| Surrounding Area: |
| 10840 | 18030 | 6784 |

| BOA Action: Deny appeal, Deny CE 5-0-0 |

| DATE / VOTE: |

| PLAT NAME & NUMBER OR WAIVER: |
PLATTING REQUIREMENTS
For any land which has been granted a special exception by the Board of Adjustment for a use within Use Units 2, 4, 5, 8, or 20, no building permit or zoning clearance permit may be issued until that portion of the tract on which the permit is sought has been included within a subdivision plat or replat, as the case may be, submitted to and approved by the Planning Commission, and filed of record in the office of the County Clerk where the property is situated. Provided that the Planning Commission, pursuant to their exclusive jurisdiction over subdivision plats, may waive the platting requirement upon a determination that the above stated purposes have been achieved by previous platting or could not be achieved by a plat or replat."

I do hereby certify that I have read and understand the above mentioned requirements and that I will plat, replat or have the platting requirements waived for the subject property being identified in case number _______________________.

Applicant's Signature ___________________________ Date ____________

AUTHORIZATION FOR INCOG TO OBTAIN NAMES AND MAILING ADDRESSES OF OWNERS OF PROPERTY WITHIN 300 FEET LOCATED IN TULSA COUNTY ONLY*

I authorize the INCOG Staff to obtain property owner's names and addresses as required for application number ___________.

I understand that INCOG Staff will utilize ownership information from the Tulsa County Assessor's computer records, which may not incorporate recent ownership changes. INCOG is not responsible for the accuracy, completeness and/or currency of the ownership information obtained.

I also understand that the applicant is responsible for providing INCOG with any and all updates or corrections necessary to have this ownership list comply with legal notice requirements at least 25 days prior to the public hearing date of this application.

*I also understand that the applicant is responsible for providing INCOG the names and mailing addresses of the owners of those properties that are within the required notice area but are not in Tulsa County.

Signature ___________________________ Date ____________ Names Obtained By ____________
Case No. 18894 (continued)

**Presentation:**
Kirby Ellis, stated he owns the subject property, and would like to move a mobile home on the lot, for an indefinite time.

**Protestants:**
None.

**Board Action:**
On MOTION of Dunham, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE Special Exception** for a manufactured home in an RS district; and a Special Exception of the one-year time limit to indefinite, on condition that all requirements be met for permits, inspections, tie-downs, and skirting, on the following described property:

Lot 11, Block 1, First McBirney Addition, City of Tulsa, Tulsa County, State of Oklahoma.

*.*.*.*.*.*.*.

**Case No. 18895**

**Action Requested:**
Appeal from decision of Neighborhood Inspections that existing duplex is an unlawful use of the subject tract. OR In the alternative a Special Exception to permit a duplex dwelling in an RS-3 zoned district. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS. Use Unit 7, located 1219 S. Florence.

**Presentation:**
Sam P. Daniel, III, stated that he was representing Dan Perry. He stated that they were not aware there were so many protests. He suggested to the Board that they would be willing to continue the case in order to meet with the protestors.

**Comments and Questions:**
Mr. White asked if the applicant had met with any of the neighborhood. Mr. Daniel replied that he had not and was not notified that there would be protest. Mr. Dunham commented that the controversy appears to be whether the house has been an existing duplex or is being converted to a duplex. Mr. Daniel responded that their opinion was that it was an existing duplex when purchased by his client. He added that they do not have anyone to verify that. Mr. White stated that the request for a continuance is untimely and there has been sufficient time to contact the neighborhood association.

Mr. Daniel continued with his presentation. He noted that the applicant has obtained a building permit, and cleaned up debris from a house fire. He stated
that this addition to the city was made in the 1920's and all lots were platted to Code, therefore the size of the lot and frontage should not be held to the new Code, but grandfathered in. The owner has a good reputation for his rental properties, and takes good care of them. He stated that according to maps at INCOG, there are numerous Variances and Special Exceptions for properties in the area, with multiple bed and breakfasts, duplexes, and garage apartments.

Comments and Questions:
Ms. Perkins asked Mr. Daniel what site plan or other was given to the City for a building permit. Mr. Daniel referred the question to Dan Perry, 3234 E. 15th St., stated he met Paul Ennox, Building Inspector at the subject property. Mr. Ennox agreed that it was an existing duplex and instructed him that since he was not making any structural changes, just cabinetry and various repairs, that he only needed a repair permit. Ms. Perkins asked for the applicant to identify the color codes used in a map that was submitted for the applicant. He introduced John Sipes to identify the exhibit. John Sipes, 1928 S. Florence Ave., stated that everything in blue is a duplex area and in green is a garage apartment. Ms. Perkins asked where he got this information. Mr. Sipes replied some of it was from court records, part of it is from his knowledge of the area. Ms. Perkins asked if he brought copies of the court records. He did not have copies. He stated that Jenny with INCOG confirmed that the properties marked in blue were duplexes. Mr. White pointed out that many of those were non-conforming use, but this one is not or would require the applicant to prove that it was a non-conforming use.

Protestants:
David Gurthet, Inspection Supervisor for Neighborhood Inspections, stated that he is the one that initiated the notice to the applicant. He stated he had personal knowledge of this house when occupied by the former owner. The City had to clean up the property on a monthly basis, and then the house caught fire due to a ‘meth lab’ explosion. The resident moved into the back portion of the structure. During that time he was the only occupant of the structure and no use as a duplex, and was not a duplex for 36 consecutive months.

Mora Robertson, 1320 S. Florence Ave., stated that she is a member of the Renaissance Neighborhood Association. The neighborhood has been transitioning away from multiple family rental use to single-family owner occupied use. The property value has increased. She submitted a petition (Exhibit B-2) of protest.

Joseph Rhoar, 1228 S. Florence Ave., stated that he used to go into the house and the house has never been a duplex. The bathrooms and kitchen were common to both parts of the house.
Jeff Callahan, stated he owns property at 1240 S. Florence Ave. He commented that there is a wall separating two sides of the house and two electrical boxes. He would like to see it returned to a single-family dwelling.

Buddy Edwards, 900 OneOk Plaza, stated he was an attorney, representing the homeowner at 103 S. Florence. He indicated that a duplex would decrease property value, and that the neighborhood is transitioning to single-family dwellings.

Jenny Rhoar, 1228 S. Florence Ave., stated she has lived in the neighborhood since 1986. Her protest was for the reasons as listed above.

Fran Pace, 1326 S. Florence Ave., stated that she lives one block south of the subject property. She called the Board’s attention to Title 42, Section 404.C. and its requirements.

Linda Stalcupp, 1220 S. Florence, stated that the neighborhood association has been working with the University of Tulsa and various other communities on parking situations. She noted that on the west side of Florence Ave. there is no parking during events. She feels a duplex would involve more parking needs.

Applicant’s Rebuttal:
Mr. Daniel reminded the Board that part of the house was rented out at one time. The lapse in use as a duplex was brought about by the fire, and possible control of the property as a crime scene. It could not be restored without a building permit, which was issued for repair of a duplex. Mr. Perry stated that there were two kitchens, two baths, and one electric meter.

Board Action:
On MOTION of Dunham, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to Deny the Appeal from decision of Neighborhood Inspections that existing duplex is an unlawful use of the subject tract, and seconded by Perkins.

On MOTION of Dunham, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to Deny a Special Exception to permit a duplex dwelling in an RS-3 zoned district, seconded by Perkins. Ms. Turnbo added that the neighbor living diagonally across the street stated that the dwelling was not used as a duplex since 1986. Ms. Turnbo stated that there were some duplexes in the neighborhood farther to the east, located on corners of blocks. A duplex in the middle of the block at this location would require too many variances, cause parking problems, and would be very injurious to the neighborhood.
Board Action:
On MOTION of DUNHAM, the Board voted 4-0-0 (Dunham, Turnbo, Perkins, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to APPROVE Variance of required setback abutting an arterial street of 35' down to 24'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS and a Variance to permit expansion of a nonconforming structure. SECTION 1405A. STRUCTURAL NONCONFORMITIES, per plan submitted on the following described property:

Lot 12, Block 5, South Lewis Park Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, Less and Except the following described tract; beginning at the SE/c of said Lot 12; thence Wly, along the Sly line of said Lot 12 a distance of 33.66'; thence Nly a distance of 171.51' (as field measured) to a point on the Nly line of said Lot 12, said point being 29.96' Wly of the NE/c thereof; thence Ely along the Nly line of said Lot 12, a distance of 29.96' to the NE/c thereof; thence Sly along the Ely line of said Lot 12, a distance of 173.74' to the point of beginning.

Case No. 18030

Action Requested:
Variance to allow two detached accessory buildings to exceed 750 SF, to allow a proposed garage of 576 SF and a workshop of 320 SF. SECTION 210.B. YARDS, Permitted Obstructions in Required Yards – Use Unit 6 and a Variance of 20% maximum coverage of the required rear yard to allow two detached accessory buildings. SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions, located 1228 S. Florence Ave.

Presentation:
The applicant, Joseph Rohr, 1228 S. Florence Ave., stated that he and his neighbor bought the property between them and did a lot split. Mr. Rohr stated that the property between his neighbor and him has storm sewer on it and they are unable to build on it. They had to leave 5' on either side of it. Mr. Rohr is going to tear down the existing garage and build a two car garage and a workshop. The garage and shop were going to be joined together but because of the storm sewer they have to be two separate buildings.

Comments & Questions:
Mr. White asked Staff about the comments on the lot split, does the two detached accessory buildings apply here since one is on the split lot? Mr. Rohr answered that the two lots are joined together. The south half of Lot 6 and Lot 7 are one piece of property. Mr. Stump stated that the only way they could approve the lot split was to have a tie agreement so it couldn’t be sold separately and function as a single lot.
Case No. 18030 (continued)

Interested Parties:
None.

Board Action:
On MOTION of TURNBO, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White, "aye"; no "nays", no "abstentions"; no "absent") to APPROVE Variance to allow two detached accessory buildings to exceed 750 SF, to allow a proposed garage of 576 SF and a workshop of 320 SF. SECTION 210.B. YARDS, Permitted Obstructions in Required Yards – Use Unit 6 and a Variance of 20% maximum coverage of the required rear yard to allow two detached accessory buildings. SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions, per plan submitted on the following described property:

S/2 of Lot 6 and all of Lot 7, Block 5, Pilcher Summit Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18040

Action Requested:
Special Exception to permit an emergency and protective shelter in a CH and IM district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS/ SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 2 located SE/c of E. 3rd St. & S. Madison Ave.

Presentation:
The applicant, Youth Services of Tulsa, represented by Jeff Levinson, stated that Youth Services is a nonprofit United Way agency committed to serving youth in the community including counseling, youth development programs, implementation of the Oklahoma Children's Initiative. The reason they are here today is they operate an emergency shelter for children 12-17 years old. The current shelter is located not too far away at 7th & Rockford. It is owned by the Oklahoma Department of Human Services who has different long term plans for the building and it is not terribly efficient. The new building is near Highway 75 and 4th & Madison. Youth Services is going to consolidate the shelter and offices in one location. Mr. Levinson stated that they are asking for a Special Exception since the area is currently zoned CH and IM. They believe that this exception will be in harmony with the spirit and intent of the Code and would not be injurious to the public welfare but a service to the community. Mr. Levinson stated that the building will be approximately 30,000 SF. Only a third of it will be used as a shelter, the rest will be administrative offices, which is a use by right in this area. The new facility will not be any larger than the other one, just more efficient and better designed to accommodate the clients. Mr. Levinson said that at any one time the shelter will house a maximum of 20 youths. Some people are there for only a
BOARD OF ADJUSTMENT
CASE REPORT

ATLAS: 54
STR: 893
CZM: 37

HEARING DATE: November 14, 2000

APPLICANT: Sam P. Daniel, III

ACTION REQUESTED:
Appeal from decision of Neighborhood Inspections that existing duplex is an unlawful use of the subject tract.

OR

In the alternative a Special Exception to permit a duplex dwelling in an RS-3 zoned district.

SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS -- Use Unit 7

LOCATION: 1219 S. Florence

PRESENT USE: duplex

ZONED: RS-3

TRACT SIZE: 50' X 146'

LEGAL DESCRIPTION: Lot 20, Block 6, Pilcher Summit Addition, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:
BOA 18030, 5/26/98 -- The Board approved a variance of the maximum floor area for detached accessory buildings from 750 SF to 896 SF located at 1228 S. Florence Ave.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The District 4 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity -- Residential Use

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by single-family residential (RS-3) zoning

STAFF COMMENTS:
Staff was not provided information to support the appeal. The Zoning Violation Notice states that the property is being used unlawfully for a duplex. For an appeal to prevail, the appellant would have to prove that the duplex use was established prior to the ordinance that requires approval of a special exception and the use has been in existence continuously since then. The other option would be to prove that a special exception was granted sometime after the ordinance came into effect. Our records do not show such approval.

If a special exception to permit duplex use were granted, additional relief would be needed from the minimum lot area of 9,000 SF to 7,320 SF, the minimum frontage of 75 Ft. to 50 Ft., the minimum land area per dwelling unit of 5,000 SF to 4,285 and the minimum livability space per dwelling unit of 2,500 SF to 2,378.5 SF. Variances from these requirements were not advertised for today's hearing and are mentioned here only because they illustrate the increased density that would result from approval of duplex use.

Staff would remind the Board of its policy against granting multiple variances in order to accommodate a special use of the property.
This case is ringing bells to me. Several years ago, there was an application somewhere in this vicinity for a duplex in an existing older neighborhood, and it was for a duplex. It got turned down or withdrawn, but I think the man had already started building it. Jack Crowley had done the guy a conceptual plan (like on a paper towel or something) and he was using that. Lori Russell may have been with the Board then and may remember, and maybe Bob Gardner would. This may be the same case.
### Building Permit

**Objects Information**
- Building Type: REPAIR ONLY-NO EXPANSION
- Type of Work: Repair

**Constraction/Applicant**
- Company:
- Address:
- Contact:

**Building Official**
- Phone:

**In Instruction Address**
- 01219 S FLORENCE AV E

**Object Information**
- Building Type: REPAIR ONLY-NO EXPANSION
- Type of Work: Repair

**Zoning**
- Zoning District: Structure Setback
- Use Unit: 0.00 ft
- Street Ctrl: 0.00 ft
- Side: 0.00 ft
- Rear: 0.00 ft

**Special Instructions**
- NONE

**OFFICIAL RECORDS EXHIBIT ENTERED IN THE 11-14-2000 MINUTES OF THE TULSA BOARD OF ADJUSTMENT**

**Case No:** 18895

**GAL DESCRIPTION**
- LOT: 20
- BLOCK: 6
- ADDITION: PILGER SUMMIT

---

# More comments may exist

03 City Hall, Tulsa, Oklahoma 74103 • Phone Number: (918) 596-9601 • FAX Number: (918) 59f

2.38
Hi Jim,

FYI....Councilor Watts sent the following letter to the BOA members....

It is my understanding that City Inspection has determined that this single-family structure has been converted by its current owner to a two-family or duplex dwelling in violation of its single-family zoning. As the staff comments indicate, this use not only is in violation of the single-family zoning, it also does not meet the minimum requirements for a special exception.

The code intends to preserve the single-family character and density of this neighborhood and should be upheld. This application is so deficient in all respects that it should be denied.

Sincerely,

Gary Watts
November 8, 2000

Mr. David C. White, Chairman
Board of Adjustment
9936 E 55th Pl
Tulsa, OK 74146

RE: BOA Case No. 18895, 1219 S. Florence

Dear Mr. White:

It is my understanding that City Inspection has determined that this single-family structure has been converted by its current owner to a two-family or duplex dwelling in violation of its single-family zoning. As the staff comments indicate, this use not only is in violation of the single-family zoning, it also does not meet the minimum requirements for a special exception.

The code intends to preserve the single-family character and density of this neighborhood and should be upheld. This application is so deficient in all respects that it should be denied.

Sincerely,

Gary Watts

GLW:jak
MEMORANDUM FOR JIM BEACH

FROM: MR ROGER CROW
1204 South Florence Place
Tulsa, OK 74104-4111
918-582-4564

CASE # 18895

November 14, 2000

CASE NO. 18895
OFFICIAL RECORDS EXHIBIT
ENTERED IN THE
MINUTES OF THE TULSA BOARD OF
ADJUSTMENT.

1. Do to my itinerary at work today I will be unable to attend the Board Of Adjustment Hearing at one o'clock to protest case number 18895.

2. I would like it to be known that I am against the application for Appeal that Sam P. Daniel III submitted regarding the decision of the Neighborhood Inspections that state the existing duplex is an unlawful use of the subject tract.

3. I do not want my neighborhood rezoned to allow any more duplexes or multi-family dwellings.

4. To allow this type of dwellings to be constructed will not improve, but will lower our standards and the value of our property that we have struggled to improve in this part of Tulsa for the past several years.

5. Traffic and street parking in the area would increase in an area that is already overwhelmed by parking issues, due to mainly single car driveways in the neighborhood and special events at Tulsa University.

Respectfully,

Wm. Roger Crow
November 14, 2000

To members of the Board of Adjustment:

On behalf of the Board of the Renaissance Neighborhood Association, I am writing to urge you to deny the application from Perry Properties concerning the request to change single-family residence at 1219 South Florence into a duplex.

We feel, as do many of our neighbors, that allowing this single-family residence to be changed into a duplex would be harmful to our neighborhood.

We are not opposed to all duplexes and several homes in our area were originally designed to be duplexes --- they have separate entrances and are mostly located on corner lots, which allow driveway access from both sides of the property and sufficient off-street parking.

But the property on Florence is now a single-family residence. It is located in the middle of the block and there is no additional parking. Furthermore, it seems clear from our reading of the zoning code that the minimum requirements for a duplex cannot be met on a lot of this size.

We are also concerned that allowing this change will begin a series of similar alterations in other properties that Perry Properties owns in our area. And these changes will encourage others to follow suit throughout midtown.

In the six years of our Association's existence, we have worked hard to improve the quality of life and property values in our neighborhood. We feel preserving single-family homes is an essential part of our efforts. We ask for your understanding of our concerns and our aspirations.

Respectfully,

Scott Swearingen
President, Renaissance Neighborhood Association
1131 South College Avenue
587-9081
## DISPLAY MASTER APPRAISAL FILE

**Sub. Acct #, Card Code:** 33025 - 93 - 38 - 20550 - ii  
**Addr:** 1219 S FLORENCE  
**Neighborhood:** 0135  
**Class Code:** AA  
**Partial Assessment:** 100 % 1 STORY  
**Fieldman Number:** 487  
**Inspection Date:** 06/95  
**Deed Date:** 06/00  
**Stamp Value:** 58,000  
**Total Area:** 7,300  
**Base Area:** 7,000  
**Secondary:**  
**Excess:** 300  
**Unbuildable:**  
**Flood Influence:**   
**Econ Influence:**  
**View Influence:**  
**Shape Influence:**  

### LAND DATA

**Occupancy:** SINGLE FAMILY  
**Gar. 2 Type:**  
**Gar. 2 Area:** s/f  
**Gar. 2 Dep:**  
**SF Resid Area:** 1,592 s/f  
**2 Floor Area:** s/f  
**3 Floor Area:** s/f  
**Foundation:** CRAWL  
**Bsmnt Area:** s/f  
**Fin Bsmnt Ar.:**  
**Roof Materials:** ASPHALT  
**Year Built:** 1925  
**Phys Condition:** FAIR  

**Dep Rating:** GOOD  
**Dep Percent:**  
**Full Bath(s):** 2  
**Half Bath(s):**  
**Gar. 1 Area:**  
**Gar. 1 Dep:**  
**Air Cond:**  
**Poo! Type:**  
**Poo! Heating:**  
**Pool Area:** s/f  
**Bal,Dcks,Stp:** s/f  
**Pch/Cv Pat 1:**  
**Pch/Cv Pat 2:**  
**1 S ENCLSD:**  

**Total:** 2.43
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<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Reason for Opposition</th>
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</thead>
<tbody>
<tr>
<td>Brian Hughes</td>
<td>1236 S Florence Ave</td>
<td>Maintain property values</td>
</tr>
<tr>
<td>Jason Coats</td>
<td>1236 S Florence Ave</td>
<td>Property values, desirability of neighborhood</td>
</tr>
<tr>
<td>Pat McCall</td>
<td>1244 S College</td>
<td>Would reduce property values</td>
</tr>
<tr>
<td>Danny Edwards</td>
<td>1203 S Florence Ave</td>
<td>Maintain property values</td>
</tr>
<tr>
<td>J. Charles Cagle</td>
<td>1231 S Florence Ave</td>
<td>Maintain property values</td>
</tr>
<tr>
<td>Hunter Locke</td>
<td>1221 S Florence Ave</td>
<td>Maintain property values + Parking (there is none)</td>
</tr>
<tr>
<td>Cheryl Dyer</td>
<td>1223 S. Birmingham Pl</td>
<td>Editor/RNA Newsletter, RNA Board Member, Concerned Neighbor</td>
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<tr>
<td>Jeff &amp; Nancy Anderson</td>
<td>1240 S. Florence Ave</td>
<td>Property values</td>
</tr>
<tr>
<td>Virginia &amp; Joseph Pihl</td>
<td>1228 S. Florence Ave</td>
<td>Maintain property values</td>
</tr>
<tr>
<td>Ghaye Phillips</td>
<td>1142 S College</td>
<td>Property Values</td>
</tr>
<tr>
<td>Jeff Appell</td>
<td>1215 S Florence Ave</td>
<td>Parking/Noise</td>
</tr>
<tr>
<td>Sarah Romsey</td>
<td>1215 S Florence Ave</td>
<td>Maintain property value - Pearson is a slumlord</td>
</tr>
<tr>
<td>Ted Gridley</td>
<td>1231 S Florence Ave</td>
<td>Neighbors' safety</td>
</tr>
<tr>
<td>Don S workflows</td>
<td>1231 S Florence Ave</td>
<td>Property value</td>
</tr>
<tr>
<td>Bobs &amp; Sandy Kingery</td>
<td>1232 S. Florence Ave</td>
<td>Property values and parking problems!!!</td>
</tr>
<tr>
<td>Linda Haug Stafey</td>
<td>1220 S Florence Ave</td>
<td>In favor of remaining single-family dwelling/property values</td>
</tr>
<tr>
<td>Manuel Primer</td>
<td>1204 S Florence Ave</td>
<td>Maintain single-family dwelling/property values</td>
</tr>
<tr>
<td>Tom Neal</td>
<td>2507 E. 11th Pl.</td>
<td>This was a single-family res. &amp; should remain as such</td>
</tr>
<tr>
<td>Erc Gomez</td>
<td>276 E 13th St</td>
<td>This violates intent purpose and spirit of code</td>
</tr>
<tr>
<td>Fran Pace</td>
<td>1826 S Florence Ave</td>
<td>This would violate code for RS 3 zone</td>
</tr>
<tr>
<td>Name</td>
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<td>Reason for Opposition</td>
</tr>
<tr>
<td>--------------------</td>
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<tr>
<td>Michael Banks</td>
<td>1348 S. College Ave</td>
<td>Parking problems, lower property value for owners</td>
</tr>
<tr>
<td>Sean Brooks</td>
<td>1348 S. College Ave</td>
<td>Parking problems, lower property value for owners</td>
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<tr>
<td>Randy Staley</td>
<td>1220 S. Florence Ave</td>
<td>1279 was never a duplex</td>
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<tr>
<td>Ann Dyer</td>
<td>3112 E. 12th St</td>
<td>Parking problems, street congestion, board value, pasico, and fraud</td>
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<tr>
<td>Heather Tucker</td>
<td>129 S. Lewis Place</td>
<td>Property value is going down, parking, noise of neighbors</td>
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<tr>
<td>Jessica Bryant</td>
<td>105 S. Atlanta Ave</td>
<td>Properly value is going down, parking</td>
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<tr>
<td>Christina Patten</td>
<td>147 S. Gray Pl.</td>
<td>Property values, parking</td>
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<tr>
<td>Sheila Sweeney</td>
<td>131 S. College Ave</td>
<td>This would cause parking problems and set a bad precedent</td>
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<tr>
<td>Scott Swearingen</td>
<td>131 S. College Ave</td>
<td>Duplex bad idea in middle of the block, parking problems</td>
</tr>
<tr>
<td>Greg Woman</td>
<td>1224 S. Florence Pl</td>
<td>Parking problems, decreased prop values, $</td>
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<tr>
<td>Evelyn Warren</td>
<td>1224 S. Florence Pl</td>
<td>Bad idea, this was tried in the 60s, will damage and destroy the area</td>
</tr>
<tr>
<td>Brandi Davis</td>
<td>1242 S. Birmingham Pl</td>
<td>Decrease prop values, problem for surrounding home owners</td>
</tr>
</tbody>
</table>
Notice of Zoning Violation

The City of Tulsa to: September 22, 2000

PERRY, DANIEL MCGAHEE &
CARRIE A
PO BOX 4649
TULSA OK 74159

An inspection revealed an unlawful zoning violation(s) is being maintained, operated or otherwise permitted to exist by you contrary to Title 42 Sec 203 of the Tulsa Revised Ordinances at: 1219 S FLORENCE AV otherwise known as LT 20 BLK 6 PILCHER SUMMIT ADDN

Limitations of Land Use: the property can only be used for its designated purpose Residential, single family unless approval is obtained from the Board of Adjustment or TMAPC through a variance, special exception or zoning change. Duplex in an RS-3 zoned area.

In order to correct the violation: Cease any use of structure as a duplex. Requires Board of Adjustment approval for a duplex in an RS-3 zoned area. Failure to obtain Board of Adjustment approval will result in criminal charges being filed against you.

IMPORTANT NOTICE: To be in compliance with the law, you will need to comply with this notice within ten (10) days. You may appeal the administrative official’s decision within ten (10) days by filing a complete appeal application with the administrative official and INCOG located at 210 West 5th Street, Suite 600, Tulsa, Oklahoma. Appropriate fees must accompany your appeal application to INCOG. In addition, you may want to contact INCOG at 584-7526 to obtain information on filing an application for a special exception or variance related to your violation instead of appealing the decision.

COMPLAINT # 138102

David Gurley, Supervisor, Neighborhood Inspections
Office Phone, 596-7586  Pager # 646-5513
<table>
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<td>1129</td>
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**Florence Pl**

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**College**

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*(Bed & Breakfast)*

3 Doors Down

CASE NO. 18895
OFFICIAL RECORDS EXHIBIT
ENTERED IN THE 11-14-2000
MINUTES OF THE TULSA BOARD OF
ADJUSTMENT.
NOTICE
OF PUBLIC HEARING FOR PROPOSED SPECIAL EXCEPTION

CASE NUMBER: BOA-18895
PROPERTY IS ZONED: RS-3
ACTION REQUESTED: Special Exception to permit a duplex dwelling in an RS-3 zoned district.
LOCATION: 1219 South Florence
DATE: October 24, 2000

PUBLIC HEARING
FRANCIS F. CAMPBELL CITY COUNCIL ROOM
PLAZA LEVEL OF CITY HALL
200 CIVIC CENTER, TULSA, OKLAHOMA
ON: Tuesday, (see above)
TIME: 1:00 p.m.
CITY OF TULSA BOARD OF ADJUSTMENT
Call 584-7526
NOTICE OF HEARING BEFORE THE BOARD OF ADJUSTMENT
CITY OF TULSA, OKLAHOMA

1219 South Florence

PD 4 Case No. 18895

Notice is hereby given that a public hearing will be held before the Board of Adjustment, in the FRANCIS F. CAMPBELL COUNCIL ROOM, PLAZA LEVEL OF CITY HALL, 200 CIVIC CENTER, Tulsa, Oklahoma at 1:00 p.m., on November 14, 2000, to consider the application of Sam P. Daniel III for an Appeal from decision of Neighborhood Inspections that existing duplex is an unlawful use of the subject tract; or in the alternative a Special Exception to permit a duplex dwelling in an RS-3 zoned district. This property is located: 1219 South Florence. Legal Description: Lot 20, Block 6, Pilcher Summit Addition, City of Tulsa, Tulsa County, State of Oklahoma, and being located in an RS-3 zoned district. All persons interested in this matter may be present at this hearing and present their objections to or arguments for the request.

For information call: (918) 584-7526. Request information regarding City Board Case No. 18895.
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
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<tbody>
<tr>
<td>FUNK, ROLAND V &amp; KAREN M</td>
<td>5910 E 114TH ST</td>
<td>TULSA OK 74137-7755</td>
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<td>BOYD, MELIA G</td>
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<td>TULSA OK 74104</td>
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<td>MURRAY, FREDERICK NELSON &amp;</td>
<td>F &amp; M BANK &amp; TRUST CO OF</td>
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<td>TULSA OK TRUSTEES PO BOX 3627</td>
<td>TULSA OK 74101-3627</td>
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<td>MILES, BRET SCOTT &amp; JUNE A</td>
<td>1208 S FLORENCE PL</td>
<td>TULSA OK 74104</td>
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<td>METZGER, LARRY D &amp; RUBY E</td>
<td>1215 S FLORENCE PL</td>
<td>TULSA OK 74104-4110</td>
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<tr>
<td>CARTER, DELLA LUCILLE &amp;</td>
<td>1044 CONCORD DR W</td>
<td>DUNEDIN FL 34698-6309</td>
<td></td>
</tr>
<tr>
<td>TYLER BERRY</td>
<td>3112 E 12TH ST</td>
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Invoice No. 59100 C

LEGAL NOTICE

STATE OF OKLAHOMA
COUNTY OF TULSA

I, of lawful age, being duly sworn, am a legal representative of The Tulsa Daily Commerce & Legal News of Tulsa, Oklahoma, a daily newspaper of general circulation in Tulsa County, Oklahoma, printed in the English Language and published in the City of Tulsa in Tulsa County, State of Oklahoma, regularly, continuously and uninterruptedly published in the County for a period of more than 104 consecutive weeks prior to the first publication of the attached notice and having paid circulation therein and with admission to the United States mails as second class mail matter and printed in Tulsa, Tulsa County, where delivered to the United States mail.

That said notice, a true copy of which is attached hereto, was published in the regular edition of said newspaper during the period and time of publication and not in a supplement, on the ABOVE LISTED DATE(S)

Subscribed and sworn to me this 25th day of October, 2000

Notary Public

My Commission Expires July 01 2004

Customer INDIAN NATIONS COUNCIL OF GOVERNMENT
1717 201 W. 5th St., Ste. 600 TULSA, OK 74103

Publisher's Fee $38.00
Hi, my name is Tina Crawford. I live at 2744 E. 13th St which is directly across from this property being proposed. We moved in in October of 1993 and have raised three wonderful children in this house. There were single family homes on this property in question when we first moved in. They have since been torn down and the churches youth group building on 13th actually burned down. Our kids are all grown and out of the house now so we tried to sell our house Being so close to Delaware scared people away so after 6 months on the market we have decided to stay. We are remodeling our home right now to increase the resale value and we feel that any type of multi family dwellings directly across from us would greatly decrease the value of our home. We are in the middle of a massive remodel which should INCREASE the value. Single family homes with Delaware access driveways is not an unreasonable request. Any type of alley or "common driveway" would only draw transients who already hang down by the tracks and in the alley behind the auto parts store. An alley would mean the homes would need to be built closer to Delaware, which would obstruct the view when exiting off of 13th street. I have seen many many wrecks at 12th because of the church being so close on one side and a brick wall on the east side. I will ultimately miss having this makeshift park, as we have all used it as over the years, but would love to have some single family homes. New homes but keeping the integrity of historical nature of our homes. Just southeast of 13th street is a new build that blends in great with our styles. I would love to see some like that. I know I will be at the board meeting but wanted to give my personal opinion/request/input if I could. A group of the adjacent and directly impacted neighbors and I got together this week and made a small pamphlet of our concerns as well as some pictures in a pdf. The attached pictures are of the new build just south of the 13th & Delaware intersection. We would hope that any new build would keep the character of our neighborhood. I think we all need more time to discuss this with the developer. We were not aware of any of this until 3/26/19. Clearly, that is not enough time.

Thank you for your time and I know we can make this a great development once we learn more about the process.

Sincerely,
Tina Crawford
2744 E. 13th Street
This single family residence was constructed within the last 5 years and is an ideal example of what would fit into the character of the Renaissance neighborhood, in the opinion of neighboring residents and the RNA board. This home sold rather quickly. Though there is no attached garage there is a large covered carport and there appears to be sufficient room for a garage in the rear. The homeowner indicated she purchased it knowing there could be a garage built but she has no need presently.
These are existing duplexes within the area. Please note that the fourth one is actually east across Delaware and at the corner of 13th - just across from the property in question. This is the type of duplex we would like to see.
Ulmer, Amy

From: Mark Ogan <oganmark@hotmail.com>
Sent: Tuesday, April 9, 2019 9:09 AM
To: dist4@tulsacouncil.org; esubmit
Cc: Angela Smith Flax
Subject: BOA#22610 Duplexes at 21st Street east of Jamestown
Attachments: 20190407_134759.jpg; 20190407_134817.jpg; 20190407_134918.jpg; 20190407_135100.jpg; 20190407_135104.jpg

My apologies – the pictures did not properly attach.

From: Mark Ogan
Sent: Tuesday, April 9, 2019 9:06 AM
To: dist4@tulsacouncil.org; esubmit@incog.org
Cc: Angela Smith Flax
Subject: BOA#22610 Duplexes at 21st Street east of Jamestown

These are examples of duplexes NOT in keeping with the character of Renaissance neighborhoods and nearby neighbors are extremely concerned about seeing at the property in question. This property was developed by Mr. Davis and his associates per my conversation with him April 8. I spoke with two residents near these duplexes and they regret they did not oppose the building of these duplexes more strongly than they did.
Dear Sir or Ma'am:

My name is Kevin Egger and I live at 1237 S Delaware Ave, Tulsa OK 74104, directly across the street from the property in question. I personally spoke to Mark Ogan who lives at 1247 S Columbia Pl on Sunday 4/7/19 regard the case number in the subject above.

I support Mark and his neighbors in this endeavor. I believe having an alley way back up against backyards will not be appreciated nor wanted by the existing home owners. Backyards are places of leisure, alley ways are places of work and noise.

I appreciate Mark's efforts to make sure the local homeowner's voices are heard. I am a renter myself, and believe my interests are much smaller when compared to long time residents. I may be gone next year, but Mark and his neighbors will not, which means that their voices should be heard.

Please let me know if you have any questions or concerns.

Thank you,

Kevin Egger

egger004@gmail.com
My name is Mark Ogan and I own property in which I reside at 1247 South Columbia Place, Tulsa. I am extremely concerned about the request for a special exception to build duplexes on the property directly east of me and subject of this BOA case number. Not only is it a departure from the single family residential zoning in effect since the 1920s, the proposal submitted and sent to residents within 300 feet of said property includes an alley/drive directly behind our homes which could provide a place for loiterers similar to those we see often at the church north of the property.

I spoke with Mr. Davis, who has a sign indicating he is agent for the property, who indicated he and his partner are owners of the property. They assert that the property is not suitable for single family residences especially given the price they have paid for them. As a recent organizer of the neighbors near the property I represent 18 who live directly across a street or adjacent to the property – and we assert that Mr. Davis and his partner purchased single family resident lots and making a return on their investment is not suitable reason for allowing duplexes/multi-family housing on this property. Attached is a picture of a newer construction home across Delaware and just south of 13th street which is evidence to us that it is possible to sell single family homes in this area. In fact, this home was not on the market and the owner has expressed to us, and hopefully the city, that she too expected to see single family homes built on those lots.

Attached is a flyer which Dyan Lewis, also a resident on Columbia Place, and I circulated recently. The reception to this by our neighbors was positive and we hope they express to you the same concerns they have about approving an exception to the zoning in today’s hearing.

Mark Ogan
NOTICE
OF PUBLIC HEARING
FOR PROPOSED SPECIAL EXCEPTION
CASE NUMBER: BOA-22610
PROPERTY IS ZONED: RS-3
ACTION REQUESTED: Special Exception to allow a duplex in the RS-3 District (Table 5-2.5); Variance to allow a detached accessory structure to exceed 500 square feet or 40% of the floor area of the principal structure (Section 45.030-B).
LOCATION: NW/c of E. 13th St. S. & S. Delaware Ave.
PUBLIC HEARING
City Council Chambers in City Hall at One Technology Center 2nd level, 175 East 2nd Street Tulsa, OK
ON: Tuesday, 04/09/2019 1:00 PM
CITY OF TULSA BOARD OF ADJUSTMENT
Call 918-584-7526 or visit: www.cityoftulsa-boa.org
4 Duplexes (8 Units) were proposed per the city

13th Street Duplexes

Assertion by RNA Reps is that the garage var has been with drawn & there will be no refile

Amy Omer of Tulsa Planning office was unable to confirm this assertion by phone on April 5.
NOTICE OF HEARING BEFORE THE BOARD OF ADJUSTMENT
CITY OF TULSA, OKLAHOMA

CASE NUMBER: BOA-22610

Notice is hereby given that a public hearing will be held before the Board of Adjustment to consider the following application. All persons interested in this matter may attend this hearing and present their objections to or arguments for the request.

APPLICANT: Alan Betchan (918.514.4283 / alan@aabeng.com)

ACTION REQUESTED: Special Exception to allow a duplex in the RS-3 District (Table 5-2.5); Variance to allow a detached accessory structure to exceed 500 square feet or 40% of the floor area of the principal structure (Section 45.030-B).

LOCATION: NW/c of E. 13th St. S. & S. Delaware Ave.

PROPERTY LEGAL DESCRIPTION: LTS 13 THRU 18 BLK 2, HI-POINTE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

PRESENT ZONING: RS-3

HEARING DATE: Tuesday, 04/09/2019 1:00 PM

The meeting will be held at: City Council Chambers
City Hall
2nd level, 175 East 2nd St.
TULSA, OKLAHOMA

BOA Staff Contact: Amy Ulmer at (918)579.9437/aulmer@incog.org OR
Land Regulation Specialist at (918) 584-7526/esubmit@incog.org

To view the submitted application visit: www.cityoftulsa-boa.org/BOAcases/BOA-22610.pdf
4.9.19 BOA Meeting Information

Ulmer, Amy <aulmer@incog.org>

Thu 4/4/2019 4:47 PM

To: oganmark@hotmail.com <oganmark@hotmail.com>

Mark,

This is the best email to send any comments regarding a Board case. Here is the link to the complete agenda packet for the 4.9.19 meeting: http://www.cityoftulsa-boa.org/Documents/Agendas/2019/04-09-2019/Complete%20Agenda.pdf. Let me know if you have any other questions.

Amy Ulmer
Planner | Current Planning
Tulsa Planning Office
2 W. 2nd St., 8th Floor | Tulsa, OK 74103
918.579.9437
aulmer@incog.org
Listing courtesy of MCGRAW, REALTORS

Note: The above information is deemed reliable, but is not guaranteed. Search facilities other than by a consumer seeking to purchase or lease real estate, is prohibited.

Brokered By: MCGRAW, REALTORS, Brokerage

Our Strategic Alliances

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Find My Home (/find-my-home)    Sell My Home (/sell-my-home)    Communities (/communities)

Contact (/contact)    More (/more)

Delaware Avenue
Hi-Pointe addn
TULSA, OK
$690,000
VACANT LAND ID 1910432

Bob David
Request More Info

Listing Stats
Price $690,000
Property Type VACANT LAND
County Tulsa
Subdivision Hi-Pointe addn
Postal/Zip Code 74104
School District Tulsa - Sch Dist (1)

Delaware Avenue
Extras: Six 50 x 140 lots for sale. All lots to be sold together. 13th & Delaware.
Listed by Bob David

Single family residences across Delaware - East & proposed duplexes.
Single family residences along West side of proposed duplexes. Proposed alley/drive would run along East side of these homes. Total sq ft of these lots is 42,749.
Home @ 1311 3 Delaware Ave with new drive fronting Delaware Ave
1241 S Lewis Ave
4 2 bed/1 bath duplexes on 10,476 sq ft lot
Duplexes along 21st Street between Jamestown & Knoxville Aves.

14 units on approximately 49,000 sq ft lot(s)
To my knowledge this is the only alley existing in our neighborhood (W of Delaware).

It is commercial to residential, not residential to residential.
South lot line of O'Reilly Auto Parts.
Alley
Hi, my name is Tina Crawford. I live at 2744 E. 13th St which is directly across from this property being proposed. We moved in in October of 1993 and have raised three wonderful children in this house. There were single family homes on this property in question when we first moved in. They have since been torn down and the church’s youth group building on 13th actually burned down. Our kids are all grown and out of the house now so we tried to sell our house. Being so close to Delaware scared people away so after 6 months on the market we have decided to stay. We are remodeling our home right now to increase the resale value and we feel that any type of multi family dwellings directly across from us would greatly decrease the value of our home. We are in the middle of a massive remodel which should INCREASE the value. Single family homes with Delaware access driveways is not an unreasonable request. Any type of alley or “common driveway” would only draw transients who already hang down by the tracks and in the alley behind the auto parts store. An alley would mean the homes would need to be built closer to Delaware, which would obstruct the view when exiting off of 13th street. I have seen many many wrecks at 12th because of the church being so close on one side and a brick wall on the east side. I will ultimately miss having this makeshift park, as we have all used it as over the years, but would love to have some single family homes. New homes but keeping the integrity of historical nature of our homes. Just southeast of 13th street is a new build that blends in great with our styles. I would love to see some like that. I know I will be at the board meeting but wanted to give my personal opinion/request/input if I could.

Thank you for your time and I know we can make this a great development once we learn more about the process.

Sincerely,
Tina Crawford
2744 E. 13th Street
Ulmer, Amy

From: Diana Askins <askinsd@sbcglobal.net>
Sent: Monday, April 8, 2019 6:17 PM
To: oaganmark@hotmail.com; Ulmer, Amy; esubmit; Destiny; tdlneal@gmail.com; P. Casey Morgan; to: Amber Helvey; Angela Smith Flax; Arena Mueller; Bucky Cordray; Carla Robinson; Cassie DeLozier Miller; Glenn Hall; Julie Couch

Subject: Re: Tuesday zoning meeting

am sending this to say that i agree with the actions lined out below. it would be great to continue to have the green space but I realize that change happens. my preference would be single family residences. And having them in a style that fits our neighborhood would be nice. I have highlighted an area below because I have a very strong feeling about this also. thank you for the opportunity to add my thoughts to this.

diana askins

"After two emergency meetings of the Renaissance Neighborhood Association board and in consultation with representatives of the immediate impacted neighbors on Columbia Place and 13th Street, we ask for a continuance in order that the developer provide adequate information about this proposed project. The site plan is minimalist and now incomplete, with the proposed garages having been removed, perhaps temporarily, or perhaps to come back in future, and there are no elevations, no visuals to give us enough details to make an informed decision.

If that is not possible, the RNA board and Columbia Place neighbors strongly prefer that the developer build single family homes which can be done by right under current zoning, and especially prefer that they be designed with garages to the rear of the houses in keeping with the prevailing character of Renaissance Neighborhood. We note that there are some post WWII homes with street facing garages but that those are almost all one car and the garages do not dominate the face of the homes. There is tremendous demand for new vintage look single family homes in midtown, so this is hardly a money losing option for the developer.

However, if the Board of Adjustment sees fit to grant this special exception to allow four duplexes (8 units), we again strongly, perhaps even vehemently, prefer not to have private road access as shown on the site plan, but that the duplexes have garages at the rear of the buildings, either attached or freestanding but with driveways from Delaware Avenue or for the southmost property, from 13th Street."
**From:** Tara King <rckperfect2002@yahoo.com>  
**Sent:** Monday, April 8, 2019 6:20 PM  
**To:** Ulmer, Amy  
**Subject:** Proposed zoning change for 13th and Delaware

My name is tara king and I live at 1240 s Columbia pl. I was wanting to see if we could get a 30 day extension on the decision to allow the zoning to change. I don’t know enough about the duplexes they are wanting to build. I would appreciate an extension.

Sent from my iPhone
Hello,

My name is Alex Best, I live in direct proximity to the proposed zoning change. I have recently heard from neighbors and the neighborhood group of the proposal to change zoning at the corner of 13th and Delaware. From what I understand, the zoning change would enable a possible access alleyway behind a number of multi-family duplexes.

Although I am 100% for new development and new business to the area, I strongly appose the alleyway as well as multi-family housing. My wife and I love this area and the safety and unique architecture are the main reasons we chose renaissance above all else. The petty-crime is already bad enough around here and being from a big city, I know this proposal will not be best for the neighborhood.

When we bought this home, we moved out and remodeled (adding over 600 sq ft), along with complete gut and new electric/water lines. I am very worried about this hurting the value of my home especially after pouring our savings into it in the first year of ownership.

I don't believe the alleyway and lower income housing is good for our house value as well as staying in the area to raise our future family. If this in fact does occur, my wife and I will strongly consider selling our home and moving back to a suburb.

Thank you for your time,

-Alex Best
918-724-7883
To Whom it may concern:

Please add the attached file as public record regarding the above mentioned CASE # BOA-22610. The attached file contains photos of the architectural style of the single family homes and duplex units currently within the Renaissance Neighborhood. I am very concerned regarding the requested special exception to allow duplexes in the RS-3 district (LTS 13 through 18 BLK2, HI-Pointe Addn).

Kind regards,

Angela Flax
President, Renaissance Neighborhood Association

cell: 918.639.3497
The original homes in the Renaissance Neighborhood date from about 1925 through the 1930’s. Architectural styles include art deco, Tudor revival, arts & crafts bungalow and many locally termed ‘gingerbreads’. Most have detached garages in the rear of the property.
These are examples of duplexes existing in the Renaissance Neighborhood that were built in the 1920’s. Note the character of the structures and rear garages.
These duplexes are examples of new construction that RNA residents and board would actively oppose as being out of character with our neighborhood.
Hi, my name is Tina Crawford. I live at 2744 E. 13th St which is directly across from this property being proposed. We moved in in October of 1993 and have raised three wonderful children in this house. There were single family homes on this property in question when we first moved in. They have since been torn down and the church's youth group building on 13th actually burned down. Our kids are all grown and out of the house now so we tried to sell our house. Being so close to Delaware scared people away so after 6 months on the market we have decided to stay. We are remodeling our home right now to increase the resale value and we feel that any type of multi family dwellings directly across from us would greatly decrease the value of our home. We are in the middle of a massive remodel which should INCREASE the value. Single family homes with Delaware access driveways is not an unreasonable request. Any type of alley or "common driveway" would only draw transients who already hang down by the tracks and in the alley behind the auto parts store. An alley would mean the homes would need to be built closer to Delaware, which would obstruct the view when exiting off of 13th street. I have seen many many wrecks at 12th because of the church being so close on one side and a brick wall on the east side. I will ultimately miss having this makeshift park, as we have all used it as over the years, but would love to have some single family homes. New homes but keeping the integrity of historical nature of our homes. Just southeast of 13th street is a new build that blends in great with our styles. I would love to see some like that. I know I will be at the board meeting but wanted to give my personal opinion/request/input if I could. A group of the adjacent and directly impacted neighbors and I got together this week and made a small pamphlet of our concerns as well as some pictures in a pdf. The attached pictures are of the new build just south of the 13th & Delaware intersection. We would hope that any new build would keep the character of our neighborhood. I think we all need more time to discuss this with the developer. We were not aware of any of this until 3/26/19. Clearly, that is not enough time.

Thank you for your time and I know we can make this a great development once we learn more about the process.

Sincerely,
Tina Crawford
2744 E. 13th Street
NOTICE TO PUBLIC HEARING

CASE NUMBER: BOA-22610

FOR PROPOSED SPECIAL EXCEPTION

LOCATION: NW/4 OF E. 13TH ST. S. 8, S. DELTA W
Area of the principal structure (section 4.50-acre B)
To exceed 500 square feet or 40% of the floor

Variance to allow a detached accessory structure
allow a duplex in the RS-3 District (Table 5.2.5)

ACTION REQUESTED: Special Exception to
Property is Zoned: RS-3

Tulsa, OK 2nd level, 175 East 2nd Street
at One Technology Center
City Council Chambers in City Hall

PUBLIC HEARING

ON: Tuesday, 04/09/2019 1:00 PM

WAYNE G. WELCH

OCTOBER 2019
4 Duplexes (8 units) were proposed per the City.

Assessment by APA reps is that the garage var has been withdrawn there will be no reject.

Amy Lemer of Tulsa Planning Office was unable to confirm this assertion by phone on April 5.
McGraw Realtors

Leadership Team

918-592-6000
mcgrawrealtors.com

Bob David
918-808-6792

Owner/Agent of property, confirmed it is presently
platted as (6 separate lots on)
4-07-97.
SINGLE FAMILY RESIDENCES ACROSS DELAWARE - EAST & PROPOSED DUPLLEXES.
Single family residences along west side of proposed duplexes. Proposed alley/drive would run along east side of these homes. Total sq ft of these lots is 42,749.
Home @ 1311 3 Delaware Ave with new Drive fronting Delaware Ave
Duplexes along 21st Street between Jamestown & Knoxville Aves.

14 units on approximately 49,000 sq ft lots.
It is commercial to resettle, not exist in our neighborhood (L. or D. whatever).

To my knowledge this is the only alert.
ALLEY
I apologize for any repetition, I just want to make sure all the appropriate parties are copied and the case # referenced. Thank you.

From: Destiny Peterson <destiny4028@gmail.com>
Date: April 8, 2019 at 1:04:15 PM CDT
To: Mark Ogan <oganmark@hotmail.com>
Subject: Re: Tuesday zoning meeting

My husband and I support the below position. Additionally, while not guaranteed to, the building of duplexes poses a potential risk of diminishing our home values. I wouldn’t think this would be in the interest of the city either to reduce adjacent home values. I believe the duplexes on 21st can provide a proof source. Additional single family homes on this property does not present the same risk.

Furthermore, we have concern that the “private road” increases the potential for increased crime as opposed to individual driveways.

Lastly, the proposal as it stands, adds traffic to a school zone and popular emergency route. Again, single family homes with individual driveways would add minimal activity as opposed to duplexes with a private road that has two entry/exit points.

If our house may provide a supporting example in our favor, we have a two car garage at the front of our property (attached) on a similar lot size.

Our biggest concern is also the private road, closely followed by the zoning change to allow a duplex.

Sincerely,

Jon and Destiny Peterson
1227 S Columbia Pl

Sent from my iPhone

On Apr 8, 2019, at 12:38 PM, Mark Ogan <oganmark@hotmail.com> wrote:
From: Tom Neal <tdneal@gmail.com>
Sent: Monday, April 8, 2019 10:34 AM
To: oganmark@hotmail.com
Subject: Fwd: Vote needed: Tuesday zoning meeting

Mark, best I could do from memory, please let me know what you think. Also, I don't have Dyan's email.....

Tom

--------- Forwarded message ---------
From: Tom Neal <tdneal@gmail.com>
Date: Mon, Apr 8, 2019 at 10:32 AM
Subject: Vote needed: Tuesday zoning meeting
To: P. Casey Morgan <p.casey.morgan@gmail.com>, to: Amber Helvey <ahelvey@cbtulsa.com>, Angela Smith Flax <AngelaFlax7@gmail.com>, Arena Mueller <arena300@gmail.com>, Bucky Cordray <bCORDRAY@gmail.com>, Carla Robinson <Carla.robinson@prodigy.net>, Cassie DeLozier Miller <cassie@travisandcassie.com>, Glenn Hall <hallmart99@hotmail.com>, Julie Couch <jcouch@mcgrawok.com>

Folks,

After a fractious but ultimately successful meeting with two neighbors from Columbia Place, we (Angela, Weydon, J. Kyle Caspar, Casey, Arena, Mark Ogan and Dyan, sorry can't remember her last name) agreed on the position below. Those attending please make corrections as needed. Those not attending please comment as you see fit.

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"After two emergency meetings of the Renaissance Neighborhood Association board and in consultation with representatives of the immediate impacted neighbors on Columbia Place and 13th Street, we ask for a continuance in order that the developer provide adequate information about this proposed project. The site plan is minimalist and now incomplete, with the proposed garages having been removed, perhaps temporarily, or perhaps to come back in future, and there are no elevations, no visuals to give us enough details to make an informed decision.

If that is not possible, the RNA board and Columbia Place neighbors strongly prefer that the developer build single family homes which can be done by right under current zoning, and especially prefer that they be designed with garages to the rear of the houses in keeping with the prevailing character of Renaissance Neighborhood. We note that there are some post WWII homes with street facing garages but that those are almost all one car and the garages do not dominate the face of the homes. There is tremendous demand for new vintage look single family homes in midtown, so this is hardly a money losing option for the developer."
However, if the Board of Adjustment sees fit to grant this special exception to allow four duplexes (8 units), we again strongly, perhaps even vehemently, prefer not to have private road access as shown on the site plan, but that the duplexes have garages at the rear of the buildings, either attached or freestanding but with driveways from Delaware Avenue or for the southmost property, from 13th Street.

Thank you."

I have promised to send this to Mark as well and Dyan but Dyan has yet to send me her email.

tom


Printing in haste makes more waste; keep it green and read on the screen

--- On Mon, 4/8/19, angelaflax7 <angelaflax7@gmail.com> wrote:

> From: angelaflax7 <angelaflax7@gmail.com>
> Subject: Re: Tuesday zoning meeting
> To: "Diana Askins" <askinsd@sbcglobal.net>, "oganmark@hotmail.com"
> <oganmark@hotmail.com>, "aulmer@incog.org" <aulmer@incog.org>,
> "esubmit@incog.org" <esubmit@incog.org>, "Destiny"
> <destiny4028@gmail.com>, "tdineal@gmail.com" <tdineal@gmail.com>, "P.
> Casey Morgan" <p.casey.morgan@gmail.com>, "to: Amber Helvey"
> <ahelvey@cbtulsa.com>, "Arena Mueller" <arena300@gmail.com>, "Bucky
> Cordray" <bcordray@gmail.com>, "Carla Robinson"
> <Carla.robinson@prodigy.net>, "Cassie DeLozier Miller"
> <cassie@travisandcassie.com>, "Glenn Hall" <hallmart99@hotmail.com>,
> "Julie Couch" <jcouch@mcgrawok.com>
> Date: Monday, April 8, 2019, 6:28 PM
> Diane,
> and all others...Please email your thoughts directly to the Board of
> Adjustment use email address:
> esubmit@incog.org reference the CASE Number BOA-22610 JUST what you
> said below. Just put in an email. Also copy dist4@tulsa council.org This
> will go directly to Kara Joy McKee. They will have before the meeting
> tomorrow and it will be public record. Angela Flax President,
> RNA918.639.3497
> >
> >
> > Sent from my
> > U.S.Cellular© Smartphone
> > ------- Original
> > message ------- From: Diana Askins
> > <askinsd@sbcglobal.net> Date: 4/8/19 6:17 PM (GMT-06:00) To:
rganmark@hotmail.com, aulmer@incog.org, esubmit@incog.org, Destiny
> <destiny4028@gmail.com>, tdneal@gmail.com, "P.
> Casey Morgan" <p.casey.morgan@gmail.com>,
> "to: Amber Helvey" <ahelvey@cbtulsa.com>, Angela Smith Flax
> <AngelaFlax7@gmail.com>, Arena Mueller <arena300@gmail.com>, Bucky
> Cordray <bcordray@gmail.com>, Carla Robinson
> <cassie@travisandcassie.com>, Glenn Hall <hallmart99@hotmail.com>,
> Julie Couch <jcouch@mcgrawok.com> Subject: Re: Tuesday zoning meeting
> am sending this to say that i agree with the actions lined out below.
> it would be great to continue to have the green space but I realize
> that change happens. my preference would be single family residences.
> And having them in a style that fits our neighborhood would be nice. I
> have highlighted an area below because I have a very strong feeling
> about this also.
> thank you for the opportunity to add my thoughts to this.
> diana
> askins
> "After two emergency
> meetings of the Renaissance Neighborhood Association board and in
> consultation with representatives of the immediate impacted neighbors
> on Columbia Place and 13th Street, we ask for a continuance in order
> that the developer provide adequate information about this proposed
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> If that is not possible, the RNA board and Columbia Place neighbors
> strongly prefer that the developer build single family homes which can
> be done by right under current zoning, and especially prefer that they
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> those are almost all one car and the garages do not dominate the face
> of the homes. There is tremendous demand for new vintage look single
> family homes in midtown, so this is hardly a money losing option for
> the developer.
> However, if the Board of Adjustment sees fit to grant this special
> exception to allow four duplexes (8 units), we again strongly, perhaps
> even vehemently, prefer not to have private road access as shown on
> the site plan, but that the duplexes have garages at the rear of the
> buildings, either attached or freestanding but with driveways from

2.163
> Delaware Avenue or for the southmost property, from 13th Street.
Although I do not live in the immediate vicinity of the proposed structures, I do live in the Renaissance Neighborhood and believe that the statement copied below reflects both my concerns and my preferences for development of this area. Following these suggestions would maintain the character of this neighborhood on a main road that runs through this neighborhood. I especially agree with the statement that access to the garages should come from an existing road and not from a private road.

I appreciate being given a chance to have my voice heard.

Christa D. Askins

"After two emergency meetings of the Renaissance Neighborhood Association board and in consultation with representatives of the immediate impacted neighbors on Columbia Place and 13th Street, we ask for a continuance in order that the developer provide adequate information about this proposed project. The site plan is minimalist and now incomplete, with the proposed garages having been removed, perhaps temporarily, or perhaps to come back in future, and there are no elevations, no visuals to give us enough details to make an informed decision.

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Dear Incog,

I live directly across 13th street (south) from the proposed zoning change. I believe the neighborhood would be better served by maintaining the zoning as it is and only allowing 6 single family dwellings to be built on the property in question. Access may be easily provided at the front of the homes like at 41st and Sandusky negating the need for 6 separate curb cuts onto Delaware (or 5 on Delaware and 1 on 13th). A back alley is a terrible solution and could exacerbate the crime issues we already have in the neighborhood. We have a school and churches in the immediate area that could also be impacted. We also see property values dropping at the other end of the neighborhood near the existing duplexes.

Please help us keep our community safe and maintain the historic flavor of the architecture.

Thanks
Pamela J. Vesley 2748 E. 13th Street
From: Destiny Peterson <destiny4028@gmail.com>
Date: April 8, 2019 at 1:04:15 PM CDT
To: Mark Ogan <oganmark@hotmail.com>
Subject: Re: Tuesday zoning meeting

My husband and I support the below position. Additionally, while not guaranteed to, the building of duplexes poses a potential risk of diminishing our home values. I wouldn’t think this would be in the interest of the city either to reduce adjacent home values. I believe the duplexes on 21st can provide a proof source. Additional single family homes on this property does not present the same risk. Furthermore, we have concern that the “private road” increases the potential for increased crime as opposed to individual driveways.

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Our biggest concern is also the private road, closely followed by the zoning change to allow a duplex.

Sincerely,

Jon and Destiny Peterson
1227 S Columbia Pl

Sent from my iPhone

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From: Tom Neal <tdineal@gmail.com>
Sent: Monday, April 8, 2019 10:34 AM
To: oganmark@hotmail.com
Subject: Fwd: Vote needed: Tuesday zoning meeting

Mark, best I could do from memory, please let me know what you think. Also, I don’t have Dyan’s email....
Tom

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Thank you."

I have promised to send this to Mark as well and Dyan but Dyan has yet to send me her email.

tom
"Live simply. Love generously. Care deeply. Speak kindly."

"Live simply. Love generously. Care deeply. Speak kindly."
Regarding this case, moving from single family residential to duplexes (essentially a multi-family development), I have several concerns

- safety in an area with school traffic (visibility issues/accidents at 12th St already exists and could become similar at 13th St)
- possibility of an alley which lends to an increase in crime over what we already experience,
- rear access garages are incongruent to other homes in the neighborhood,
- possibility of a "bait & switch" plan by the developer,
- development of duplexes resembling those on 21st St east of Jamestown,
- our home values. (Values of some homes adjacent to duplexes in the western part of Renaissance are less per square foot than those near the property on which the zoning change has been requested, per information available on Zillow.)

First, I request the board consider my request for a continuance in order that the developer provide adequate information about this proposed project. The site plan is minimalist and now incomplete, with the proposed garages having been removed, perhaps temporarily, or perhaps to come back in future, and there are no elevations, no visuals to give us enough details to make an informed decision.

If that is not possible, I prefer that the developer build single family homes which can be done by right under current zoning, and especially prefer that they be designed with garages to the rear of the houses in keeping with the prevailing character of Renaissance Neighborhood. Such a home was constructed and sold in 2014 at 1307 South Delaware. There is tremendous demand for new vintage look single family homes in midtown, so this is hardly a money losing option for the developer.

If the Board of Adjustment does not see fit to reject this special exception to allow four duplexes (8 units), I strongly prefer not to have private road access as shown or similar to the one on the site plan. I also prefer the duplexes have garages at the rear of the buildings, either attached or freestanding but with driveways from Delaware Avenue or for the southmost property, from 13th Street. I feel this would help retain the value of my home - which I purchased in 2013 adjacent to a property zoned single family residential since the 1920s - and those of my neighbors.

Sincerely,

Mark Ogan
1247 South Columbia Place
Tulsa
We, the owners of 1231 S. Columbia Pl., are in agreement with the position as stated. Thank you for your efforts to protect our neighborhood!

Lindsey Green

On Mon, Apr 8, 2019, 1:08 PM Destiny Peterson <destiny4028@gmail.com> wrote:

Sent from my iPhone

Begin forwarded message:

From: Mark Ogan <oganmark@hotmail.com>
Date: April 8, 2019 at 12:38:03 PM CDT
To: "destiny4028@gmail.com" <destiny4028@gmail.com>
Subject: Tuesday zoning meeting

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Tom

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Sent: Monday, April 8, 2019 10:34 AM
To: organmark@hotmail.com
Subject: Fwd: Vote needed: Tuesday zoning meeting

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--

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tom


BOARD OF ADJUSTMENT
CASE REPORT

STR: Case Number: BOA-22614
CZM: 37
CD: 4
A-P#: 

HEARING DATE: 04/23/2019 1:00 PM

APPLICANT: Acura Neon Signs, Inc

ACTION REQUESTED: Special Exception to permit a projecting sign to be located within the City of Tulsa planned street right-of-way (Section 60.020-E)

LOCATION: 1529 E. 3rd St. ZONED: CH

PRESENT USE: Commercial TRACT SIZE: + 13,500 sq. ft.

LEGAL DESCRIPTION: LT 20 & 21, BLK 4, MIDWAY ADDN

RELEVANT PREVIOUS ACTIONS:
Subject Tract:
BOA-16937; on 2.14.95, the Board approved a Variance of the all-weather surface requirement for off-street parking, per plan; subject to the unpaved surface being used for heavy off-road construction equipment only. (approval for Lot 21 only)

Surrounding Property:
BOA-22334; on 9.26.17, the Board approved a Special Exception to allow an outdoor assembly use in CH zoning. Located; SW/c of S. Trenton Ave. E. & E. 3rd St. S.

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. 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

REVISED 4/16/2019
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 surrounded by CH zoned lots to the south, east, and west; IL zoned small tracts are immediately north of the subject tract.

STAFF COMMENTS:
The applicant is before the Board requesting a Special Exception to permit a projecting sign to be located in the City of Tulsa planned right-of-way of E. 3rd St. (Sec.60.020-E). The applicant has stated, "there is no other place for a sign to be seen by traffic flowing east and west due to ROW line. Building sits 1 ft. from ROW line."

The planned ROW width along E. 3rd St. is 80 feet total. The minimum setback for the proposed projecting sign is 40 feet from the centerline of E. 3rd St. The submitted site plan indicates that the proposed neon sign extends into the planned right-of-way along E. 3rd St.. Section 60.020-E of the Code states, signs are not allowed to project into the right-of-way or planned right-of-way of a public street, a special exception has been approved by the Board of Adjustment and a license has been granted by the city in the case of the right-of-way or a removal agreement has been entered into in the case of the planned right-of-way.

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 removal 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.

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 Special Exception to permit a projecting sign to be located within the City of Tulsa planned street right-of-way (Section 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.
Case No. 16936 (continued)

Comments and Questions:
Mr. Bolzle asked if the existing building is used as a machine shop, and the applicant answered in the affirmative.

Ms. Russell informed that the plan has been revised and the required number of parking spaces can be provided on Lot 10.

The applicant stated that he installed a 6' chain link fence along the alley after he purchased the property and requested that he be permitted to insert slats to provide screening.

In reply to Mr. Bolzle, Mr. Cline stated that the south wall will be solid, except for an overhead door to provide ventilation.

Mr. Gardner noted that a setback variance is needed because the existing building encroaches into the required setback from the centerline of Charles Page.

Board Action:
On MOTION of BOLZLE, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to APPROVE a Variance of the required setback from the centerline of Charles Page Boulevard from 50' to 34', variance of the required screening fence to permit slats in the existing chain link fence, variance of the number of required parking spaces and a variance to permit a machine shop in a CH zoned district - Use Unit 23; per plan submitted; subject to the execution of a tie contract; finding that the machine shop has been in operation at this location for many years and the required screening fence is along an alley; finding that the existing building was constructed prior to current setback requirements and encroaches into the required setback; and finding that approval of the request will not be detrimental to the area or violate the spirit and intent of the Code; on the following described property:

Lot 11, Block 1, Rayburn's Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16937

Action Requested:
Variance of the all-weather surface requirement for off-street parking - SECTION 1303.D. - DESIGN STANDARDS - Use Unit 10, located 1517 East 3rd Street.

Presentation:
The applicant, Curtis Barrett, 1529 East 3rd Street, stated that heavy construction equipment is occasionally stored on the portion of the lot that does not have a hard surface covering. A plot plan (Exhibit M-2) was submitted.
Case No. 16937 (continued)

Comments and Questions:
In response to Mr. Doverspike, the applicant stated that there are mixed zoning classifications in the area.

Mr. Bolzle asked Mr. Barrett if he owns the building between the lots in question and he answered in the affirmative. He added that the paved parking area is located in front and back of the building. Mr. Barrett stated that the lots under application are for heavy equipment storage.

Mr. Gardner asked if the heavy equipment has cleats and the applicant answered in the affirmative.

Protestants:
One letter of opposition (Exhibit M-1) was submitted.

Board Action:
On MOTION of BOLZLE, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to APPROVE a Variance of the all-weather surface requirement for off-street parking - SECTION 1303.D. - DESIGN STANDARDS - Use Unit 10; per plan submitted; subject to the unpaved surface being used for heavy off-road construction equipment only; finding that the parking of cleated equipment on the unpaved surface will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lots 17, 18 and 21, Block 4, Midway Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16938

Action Requested:
Variance of the required lot width, lot area, livability space and land area per dwelling unit - SECTION 403. BULK AND AREA REQUIREMENTS - Use Unit 6, located 9202 South Darlington.

Presentation:
The applicant, Larry Jenkins, 9202 South Darlington, was represented by Jeff Tuttle, who informed that his client is proposing to construct a single-family dwelling on the subject property. He noted that the property in question is across the street from an RS-3 subdivision. A plot plan (Exhibit N-1) was submitted.

Comments and Questions:
Mr. Gardner noted that the applicant can comply with RS-3 requirements, but cannot comply with RS-1 requirements.
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:

N32 LT 6 & ALL LT 7 & W25 LT 1 LESS W25 S43 LT 1 BLK 3, AVALON PLACE, City of Tulsa, Tulsa County, State of Oklahoma

22334—Wallace Engineering – Jim Beach

Action Requested:
Special Exception to allow an outdoor assembly use in CH zoning (Section 15.020, Table 15-2). LOCATION: SW/c of South Trenton Avenue East and East 3rd Street South (CD 4)

Ms. Back recused and left the meeting at 3:08 P.M.

Presentation:
Jim Beach, Wallace Engineering Company, 200 East Brady Street, Tulsa, OK; stated this request is for the Church Studio which is an iconic building that goes back many, many years and represents a lot of history in the music culture in Tulsa. This building was recently placed on the National Historic Registry and is currently being remodeled with an expansion. The expansion space will have a small platform and used for an informal gathering place where musicians can jam. It is primarily an incidental and an occasional space not a space designed for gathering specifically or where concerts will be held.

Interested Parties:
Larry Jenkins, 8835 South 74th East Avenue, Tulsa, OK; stated he has been the caretaker for the Church Studio for the past year. This will be a great bogey for the City and the neighborhood.

Comments and Questions:
None.

09/26/2017-1192 (22)
Board Action:
On MOTION of BOND, the Board voted 3-0-1 (Bond, Flanagan, Van De Wiele "aye"; no "nays"; Back "abstaining"; White absent) to APPROVE the request for a Special Exception to allow an outdoor assembly use in CH zoning (Section 15.020, Table 15-2), subject to conceptual plan 15.11. 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:

LTS 1 & 2 BLK 5; LTS 3 & 4 BLK 5, MIDWAY ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Ms. Back re-entered the meeting at 3:12 P.M.

22332—Ryan Strode

Action Requested:
Variance to allow more than a 25% coverage in the rear setback; Variance to allow a detached accessory building to exceed one story, exceed 18 feet in height and 10 feet at the top of the top plate; Variance to increase the permitted size of a detached accessory building to 2,070 square feet (Section 45.030). LOCATION: 214 East Woodward Boulevard South (CD 4)

Presentation:
Ryan Strode, 4329 East 56th Place, Tulsa, OK; stated he is the designer of the project. The existing garage was built in 1927 that needs to be torn down and is not usable for the current vehicle sizes. The existing garage is located in the easement for utilities in the rear. The new proposed structure is a four-car garage with a second floor added to it and that is a little larger than the existing footprint of the existing garage. The second floor of the new garage is proposed to have space for a future care taker or family.

Interested Parties:
Stephen Schuller, 1100 OneOk Plaza, 100 West 5th Street, Tulsa, OK; stated he is before the Board on behalf of four individuals; two residents of the house immediately to the east of the subject property and two residents of the house immediately to the west of the subject property. Mr. Schuller asked the Board to refer to page 13.4 of the agenda packet as a guideline for his presentation. The subject property is almost a perfect rectangle; 100 feet in width and 130 feet deep so it exceeds the RS-2's minimum lot area by 4,000 square feet or about 40%. The literal enforcement of the Zoning Code provisions in this instance are indeed necessary to achieve their intended purposes. RS-2 zoning is to provide an increased separation of structures from lot to lot with increased open space especially in the rear. This limits the applicants to covering a full 25% of the rear yard setback area should be more than sufficient for their purposes on a lot as large and easily developable as this one. The lot is large enough to expand their residence. The Variances requested are not the minimum Variances
Note: Graphic overlays may not precisely align with physical features on the ground.
Looking west—towards the subject building—along E. 3rd St.
- Manufacture and install (1x) double sided neon blade sign.

12mm Seacrest neon.
12mm Ruby Red neon.

Aluminum cabinet painted Black (semi-gloss), with applied opaque vinyl graphics.

4x4 Steel tubing & 3/8" steel plate painted Black (semi-gloss), attached to 4x6 wood beam.
24'-0". - From leading edge of sign to centerline of street.
APPLICATION NO: SIGN-024399 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)

Location: 1529 E. 3rd Street
Description: Swamp House Restaurant

INFORMATION ABOUT SUBMITTING REVISIONS

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

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2ND STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A $55 RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

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

IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.

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

3. PRESENT THIS LETTER TO INCOG WHEN APPLYING FOR BOARD OF ADJUSTMENT OR PLANNING COMMISSION ACTION.

(Continued)
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 60.020 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 Swamp House projecting sign appears to be located in the City of Tulsa planned ROW. The planned ROW width along E. 3rd Street is 80 feet total. The minimum setback for the proposed projecting sign is 40 feet from the C/L of E. 3rd Street. This sign projects into the planned Right-of-Way (R-O-W) of this street and therefore requires a City of Tulsa R-O-W removal agreement and a Special Exception from the COT Board of Adjustment (BOA). You may relocate the sign to comply with the minimum 40-foot setback requirements or contact Chris Kovac @ 918-596-9649 for information on acquiring a removal agreement and for INCOG @ 918-584-7526 to apply for a special exception form the BOA to permit a projecting sign to be located within the planned ROW.

NOTE: Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to send the decision of any actions by the BOA or TMAPC affecting the status of your application 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: 9310
CZM: 38
CD: 5
A-P#:

HEARING DATE: 04/23/2019 1:00 PM

APPLICANT: Gabe Palacios

ACTION REQUESTED: Special Exception to allow an Industrial/High-Impact Manufacturing and Industry/High-Impact Medical Marijuana Processing Facility in the IM District (Section 15.020)

LOCATION: 1202 S SHERIDAN RD E

ZONED: IM

PRESENT USE: vacant

TRACT SIZE: 5.754 acres

LEGAL DESCRIPTION: BEG 655S & 50W NEC NE TH S635.92 TO N R/W E13TH ST TH W299.27 N235.30 W151 N399.52 TO S R/W E 12TH ST TH E447.57 POB SEC 10 19 13 5.754ACS,

RELEVANT PREVIOUS ACTIONS:

Surrounding Property:
BOA-19461; on 11.12.02, the Board approved a Special Exception to permit Use Unit 14 in an IM zoned district; and a Variance of required parking from 86 to 84 spaces. Located; 6235 E. 13th St. S.

BOA-19276; on 1.22.19, the Board approved a Special Exception to allow Use Unit 25, a bakery, in a CH zoned district, per plan. Located; SE/c of East 11th Street and South Sheridan.

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".

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.

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.
ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by IM zoned lots on all sides.

STAFF COMMENTS:

The applicant is before the Board requesting a Special Exception to allow an Industrial/High-Impact Manufacturing and Industry/High-Impact Medical Marijuana Processing Facility in the IM District (Section 15.020) in a portion of the overall existing building.

Per the Code, a Special Exception is required as the proposed Medical Marijuana Processing Facility is a use which is not permitted by right in the IM district because of potential adverse effects, but which if controlled as to its relationship to the surrounding neighborhood may be permitted. High-impact manufacturing and industrial uses are uses that regularly use hazardous chemicals or procedures or that produce hazardous byproducts or explosive hazards. Typical examples of high-impact manufacturing and industrial uses include: the manufacture of acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins and radioactive materials. This subcategory also includes petrochemical tank farms, gasification plants, smelting, animal

In Section 35.070-C.2, a High-Impact Medical Marijuana Processing Facility is defined as “an establishment in which the preparation, manufacture, processing or packaging of medical marijuana products by the holder of a medical marijuana processor license issued by the Oklahoma State Department of Health is conducted, in accordance with the terms of such license, and in which extraction processes include the use of flammable substances such as butane, propane, ethanol and alcohol”

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 Special Exception to allow an Industrial/High-Impact Manufacturing and Industry/High-Impact Medical Marijuana Processing Facility in the IM 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.
Case No. 19277

Action Requested:
Amendment to the minutes of January 22, 2002 Board of Adjustment meeting, regarding Case No. 19277.

Presentation:
Charles Norman, 2900 Mid-Continent Tower, stated it was never the intention of the applicant or staff for approval of the application per site plan as stated in the Board action. The intent was to follow the standard procedure of approval of a detailed sign plan by the TMAPC.

Board Action:
On MOTION of Dunham, the Board voted 5-0-0 (White, Dunham, Tumbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences" to APPROVE an Amendment of the Minutes of January 22, 2002 regarding Case No. 19277 per staff recommendation.

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UNFINISHED BUSINESS

Case No. 19461

Action Requested:
Special Exception to permit Use Unit 14 in an IM zoned district. SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 14 & 15; and a Variance of required parking from 86 to 84 spaces. SECTION 1215.D. USE UNIT 15. OTHER TRADES AND SERVICES, Off-Street Parking and Loading Requirements, located 6235 E. 13th St. S.

Presentation:
Bruce Bolzle, 5550 S. Lewis, stated he represented Habitat for Humanity, the owner and occupant of the property. They purchased the building and then found deficiencies in the zoning. He pointed out that there are in excess of 86 parking spaces on the site, however only 84 of them meet the zoning requirements. The 33 additional parking spaces exceed the parking needs.

Comments and Questions:
Mr. Cooper asked where the 33 extra parking spaces are located. Mr. Bolzle replied there are 25 spaces immediately to the east of the resale area, and you have to back out into the street from those spaces. There are another eight spaces immediately south of the 30,000 foot warehouse on the west of the complex.

Interested Parties:
There were no interested parties who wished to speak.
Board Action:
On MOTION of Dunham, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Special Exception to permit Use Unit 14 in an IM zoned district; and a Variance of required parking from 86 to 84 spaces, finding there is sufficient parking and thirty-three additional parking spaces that cannot be counted that would more than off-set the deficiency, on the following described property:

A tract of land in the NE/4 of Section 10, T-19-N, R-13-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, said tract being that part of the SW/4 SW/4 NE/4 NE/4 less the S 30.00' thereof, and a part of the NW/4 SW/4 NE/4 NE/4 and a part of the SW/4 NW/4 NE/4 NE/4 less the W 150.00' of the N 50.00', and a part of the SE/4 SW/4 NE/4 NE/4, more particularly described as: Beg. at a point, said Point being on the N right-of-way line of 13th Street, a distance of 30.00' N 0°27'40" E of the SW/c NE/4 NE/4 of Section 10, with bearings based on the S boundary of Section 10 being due E; thence N 89°55'48" E along the N right-of-way line of 13th Street a distance of 593.66' to a point for corner, said Point being the intersection of the N right-of-way line of 13th Street and the W right-of-way line of Norwood Ave.; thence N 0°26'48" E, along the W right-of-way line of Norwood Ave. a distance of 272.13' to a point for corner, said point being 1,025.45' S (along the E boundary of Section 10) and 730.00' W (perpendicular to the E boundary of Section 10) of the NE/c of Section 10; thence N 89°33'12" W, a distance of 263.50' to a point for corner; thence N 0°27'40" E a distance of 685.49' to a point for corner; thence S 89°55'48" W, a distance of 180.00' to a point for corner; thence S 0°27'40" W a distance of 50.00' to a point for corner; thence S 89°55'48" W, a distance of 150.00' to a point for corner on the W boundary of the SW/4 NW/4 NE/4 NE/4 of Section 10; thence S 0°27'40" W, a distance of 910.00' to the POB.

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Case No. 19467

Action Requested:
Variance of the average lot width in an RS-1 zoned district from 100' to 78'.
SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 4455 S. Gary.

Presentation:
Loren Ashford, 1611 S. Utica, Ste.195, submitted a packet of information (Exhibit A-2). She stated that fire damaged the house and they plan to have it removed in the next thirty days. She pointed out that all of the lots that are not in the flood plain have been split, except for her lot. Her lot is 220' deep on one side and 190' deep on the other side. She noted that several lots in the neighborhood do not meet the minimum lot width of 100'. A survey (Exhibit A-1) was submitted.
Comments and Questions:
Ms. Turnbo asked if Mr. Willis has contacted the City of Tulsa to clean up the alley. Mr. Willis had not contacted them, but he stated his tenants have not complained. Mr. White stated that the alley needs to be paved, is narrow and the entrance and exits are awkward at best. Mr. Cooper asked the applicant for a hardship. Mr. Willis replied that the code requires more parking space than is needed for this use. Mr. Beach indicated this relief would not be adequate to meet the parking needs and allow for traffic in the alley.

Board Action:
On MOTION of Dunham, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to DENY a Special Exception to allow a Use Unit 11, computer recording/video photography; internet training through computer; studio; a Variance of the required nine parking spaces to eight; and a Variance of parking standards from an aisle of 21' to 19', finding the lack of a hardship, there is not enough parking space to meet the code requirement, on the property described as follows:

Lot 3, Block 11, Forest Park Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19276
Action Requested:
Special Exception to allow Use Unit 25, a bakery, in a CH zoned district.
SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 25, located SE/c E. 11th St. & S. Sheridan.

Presentation:
Wallace O. Wozencraft, 1619 S. Boston, stated he is the architect for the project on the subject property. This application is for the expansion of the existing bakery. He discovered that the front of the property is zoned CH. A site plan (Exhibit B-2) was submitted.

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

Board Action:
On MOTION of Dunham, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Special Exception to allow Use Unit 25, a bakery, in a CH zoned district, per plan, 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:
The NW/4 NW/4 NW/4 of Section 11, T-19-N, R-13-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, formerly described as Lot 3, Block 2, Wren Park Addition, less the S 30' thereof.

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Case No. 19277

Action Requested:
Variance of Section 502.8.1 restricting identification signs in the P district to 1 sign for each street frontage and limiting the display surface area of signs within the P district to not more than two-tenths of a sq. ft. of display surface area per lineal foot of street frontage. SECTION 602.B. ACCESSORY USES IN THE PARKING DISTRICT, Accessory Use Conditions; a Variance of Section 602.B.4 restricting signs in O districts to not more than one sign for each street frontage of a lot and limiting the display surface area of signs within O districts to not more than two-tenths of a sq. ft. of display surface area per lineal foot of street frontage. SECTION 602.B. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS, Accessory Use Conditions; a Variance of the provisions of Section 1104.D requiring "every structure" to be set back from the centerline of an abutting public street designated on the Major Street and Highway Plan (MSHP) a horizontal distance of not less than one-half of the right-of-way designated on the MSHP. SECTION 1104.D. BULK AND AREA REQUIREMENTS, Building Height, Setbacks and Yards; a Variance of the provisions of Section 1221.C.1.a which restricts signs, if visible from an R district, from being located within 50' of the R district. SECTION 1221.C. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs; a Variance of the provisions of Section 1221.C.4.a which restrict the size of nameplates attached to the face of a wall to not more than 4 sq. ft. in display surface area and to permit building wall identification signs and building plaques to be a size and contain display surface area approved by the Tulsa Metropolitan Area Planning Commission (TMAPC) as a part of a detail sign plan. SECTION 1221.C. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs; a Variance of the provisions of Section 1221.C.4.j to permit directional, warning and building identification signs to exceed 3 sq. ft. of display surface area subject to the approval of such signs by the TMAPC as part of a detail sign plan under Planned Unit Development No. 417. SECTION 1221.C. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs; and a Variance of the provisions of Section 1221.C which require that all signs and parts thereof will be set back one-half of the right-of-way width designated on the MSHP or 25' if the street is not designated on the MSHP. SECTION 1221.C. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs, located NE/c E. 21st St. & S. Utica Ave.

Presentation:
Charles E. Norman, 2900 Mid-Continent Tower, submitted photographs, maps, sketches and a site plan (Exhibits C-1, C-2, and C-3). This application is for relief for identification and directional signs in PUD 417, St. John Medical Center. This is in an older neighborhood with lot frontages of 40' to 50', allowing only one sign per lot.
Note: Graphic overlays may not precisely align with physical features on the ground.
**BOARD OF ADJUSTMENT**

**CASE REPORT**

**STR:** 9302

**CZM:** 38

**CD:** 3

**A-P#:**

**HEARING DATE:** 04/23/2019 1:00 PM

**APPLICANT:** Jarrett Metzler

**ACTION REQUESTED:** Variance to allow a detached accessory structure to exceed 500 sq. ft. or 40% of the floor area of the principal residential structure (Section 45.030-A); Variance to permit an accessory building to exceed 30% coverage of the floor area in the rear setback (Sec. 90.090-C-2); Variance to allow an accessory structure to exceed 10 feet in height to the top of the top plate (Sec. 90.090.C-2)

**LOCATION:** 7431 E 7 ST S

**ZONED:** RS-3

**PRESENT USE:** Residential

**TRACT SIZE:** 8712.04 SQ FT

**LEGAL DESCRIPTION:** LOT-14-BLK-10, PAMELA ACRES

**RELEVANT PREVIOUS ACTIONS:**

Surrounding Properties:

BOA-15247; on 10.19.89, the Board approved a variance of the required 5' side yard requirement to 1' to permit a carport. At the 09/21/89 meeting the board approved a variance of the required 50' setback from the centerline of East 6th Street to 32' to permit the same carport. Located; 7504 E. 6th St.

**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.

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5.2

REVISED4/16/2019
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 RS-3 zoned residences to the north, east and west; McClure Park is immediately south of the subject property.

**STAFF COMMENTS:**
As shown on the attached exhibits, the applicant is proposing to construct a two-car garage. The Code states detached accessory buildings are limited to a floor area of 500 sq. ft. or 40% of the principal dwelling, whichever is greater, in an RS-3 district. The applicant is proposing to construct a detached accessory garage that will be 1500 sq. ft. Based on the size of the existing house (1304 sq. ft.) the applicant is allowed 521 sq. ft. of detached accessory floor area on the lot. The proposed detached structure exceeds 500 sq. ft. and 40% of the size of the existing house.

The applicant has requested a **Variance** to increase the maximum permitted floor area of a detached accessory building on the lot from 521 sq. ft. to 1500 sq. ft (Sec. 45.030-A).

The Code states that detached accessory buildings can only cover up to 30% of the required 20 ft. rear setbacks in an RS-3 district. The rear setback is defined as the minimum distance set out by the zoning code of open, unoccupied space between the rear lot line and the required rear setback (Section 90.090-C.2)

The maximum 30% area that is allowed by the Code on this lot is 390 sq. ft.(65’x20’x30%). The proposed new addition to the existing garage will result in 700sq. ft. of coverage in the rear setback. The applicant has requested a **Variance** to exceed 30% of coverage in the required rear setback to permit construction of an addition to an existing detached garage as shown in the conceptual plan.

The Code states that detached accessory buildings in RS districts may be located in the required rear setbacks if the building does not exceed one story or 18 feet in height and is not more than 10 feet in height to the top of the plate (Section 90.090-C.2).

*Figure 90-9: Maximum Height of Accessory Buildings In Rear Setbacks (RE, RS and RD Districts or RM Zoned Lots Used for Detached Houses or Duplexes)*

As shown on the attached building plans, the proposed garage will be 12 ft in height at the top of the top plate. The applicant has requested a **Variance** to increase the allowable height at the top of the top plate from 10 ft. to 12 ft.
Sample Motion

Move to ________ (approve/deny) a **Variance** to allow a detached accessory structure to exceed 500 sq. ft. or 40% of the floor area of the principal residential structure to be increased from 521 sq. ft. to 1500 sq. ft. (Section 45.030-A); **Variance** to permit an accessory building to exceed 30% coverage of the floor area in the rear setback to be increased from 390 sq. ft. to 700 sq. ft. (Sec. 90.090-C-2); **Variance** to allow an accessory structure to exceed 10 feet in height to the top of the top plate to be increased to 12 ft. (Sec. 90.090.C-2)

- 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.”
CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 549
Thursday, October 19, 1989, 1:00 p.m.
Francis F. Campbell Commission Room
Plaza Level of City Hall, Tulsa Civic Center

MEMBERS PRESENT  MEMBERS ABSENT  STAFF PRESENT  OTHERS PRESENT
Bolzle          White          Gardner         Jackere, Legal
Bradley         Gardner         Jones          Department
Chappelle       Moore          Hubbard, Protective
Fuller

The notice and agenda of said meeting were posted in the Office of the City Auditor on Wednesday, October 18, 1989, at 11:28 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Vice-Chairman Bradley called the meeting to order at 1:00 p.m.

MINUTES:
On MOTION of BOLZLE, the Board voted 2-0-1 (Bolzle, Chappelle, "aye"; no "nays"; Bradley, "abstaining"; Fuller, White, "absent") to APPROVE the Minutes of September 28, 1989.

On MOTION of CHAPPELLE, the Board voted 2-0-1 (Bolzle, Chappelle, "aye"; no "nays"; Bradley, "abstaining"; Fuller, White "absent") to APPROVE the Minutes of October 5, 1989.

UNFINISHED BUSINESS

Case No. 15247

Action Requested:
Variance - Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206 - Request a variance of the required 5' sideyard to 1' to permit an existing carport, located 7504 East 6th Street.

Presentation:
The applicant, Geraldine Alverson, Route 2, Box 428-P, Ft. Smith, Arkansas, was not present.

Comments and Questions:
Mr. Jones explained that the plot plan for the existing carport was submitted at the previous hearing and the application was approved; however, it was discovered later that the applicant was also in need of a variance of the required side yard. He pointed out that, due
Case No. 15247 (continued)

...to the fact the applicant lives in another state, she asked that the Board hear the additional request for the side yard relief without her presence. Mr. Jones noted that there were no protestants at the previous meeting. A plat of survey (Exhibit A-1) was submitted.

Protestants: None.

Board Action:

On MOTION of BOLZLE, the Board voted 3-0-0 (Bolzie, Bradley, Chappelle, "aye"; no "nays"; no "abstentions"; Fuller, White, "absent") to APPROVE a Variance (Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206) of the required 5' sideyard to 1' to permit an existing carport; per plat of survey submitted; on the following described property:

Lot 6, Block 10, Pamela Acres, City of Tulsa, Tulsa County, Oklahoma,

Case No. 15250

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the Residential District - Use Unit 1206 - Request a variance of the required 25' rear yard to 5' to permit an addition to an existing residence, located 7157 South Evanston.

Presentation:

The applicant, Charles Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma, requested by letter (Exhibit B-1) that Case No. 15250 be stricken from the agenda. Mr. Norman stated that the design plan for the addition has been revised and his client is no longer in need of the requested relief.

Board Action:

On MOTION of CHAPPELLE, the Board voted 3-0-0 (Bolzie, Bradley, Chappelle, "aye"; no "nays"; no "abstentions"; Fuller, White, "absent") to STRIKE Case No. 15250, as requested by the applicant.

Case No. 15269

Action Requested:

Variance - Section 1221.3 - General Use Conditions for Business Signs - Use Unit 1213 - Request a variance of the required 200' of spacing between an R zoned district and a flashing sign to 175', located 215 North Garnett Road.

Presentation:

The applicant, Joe Westervelt, was not present.
Board Action:

On MOTION of CHAPPELLE, the Board voted 4-0-0 (Bozle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bradley, "absent") to APPROVE a Special Exception (Section 310 - Permitted Uses In The Agriculture District - Use Unit 1205) to allow a rowing club in on AG and FD zoned district; per plot plan submitted; finding that the use will be compatible with the area, and in harmony with the spirit and intent of the Code; on the following described property:

All that part of Lot 11, Section 11, T-19-N, R-12-E, of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the official US Government Survey thereof more particularly described as follows, to-wit:

Beginning at the northwesterly corner of an existing concrete boat ramp on the westerly bank of the Arkansas River and West 21st Street South; thence due west a distance of 14.94'; thence N 49°22'19" W a distance of 45.49'; thence due west a distance of 35.56'; thence W 63°13'50" W a distance of 89.54'; thence N 32°59'53" W a distance of 142.38'; thence N 57°54'17" E a distance of 70.00'; thence N 73°42'55" E a distance of 127,10' ; thence S 32°51'53" E a distance of 250.00'; thence S 55°01'00" W a distance of 90.00' to the Point of Beginning, containing 45,993.0 sq ft or 1.0559 acres more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15247

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements In the Residential District - Use Unit 1206 - Request a variance of the required 50' front setback (measured from the centerline of East 6th Street) to 32' to permit an existing carport, located 7504 East 6th Street.

Presentation:

The applicant, Geraldine Alverson, Route 2, Box 428-P, Ft. Smith, Arkansas, stated that she is representing her mother who lives at the above stated location. She informed that a carport was recently constructed on her mother's property, and asked the Board to allow it to remain. A plat of survey (Exhibit X-1) was submitted.

Comments and Questions:

Mr. Chappelle asked how long the carport has been constructed, and the applicant replied that the carport was completed in August of this year. She explained that the existing garage and carport were destroyed by fire, and her mother paid the contractor to get a permit to convert the garage area into a den. She said that her mother did not know there was no permit for the carport.

09.28.89:547(11)
Case No. 15247 (continued)
Mr. Chappelle inquired as to the length of time the previous carport had been on the property, and Ms. Alverson replied that it was there for a few years before the fire.

Ms. White stated that she has viewed the property and there is a carport next door to the subject property that extends further toward the street than the one under application.

Protestants: None.

Board Action:
On MOTION of FULLER, the Board voted 4-0-0 (Boazle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bradley, "absent") to APPROVE a Variance (Section 430.1 - Bulk and Area Requirements in the Residential District - Use Unit 1206) of the required 50' front setback (measured from the centerline of East 6th Street) to 32' to permit an existing carport; per plat of survey submitted; finding that the new structure will replace the carport that was previously existing; and finding that there are other carports in the immediate vicinity that have been constructed closer to the street than the one in question, and the granting of the request will not be detrimental to the neighborhood; on the following described property:

Lot 6, Block 10, Pamela Acres, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15248

Action Requested:
Variance - Section 122.13 General Use Conditions for Business Signs - Use Unit 13 - Request a variance to permit a flashing sign within 200' of an "R" Zoned district.

Appeal - Section 1650 - Appeals From an Administrative Official - Request an appeal from the building inspectors interpretation in regards to a flashing sign, located Southwest corner of Garnett Road and I-44 Expressway.

Presentation:
The applicant, Joe Westervelt, QuikTrip Corporation, 901 North Mingo, Tulsa, Oklahoma, requested permission to install a gasoline price sign at the above stated location. He pointed out that the sign in question will be the same as other QuikTrip gasoline signs in the City. Mr. Westervelt stated that he is appealing the Building Inspector's interpretation that the sign is flashing, and noted that the time and temperature signs are currently allowed, while the QuikTrip gasoline signs are still being determined to be flashing. He stated that he is aware of the fact that a future sign ordinance is pending, but requested that the price changing sign currently used by QuikTrip be allowed by right during the interim.
Subject Tract

BOA-22617

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

Aerial Photo Date: February 2018
Looking north—towards the subject site—on E. 7th St.
APPLICATION NO: BLDR-22258-2018 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Project Location: 7431 E 7th St S
Description: Detached Accessory Building

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.).
1. 45.030-B RS-2, RS-3, RS-4, RS-5 or RM Districts
In RS-2, RS-3, RS-4 and RS-5 districts, the total aggregate floor area of all detached accessory buildings and accessory buildings not erected as an integral part of the principal residential building may not exceed 500 square feet or 40% of the floor area of the principal residential structure, whichever is greater.

Review comments: You are proposing 1500 sq ft of detached accessory structure floor area. The proposed detached structure exceeds 500 sq ft and 40% of the size of your house. Based on the size of your house (1304) you are allowed 521 sq ft of detached accessory structures floor area on your lot. Reduce the size of your proposed detached accessory structure to be less than 521 sq ft of total floor area or apply to BOA for a variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure.

2. 90.090-C.2 Detached Accessory Buildings
   a. Detached accessory buildings may be located in rear setbacks in RE, RS and RD districts, provided that:
      
      (2) Building coverage in the rear setback does not exceed the maximum limits established in Table 90-2:

Review Comments:
#2. This lot is zoned RS-3. The rear setback is defined as the minimum distance set out by the zoning code of open unoccupied space between the rear lot line and the required rear setback (in your case, 20 feet from the rear property line). A maximum 30% area can be covered by the accessory building; (65' x 20' x 30%) allows 390 sq ft of coverage. You are proposing 700 sq ft of coverage in the rear setback. Revise your plans to show compliance or apply to BOA for a variance to allow more than 30% coverage in the rear setback.

3. 90.90.C: Detached Accessory Buildings
   a. Detached accessory buildings may be located in rear setbacks in RE, RS and RD districts, provided that:
      
      (1) The building does not exceed one story or 18 feet in height and is not more than 10 feet in height to the top of the top plate; and
Review Comments: Revise plans to indicate that the detached accessory building will not exceed 10 feet in height to the top of the top plate or apply to the BOA for a variance to allow an accessory structure to exceed 10 feet in height to the top of the top plate.

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.

Please Notify Plans Examiner By Email When You Have Submitted A Revision.

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.
HEARING DATE: 04/23/2019 1:00 PM

APPLICANT: Charlie Smith

ACTION REQUESTED: Special Exception to exceed the allowable driveway width within the right-of-way and within the street setback. (Sec. 55.090-F.3)

LOCATION: 3003 S BOSTON PL E

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 9801.04 SQ FT

LEGAL DESCRIPTION: N 20 LT 23 & ALL LT 24 BLK 10, TRAVIS PARK ADDN

RELEVANT PREVIOUS ACTIONS:

Surrounding Property:
BOA-21088; on 5.25.10, the Board approved a Variance of the required yard from the centerline of an abutting arterial street from 70 ft. to 40.2 ft. to permit an addition to an existing house. Located; 3048 S. Detroit Ave. E.

BOA-20777; on 9.30.08, the Board approved a Variance of the setback requirement for a detached garage from an abutting public street from 20 ft. to 6 ft. – 6 in.; and a Variance of the setback of a fence structure from the centerline of an abutting street, finding the existing line of the houses and structures on this particular street have been there since before the zoning code in 1970. Located; 3047 S. Boston Ct.

On 10.14.08 the Board approved a Variance of the side yard requirement abutting a public street from 35 ft. to 6 ft. – 6 in., finding the 1930’s platting is a definite hardship. Located; 3047 S. Boston Ct.

BOA-20668; on 4.22.08, the Board approved a Variance of the side yard requirement from 5' to 0' to permit a structural addition. Located; 3007 S. Boston Pl.

BOA-20905: on 4.14.08, the Board approved a Minor Special Exception to reduce the required front yard from 25 ft. to 20 ft. (Section 403) to permit residential expansion. Located; 3013 S. Boston Pl.

BOA-16051; on 5.26.92, the Board approved a Variance of the setback from the centerline of E. 31st St. to 48 ft.; per plat of survey submitted; finding the existing house was constructed closer to the street than the proposed addition, and the setback is consistent with others in the area. Located; 3045 S. Boston Pl.
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-1 zoned residences on all sides.

STAFF COMMENTS:

On September 18, 2018 the below driveway width amendment to the City of Tulsa Zoning Code became effective:

55.090-F Surfacing

3. In RE and RS zoning districts, driveways serving residential dwelling units may not exceed 50% of the lot frontage or the following maximum widths, whichever is less, unless a greater width is approved in accordance with the special exception procedures of Section 70.123, or, if in a PUD, in accordance with the amendment procedures of Section 30.010-1.2. (Refer to City of Tulsa Standard Specifications and Details for Residential Driveways #701-704).

<table>
<thead>
<tr>
<th>Maximum Driveway Width</th>
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</thead>
<tbody>
<tr>
<td>Lot Frontage</td>
</tr>
<tr>
<td>Driveway Within Right-of-Way (feet) [1]</td>
</tr>
<tr>
<td>Driveway Within Street Setback (feet)</td>
</tr>
</tbody>
</table>

[1] Maximum width applies to the composite of all driveways if multiple curb cuts are provided.
[2] Provided that for lot frontages less than 24 feet, a driveway up to 12 feet in width is permitted.

The subject lot has ± 140 ft. of frontage on E. 30th St. The applicant is allowed by right a driveway width of 27 ft. within the right-of-way and 30 ft. within the street setback. As shown on the attached exhibit, the applicant is proposing a driveway width of 31 ft. in the right-of-way and 31 ft. in the street setback.
In an RS-3 district, for detached houses on corner lots, the minimum side street setback requirement along a non-arterial street may be reduced to 15 ft, provided that the minimum setback for street-facing garage doors is 20 ft or 20 ft from the back of the sidewalk, whichever is greater.

The applicant is before the Board requesting a **Special Exception** to allow a driveway width of 31 ft. in the right-of-way and in the street setback.

**Sample Motion**

Move to ________ (approve/deny) a **Special Exception** to allow a driveway width of 31 ft. in the right-of-way and in the street setback.

(Sec. 55.090-F.3)

- 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.
Case No. 21088-Stephanie Byrd

**Action Requested:**
Variance of the required yard from the centerline of an abutting arterial street from 70 ft. to 40.2 ft. to permit an addition to an existing house (Section 403). **Location:** 3048 S. DETROIT AV. E.

**Presentation:**
Stephanie Byrd, 3048 South Detroit Avenue, Tulsa, OK; provided that the house was built in 1939 and the owner is wanting to add onto the house without going beyond and outside the existing foot print of the existing house.

**Comments and Questions:**
There were no comments or questions from the board.

**Interested Parties:**
No interested parties were present.

**Board Action:**
On **MOTION** of STEAD, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the variance of the required yard from the centerline of an abutting arterial street from 70 ft. to 40.2 ft. to permit an addition to an existing house (Section 403). The board found this lot containing only 7,000 sq. ft. or 50'-0" x 140'-0" lot was platted and built in approximately 1939. The addition proposed is in line with the existing house and will be as per plan 7.6. The size of the lot and the existing house are reasons of extraordinary and exceptional conditions or circumstances peculiar to this land, structure or building involved and literally the enforcement of the terms of the code would result in unnecessary hardship. That such extraordinary and 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 purpose of the spirit or intent of the code or comprehensive plan. The board also found there is adequate livability space and that some of these conditions are created by the house facing not only 31st Street but Detroit Avenue forming a corner lot; on the following described property:

**LT 12 BLK, TRAVIS PARK ADDN**

Case No. 21089-Claude Neon Federal Signs

**Action Requested:**
Variance of the maximum number of signs permitted in an OL district (Section 602.B.4.b) to permit two signs on a lot with one street frontage.
**Location:** 5705 E. 71st St.
Case No. 20777

Action Requested:
Variance of the side yard requirement abutting a public street from 35 ft. to 6 ft. - 6 in. (Section 403); a Variance of the setback requirement for a detached garage from an abutting public street from 20 ft. to 6 ft. - 6 in. (Section 210.B.5.b and 403); and a Variance of the setback of a fence structure from the centerline of an abutting street (Section 215), located: 3047 South Boston Court.

Mr. Cuthbertson clarified that the code requires a 35 ft. setback from an abutting arterial street, and for other streets it is 15 ft. The 15 ft. indicated on the notice was a typographical error. The Board cannot legally act on the variance for the side yard requirement abutting a public street at this time. He stated that a new notice has been distributed for this request.

Presentation:
Keith Robertson, 5567 South Lewis Avenue, Suite 700, Tulsa, Oklahoma, 74105, stated the existing residence located on the corner of 31st and Boston Court was built in 1938. It has 1,800 sq. ft., with two bedrooms, one bath, small kitchen and a utility room.

Mr. Stephens out at 2:34 p.m.

They proposed an expansion of approximately 350 sq. ft. to the north side of the residence. They also proposed to add about 600 sq. ft. to the east and south corner of the residence.

Mr. Stephens in at 2:36 p.m.

The third addition would be 576 sq. ft. for the garage, all per plan (Exhibit E-1). He stated the plans would be the same dimensions as the addition to the neighbor's house across the street. They have contacted the neighbors with a petition (Exhibit E-2) and found they were in support. He stated they will obtain a new license agreement with the City of Tulsa to replace the fence in the same location as the former fence.

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

Board Action:
On Motion of White, the Board voted 4-0-0 (White, Henke, Stephens, Stead "aye"; no "nays"; no "abstentions"; Tidwell "absent") to APPROVE a Variance of the setback requirement for a detached garage from an abutting public street from 20 ft. to 6 ft. - 6 in. (Section 210.B.5.b and 403); and a Variance of the setback of a fence structure from the centerline of an abutting street (Section 215), finding the existing line of the houses and structures on this particular street have been there since before the zoning code in 1970, and this is a continuation of that line; and
regarding the variance for the fence structure, the new fence structures will be in the original location, with a new license agreement from the City of Tulsa, to be in the public right-of-way, per plan as shown on page 13.7 of the agenda, 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.

On Motion of White, the Board voted 4-0-0 (White, Henke, Stephens, Stead "aye"; no "nays"; no "abstentions"; Tidwell "absent") to CONTINUE a Variance of the side yard requirement abutting a public street from 35 ft. to 6 ft. - 6 in. (Section 403) to the meeting on October 14, 2008, on the following described property:

LT 13 & S25 LT 14 BLK 9, TRAVIS PARK ADDN, City of Tulsa, Tulsa County, State of Oklahoma

* * * * * * * *

Case No. 20778

Action Requested:
Special Exception to permit a manufactured home (Use Unit 9) in an RS-2 district (Section 401); and a Special Exception to extend the time limitation from 1 year (Section 404.E.1), located: 1116 South 135th Avenue.

Presentation:
Stacy Dake, 1116 South 135th East Avenue, Tulsa, Oklahoma, 74108, proposed to move a 1,700 sq. ft. new, manufactured home on the subject property (Exhibits F-1 and F-2). They plan to remove the barn and the existing house. The fence on the front property line and trees as shown in the photograph exhibit will be removed. They plan for a permanent foundation; with the home 18 to 24 inches from the ground, and rock around the foundation.

Comments and Questions:
Ms. Stead determined this to be a modular home, as it will be moved in pieces. Mr. Alberty stated there are two issues involved, a land use and a building code issue. He added that for land use it is considered a modular home but from a build permit perspective it is not. Mr. White concluded that the steel I-beam is the differentiating factor.

Interested Parties:
Felix Keith, 16255 East 125th Street North, Tulsa, Oklahoma, 74021, represented L. G. and Freda Crow who own property in this area. They wanted to know how many structures would be on the property. Ms. Stead responded that Ms. Dake
1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.G.9), based upon the facts in this matter as they presently exist, subject to the action of the Board being void should another outdoor advertising sign be constructed prior to this sign, on the following described property:

PRT W/2 NW BEG 1102.46S NWC NW TH S230.82 E265 S300 W265 S20.82 E1230.46 NE332.87 NW222.16 NW368 N51 W559.55 S110 W265 POB SEC 35 19 12 15.494ACS, City of Tulsa, Tulsa County, State of Oklahoma

****************

Case No. 20777

Action Requested:
Variance of the side yard requirement abutting a public street from 35 ft. to 6 ft. - 6 in. (Section 403), located: 3047 South Boston Court.

Presentation:
Mr. Cuthbertson reminded the Board this application was continued to this meeting for correction of a typographical error. The variance of the side yard is from 35 ft. not 15 ft.

Keith Robertson, 5567 South Lewis, Suite 700, Tulsa, Oklahoma, represented his clients, Parker and Beth Fleming. The license agreement and site plan were provided to staff (Exhibits C-1 and C-2).

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

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 Variance of the side yard requirement abutting a public street from 35 ft. to 6 ft. - 6 in. (Section 403), finding the 1930's platting is a definite hardship; finding these are 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 13 & S25 LT 14 BLK 9, TRAVIS PARK ADDN, City of Tulsa, Tulsa County, State of Oklahoma

****************

10:14:08:989 (5)
Interested Parties:
There were no interested parties who wished to speak.

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 a variance of the required side yard setback from 5' to 1.4' to reconstruct, extend, and cover an existing structure (Section 403), per plan, and subject to a lot combination of the two lots, finding this is a reconstruction extension of an existing structure that has been there about 30 years; 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, on the following described property:

LTS 7-8 BLK 21, SUNSET TERRACE, City of Tulsa, Tulsa County, State of Oklahoma

* * * * * * *

Case No. 20668
Action Requested:
A Variance of the side yard requirement from 5' to 0' (Section 403) to permit a structural addition, located: 3007 South Boston Place.

A partial refund was requested. Staff recommended a $50.00 refund.

Presentation:
Joey Toler, 3007 South Boston Place, stated his request. They are adding a one-car garage, within the building lines and an attached carport that would encroach on the side yard requirement. He provided site plans (Exhibit C-1).

Comments and Questions:
Ms. Stead asked about the stone archway. Mr. Toler stated the north archway will be removed and the south one will remain. The carport will be in front of it. Mr. Tidwell asked if the west elevation was correct on the exhibit. Mr. Toler replied that it is correct.

Interested Parties:
There were no interested parties who wished to speak.
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 variance of the side yard requirement from 5' to 0' (Section 403) to permit a structural addition, per plan, as shown on pages 5.7, 5.8, and 5.9, finding the existing structure and part of this structure is on the property line; this is merely an improvement of the structure; the adjacent neighbor to the north is 21 ft. from the property line; carport on the north to remain an open structure, not to have the sides closed in; 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;

And,

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 Refund of $50.00, as recommended by staff, on the following described property:

N35 LT 22 & S30 LT 23 BLK 10, TRAVIS PARK ADDN, City of Tulsa, Tulsa County, State of Oklahoma

**********

Case No. 20669

Action Requested:

Special Exception to allow an outdoor special event in the CH, OL and RS-3 zoning district (Section 701, 601 and 401); a Variance to permit the special event to occupy required parking (Section 1202.C.2); and a Variance of the setback for a tent from an RS zoning district (Section 1202.C.3.) for five years, located: East of Southeast corner of South Peoria Avenue and East 33rd Street South.

Mr. Henke recused himself from Case No. 20669.

Presentation:

Jeff Swanson, 1720 East 30th Place, Tulsa, Oklahoma, 74114, explained that this request is for one event to be held annually in association with the 'Cinco de Mayo' celebration. The event would be open around 3:00 p.m. and close promptly at 11:00 p.m. during the week. They have followed this plan for the last five years. They proposed to use some of their parking spaces, with a stage, two tents, a seating area. He informed the Board that they have an agreement to share parking with the Bank of Oklahoma. He stated there has been no objection to use the parking for this event. He mentioned some businesses that have given them permission to use their parking lots, as those businesses will not be open. He
Ms. Stead suggested a continuance to allow time for the applicant and neighbors to discuss the application.

Mr. Boulden mentioned the provisions in Section 1408 of the zoning code allowed non-conforming bars to exist only if there is no expansion.

**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 **CONTINUE** Case No. 20898 to the meeting on April 28, 2009, to allow time for the applicant to find a compromise with the interested parties, on the following described property:

LT 1 BLK 1, DOROTHY JEAN ADDN, City of Tulsa, Tulsa County, State of Oklahoma

**********

**Case No. 20905**

**Action Requested:**
Minor Special Exception to reduce the required front yard from 25 ft. to 20 ft. (Section 403) to permit residential expansion, located: 3013 South Boston Place.

**Presentation:**
James Boswell, 1305 East 15th Street, Suite 201, stated he is the architect on this project. He proposed to expand to allow for a garage addition and a traditional front porch (Exhibits K-1 and K-2). He pointed out the transition in the neighborhood. His client wanted to maintain the integrity and scale of the residential appearance. He noted other properties that encroach on the front yard.

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

**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** a Minor Special Exception to reduce the required front yard from 25 ft. to 20 ft. (Section 403) to permit residential expansion, per plan as shown on page 17.6 of the agenda, 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 21 & S15 LT 22 BLK 10, TRAVIS PARK ADDN, City of Tulsa, Tulsa County, State of Oklahoma, City of Tulsa, Tulsa County, State of Oklahoma

**********
Case No. 16049 (continued)
A tract of land that is part of the SW/4 of Section 22, T-19-N, R-12-E, in the City of Tulsa, Tulsa County, State of Oklahoma, said tract of land being more particularly described as follows, to-wit: starting at the most easterly southeast corner of Lot 3 in Block 40 of Red Fork, an Addition in the City of Tulsa, Tulsa County, State of Oklahoma; thence northeasterly along the southeasterly line of said Block 40 for 230' more or less to the Point of Beginning of said tract of land; thence continuing along the southeasterly line of Block 40 and a projection thereof for 300.00'; thence southeasterly at a right angle for 200.00'; thence southwesterly parallel with the southeasterly line of said Block 40 for 311' more or less to a point on the easterly projection of the southerly line of said Block 40; thence west along said easterly projection for 125.00'; thence north 155' more or less to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16051

Action Requested:
Variance of the setback from the centerline of East 31st Street South to 48' - Section 211.D. Existing Building Encroachment on Front Yards or Building Setbacks - Use Unit 6, located 3045 South Boston Place.

Presentation:
The applicant, Jason Brimer, 1920 South Cheyenne, Apartment A, Tulsa, Oklahoma, submitted a plat of survey (Exhibit E-1), and stated that he is proposing to purchase the property in question and renovate the existing dwelling, which encroaches into the required major street setback area. He informed that the setback is consistent with others in the neighborhood.

Protestants:
None.

Board Action:
On MOTION of CHAPPELLE, 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 setback from the centerline of East 31st Street South to 48' - Section 211.D. Existing Building Encroachment on Front Yards or Building Setbacks - Use Unit 6; per plat of survey submitted; finding that the existing house was constructed closer to the street than the proposed addition, and the setback is consistent with others in the area; on the following described property:
Case No. 16051 (continued)
Lot 13 and south 15' of Lot 14, Block 10, Travis
Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16052

Action Requested:
Special Exception to permit hospital use in an OL zoned
district - Section 701. PRINCIPAL USES PERMITTED IN THE
COMMERCIAL DISTRICTS - Use Unit 5, located north of the
NE/c of East 71st Street and South Granite.

Presentation:
The applicant, Roy Johnsen, 201 West 5th Street, Tulsa,
Oklahoma, stated that St. Francis Hospital is proposing
to construct a laundry on a four-acre tract near the main
building. He submitted a plot plan (Exhibit H-1) and
noted that the subject property is zoned OL, as is the
property to the immediate west and east. Mr. Johnsen
pointed out that numerous structures in the area are
under common ownership of the Warren Foundation.
The applicant stated that St. Dunstan's Episcopal Church
is located 450' south of the proposed site, and there will
be a 10' drop in elevation from the laundry to the
church building. Mr. Johnsen informed that he has met
with representatives from the church and they were
agreeable with the proposal to install landscaping along
the boundary line abutting the recreation area for the
church. Mr. Johnsen explained that the loading ramp will
be located on the southeast corner of the building and
away from Granite Avenue. He informed that the new
laundry facility will provide service for Laureate
Psychiatric Hospital and St. Francis Hospital. He stated
that one semitrailer will make three trips each day to
the facility, and all trips, including smaller truck
deliveries, will total approximately 24. It was noted by
the applicant that the laundry will be in operation
Monday through Friday during daylight hours, and there is
sufficient parking on site for 60 employees. Mr. Johnsen
stated that expansion potential is proposed, and 60,000
sq ft of floor space is planned for the laundry on the
first level, with an additional 60,000 sq ft on the
second level for uses unknown at this time. He informed
that there will be no patient care at this location, and
future use of the second level will be a nonpublic part
of the hospital's current operation, and could be
inactive storage of some type. Mr. Johnsen stated that
four women are involved in an upholstery operation for
repair of hospital items, and this use will also be
conducted in the building.
Case No. 15831 (continued)

Board Action:
On MOTION of WHITE, the Board voted 4-0-0 (Boizle, Doverspike, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to APPROVE a Special Exception to permit Christmas tree sales in a CS zoned district during the 1991 Christmas season only - Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 2; finding the temporary use to be compatible with the surrounding area at this time; on the following described property:

Lot 1, Block 1, Tri Center Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15832

Action Requested:
Special Exception to permit a Use Unit 2 (temporary off-site construction facility) in RS-1 and RS-3 zoned districts - Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 2, located 2520 South 67th East Avenue.

Comments and Questions:
Mr. Jones informed that Staff has received a letter (Exhibit J-1) requesting withdrawal of the application. He stated that the site is to be used temporarily by a construction company that is completing work for the City, and the requested relief is not necessary.

Board Action:
On MOTION of FULLER, the Board voted 3-0-0 (Boizle, Doverspike, Fuller, "aye"; no "nays"; no "abstentions"; Chappelle, White, "absent") to WITHDRAW Case No. 15832, as requested.

Case No. 15833

Action Requested:
Variance of the required 20' setback on the west property line to 6', and a variance of the required 45' setback from the centerline of 50th Street to 30' - Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6, located 3002 South Boston Place.

Presentation:
The applicant, Steve Cowan, Box 3465, Tulsa, Oklahoma, submitted a packet (Exhibit K-1) containing a plot plan, review of the application, photographs and a location map. Mr. Cowan stated that he is remodeling an existing dwelling and adding approximately 862 sq ft of floor space. He informed that the west building wall will align with the garage across 50th Street to the north, and the dwelling will be set back the same distance as other homes along 50th Street.

Protestants: None.
Case No. 15835 (continued)

Board Action:

On MOTION of FULLER, the Board voted 4-0-0 (Bolzle, Doverspike, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to APPROVE a Variance of the required 20' setback on the west property line to 6', and a variance of the required 45' setback from the centerline of 30th Street to 30' - Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6; per plot plan submitted; finding that the remodeled dwelling will have the same setback as other homes in the area; and finding that approval of the request will not be detrimental to the neighborhood or violate the spirit and intent of the Code; on the following described property:

Lot 1 and north 10' of Lot 2, Block 11, Travis Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15835

Action Requested:

Special Exception to permit a sexually-oriented business in an IL District - Section 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS - Use Unit 12, located 15727 East Admiral Place.

Presentation:

The applicant, John Street, 201 West 5th Street, Suite 555, Tulsa, Oklahoma, was not present.

Comments and Questions:

Mr. Jones stated that, during a brief phone conversation, the applicant stated that he is requesting withdrawal of the case, since it has been determined that residentially zoned property is near the business location.

Board Action:

On MOTION of DOVERSPIKE, the Board voted 4-0-0 (Bolzle, Doverspike, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to WITHDRAW Case No. 15835, as requested by the applicant.

Case No. 15836

Action Requested:

Special Exception to permit a day care center - Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 5, located 10884 East 33rd Street South.

Presentation:

The applicant, Margaret Washington, 10858 East 33rd Street, Tulsa, Oklahoma, informed that she has operated a day care home for approximately two years, and cared for approximately 10 children (five in the morning and five in the evening). Ms. Washington explained that she is now proposing to open a day care center in a nearby duplex, which will care for children in the evenings and on weekends, as well as during the week. She informed that the children are transported by van, which is stored in the garage.
Subject Tract

BOA-22618

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

Aerial Photo Date: February 2018
Subject Tract

BOA-22618

19-12-13

Aerial Photo Date: February 2018

Note: Graphic overlays may not precisely align with physical features on the ground.
Looking south– towards subject site– on E. 30th St.
MORTGAGE INSPECTION REPORT

INVOICE NO.: GA 17-87800
MORTGAGOR: LOYD, SCOTT, MARTIN & MURPHY, KRISTA M.

CLIENT: GUARANTY ABSTRACT COMPANY
FAIRWAY INDEPENDENT MORTGAGE CORPORATION
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
253727

THIS PROPERTY LIES IN ZONE "X-SHADED" FLOOD HAZARD AREA PER F.I.R.M. NUMBER 40143C0351L,
AS LAST REVISED 10/16/12.

LEGEND:

① - DWELLING AND GARAGE ARE OVER BUILDING LINE AS SHOWN.

LEGAL DESCRIPTION AS PROVIDED:

LOT TWENTY-FOUR (24), AND NORTH TWENTY (20) FEET OF LOT TWENTY-THREE (23), BLOCK TEN (10), TRAMS PARK ADDITION TO TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 775,
AND KNOWN AS 3003 SOUTH BOSTON PLACE.

SURVEYOR'S STATEMENT

WRITING SURVEYING COMPANY, AN OKLAHOMA CORPORATION, AND THE UNDERSIGNED LICENSED PROFESSIONAL LAND SURVEYOR, ISSUE CERTIFICATE AS LOCATED ON THE PREMISES DESCRIBED. THAT IT IS PROPERLY LOCATED AND FOCUSED INSPECTION PLAT DESIRABLE.

6.19
DEDICATION

FROM ALL MEN BY THESE PRESENTS: This certifies that Truman and M.E. Travis, wife and husband, owners of a certain tract of land herein known as Travis Park Addition to Tulsa, Oklahoma, Embracing all that part of the E/W, of the S/W, of Sec. 13, T.R. 36 North, R. 2 East 1/8 which lies South and East of the Francis Valley on the 8th Street of 1st Line, Tulsa County, Oklahoma, hereby dedicate the use of the streets of the same to the public for highway purposes forever. The undersigned further dedicate to the public an easement fourteen foot wide and each side of the river 5th line of shown on plat forthwith at dates hereinafter set forth below.

State of Oklahoma

By: 

My commission expires: ________________

CERTIFICATE

I hereby certify that I have carefully and accurately surveyed and staked as required by law, TRAVIS PARK Addition to Tulsa, Oklahoma Embracing all that part of the E/W, of the S/W of Sec. 13, T.R. 36 North, R. 2 East 1/8 which lies South and East of the Francis Valley on the 8th Street of 1st Line, Tulsa County, Oklahoma, and indicated thereon the lots as proposed by the City planning commission and that the above is true and correct plat thereof.

State of Oklahoma

County of Tulsa

By: 

My commission expires: ________________
APPLICATION NO: ZCO–24523-2019  (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Project Location: 3003 S Boston Pl E
Description: Driveway Expansion

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.)

(continued)
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 INC0G 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. INC0G 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.

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 is 27’ within ROW and 30’ outside of ROW on your lot.

<table>
<thead>
<tr>
<th>Maximum Driveway Width</th>
<th>Lot Frontage</th>
<th>75+</th>
<th>60' - 74'</th>
<th>46' - 59'</th>
<th>30' - 45'</th>
<th>Less than 30' [2]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Driveway Within Right-of-Way (feet) [1]</td>
<td>27'</td>
<td>26'</td>
<td>22'</td>
<td>20'</td>
<td>12'</td>
<td></td>
</tr>
<tr>
<td>Driveway Within Street Setback (feet)</td>
<td>30'</td>
<td>30'</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td></td>
</tr>
</tbody>
</table>

Review Comments: The submitted site plan proposes a driveway width of more than 30' in width on the lot in the street setback and more than 27' wide in ROW which exceeds the maximum allowable driveway widths both within and outside of the ROW. Revise plans to indicate the driveway shall not exceed the maximum allowable widths or apply to the BOA for a special exception, one for the proposed driveway width within the ROW and for the proposed driveway width outside of the 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.

Please Notify Plans Examiner By Email When You Have Submitted A Revision.

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: 9308
CZM: 37
CD: 4
A-P#: 

HEARING DATE: 04/23/2019 1:00 PM

APPLICANT: Christian Harvell

ACTION REQUESTED: Variance to reduce the minimum ground floor ceiling height requirement (Table 10-4); Variance to reduce the minimum ground floor window transparency requirement (Table 10-4)

LOCATION: 1141 S LEWIS AV E (overall parcel); 1121 S. Lewis Ave (tenant space)

ZONED: MX2-P-U

PRESENT USE: Commercial
TRACT SIZE: 47251.21 SQ FT

LEGAL DESCRIPTION: LTS 15 - 21 BLK 4, BOSWELL'S ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Tract:
BOA-22497; Administrative Adjustment to reduce the required street-facing building façade percentage in the build-to-zone from 80% to 70% in an MX2-P-U zoning district. (Section 10.030 and Section 70.100).

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Main Street" 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.

Main Streets are Tulsa's classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide, and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off street lots, or in shared lots or structures.
**ANALYSIS OF SURROUNDING AREA:** The subject tract abuts S. Lewis Ave. and Mother Road Market to the west; PUD-zoned brewery to the south; RS-3 zoned residences to the east; and a CS-zoned commercial tract to the north.

**STAFF COMMENTS**

As shown on the attached exhibits, the applicant is proposing to construct a medical office on a portion of the subject property. The applicant stated the variance requests are to allow for, "lowered ceiling heights and for reduced window transparency due to the nature of professional medical imaging offices overhead mounted equipment/ patient privacy."

The property is currently zoned MX2-P-U. In Table 10-4 of the Code, as seen below, shows the lot and building regulations for -P zoned districts.

<table>
<thead>
<tr>
<th>Minimum Lot Area (sq. ft)</th>
<th>3,500</th>
<th>Min. Ground Floor Ceiling Height (feet)</th>
<th>14</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Minimum Lot Width (feet)</td>
<td>25</td>
<td>Minimum Transparency (%)</td>
<td></td>
</tr>
<tr>
<td>B Minimum Street Frontage (feet)</td>
<td>20</td>
<td>Ground floor</td>
<td></td>
</tr>
<tr>
<td>Minimum Open Space per Unit (sq. ft.)</td>
<td>100</td>
<td>Upper floors</td>
<td>20</td>
</tr>
<tr>
<td>Minimum Building Setbacks (feet)</td>
<td></td>
<td>D Min. Parking Setbacks (ft)(see also Error! Reference source not found.)</td>
<td>30</td>
</tr>
<tr>
<td>Street</td>
<td>0</td>
<td>Primary street</td>
<td></td>
</tr>
<tr>
<td>Abutting R district</td>
<td>10</td>
<td>Secondary street or R zoning district</td>
<td>10</td>
</tr>
<tr>
<td>Abutting nonresidential district</td>
<td>0</td>
<td>Nonresidential zoning district</td>
<td></td>
</tr>
<tr>
<td>Abutting alley</td>
<td>5</td>
<td>Street-facing Entrance Required</td>
<td>Yes</td>
</tr>
<tr>
<td>C Build-to-Zone (BTZ) (minimum/maximum in feet)</td>
<td>0/10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary street BTZ (%)</td>
<td>80</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Secondary street BTZ (%)</td>
<td>30</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

As shown on the attached site plan, the applicant is proposing exam rooms that have 9 ft. and 10 ft. ceilings. The minimum ground floor ceiling height in an MX2-P-U zoned district is 14 ft. The applicant is requesting a **Variance** to reduce the minimum ground floor ceiling height requirement (Table 10-4). The applicant is also proposing windows with 48% transparency. The minimum ground floor transparency in an MX2-P-U zoned district is 50%. The applicant is requesting a **Variance** to reduce the minimum ground floor window transparency requirement (Table 10-4).

The applicant has provided the following hardship statement:” Space requires various exams which cannot have minimum ground floor height of 14 ft. as mentioned in the Tulsa Zoning Code due to overhead imaging equipment and radiation enclosures. We are seeking 9 ft. in these specialty areas and 10 ft. in remaining areas. Space also requires spaces which cannot have glazing that is transparent due to patient privacy. Minimum ground transparency of 50% is required. We are planning to make as much windows transparent as possible (48%) and spandrel remaining (52%).”

**Sample Motion**

Move to ________(approve/deny) a **Variance** to reduce the minimum ground floor ceiling height requirement from 14ft. to 9 ft. (Table 10-4); **Variance** to reduce the minimum ground floor window transparency requirement from 50% to 48% (Table 10-4).

- 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.”
VIA ELECTRONIC MAIL:

Brian Letzig
815 E. 3rd St.
Tulsa, OK 74120

RE: BOA 22497 (Administrative Adjustment)
Address: 1113 S LEWIS AV E; 1119 S LEWIS AV E; 1127 S LEWIS AV E; 1141 S LEWIS AV E

To Whom It May Concern:

Upon examination the land use administrator has APPROVED your request to reduce the required street-facing building façade percentage in the build-to-zone from 80% to 70% in an MX2-P-U zoning district. (Section 10.030 and Section 70.100). The request is approved per the attached conceptual plans. The approval is for the following property:

LT 21 BLK 4; LT 20 BLK 4; N49 LT 19 BLK 4; LTS 16 17 18 & S1 LT 19 BLK 4; LT 15 BLK 4,
BOSWELL'S ADDN, City of Tulsa, Tulsa County, State of Oklahoma

The land use administrator has made the following findings:

The proposed 70% street-facing building façade percentage in the build-to-zone will allow for the construction of a new mixed-use building and is keeping with the general purpose and intent of zoning code regulations and with the general purpose and intent of the comprehensive plan. In addition, the requested administrative adjustment will not have a substantial adverse effect upon adjacent properties, the character of the neighborhood or the public health, safety and general welfare.

You will need to print this letter and insert it into your permit package for submittal to the City. If you have previously submitted plans to the permit office then you will need to submit two sets at a legible size for a revision to your permit package.

This letter shall not be considered a waiver of the necessity to apply for a building permit or a zoning clearance permit, as may be required by the proposed construction and proposed use of the subject lot.

Sincerely,

Amy Ulmer
City of Tulsa Board of Adjustment Administrator
BOA-22619

19-13 08

Aerial Photo Date: February 2018

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.
Looking east—towards subject site—on S. Lewis Ave.
PROPOSED GLAZING TO BE SPANDREL AS REPRESENTED BY RED ON THE ELEVATION.

NOT TO SCALE
CONTRACTOR NOTE:
OTHER THAN WALL TYPE D, THE INTERIOR FACE OF THE EXTERIOR WALLS WILL NOT HAVE INSULATION OR GYPSUM BOARD INSTALLED PRIOR TO TENANT BUILD-OUT.

WILL BE LOOKING AT THESE TWO ELEVATIONS FOR GLAZING. 02/A302A FACES THE STREET. 02/A302B FACES THE ON SITE PARKING.
Lod Number: 1

Christian Harvell  
1217 8th Ave, Ste. 300  
Fort Worth, TX 76104  

APPLICATION NO: ZCO-025830-2019  
(Please reference this number when contacting our office)  

Location:  
1121 S Lewis Ave  

Description:  
Ceiling height & transparency in MX2

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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.**

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**Important Information**

1. If a design professional is involved, his/her letters, sketches, drawings, etc. shall bear his/her Oklahoma seal with signature and date.

2. Submit two (2) sets of drawings if submitted using paper, or submit electronic revisions in "supporting documents", if originally submitted on-line, for revised or additional plans. Revisions shall be identified with clouds and revision marks.

3. 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](http://www.INCOG.org) or at INCOG offices at 2 W. 2nd St., 8th Floor, Tulsa, OK, 74103, phone (918) 584-7526.

4. 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.)

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(continued)
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 584-7528. It is your responsibility to submit to our office 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. Sec.10.030-B3 Table 10-4: You are proposing exam rooms that have 9' and 10' ceilings. The minimum ground floor ceiling height in an MX2-P zoned district is 14'. This will require a variance to lower the minimum ceiling height from 14' to 9'.
   Review comment: Submit a copy of the approved variance as a revision to this application.

2. Sec.10.030-B3 Table 10-4: You are proposing ground floor windows with 48% transparency. The minimum ground floor window transparency in an MX2-P zoned district is 50%. This will require a variance to lower the minimum ground floor window transparency from 50% to 48%.
   Review comment: Submit a copy of the approved variance as a revision to this application.

Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code:

Please notify the reviewer via email when your revisions have been submitted

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.
HEARING DATE: 04/23/2019 1:00 PM

APPLICANT: Nicole Watts

ACTION REQUESTED: Variance to permit a dynamic display sign to be located within 200 ft of a residential development area (60.100-F)

LOCATION: 8418 S 107 AV E

PRESENT USE: School

ZONED: CO

TRACT SIZE: +10.324 acres

LEGAL DESCRIPTION: LT 1 BLK 1, UNION ELEMENTARY NO 13 ADDN

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 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.

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 subject tract abuts PUD zoning lots to the north; CO zoning tracts to the east; Hwy 169 to the west; the subject tract immediately abuts E. 86th St. S. to the south.
STAFF COMMENTS:
The applicant is proposing to install a dynamic display sign on the northeast portion of the property at the corner of E. 84th Pl. S. & S. 107th E. Ave., as shown on the submitted plans. It appears that the proposed dynamic display sign is within 200 ft. of a residential development area to the northeast.
In Section 60.100-F, the Code states that 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. Required separation distances must be measured horizontally in a straight line from the nearest point on a sign structure to the nearest point of an R district or residential development area boundary.

The applicant is requesting a Variance to permit a dynamic display sign to be located within 200 ft. of a residential development area (Section 60.100-F).

Sample Motion

Move to _________ (approve/deny) a Variance to permit a dynamic display sign to be located within 200 ft. of a residential development area (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."
Subject Tract

BOA-22620

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

Aerial Photo Date: February 2018

8.4
Subject Tract

BOA-22620

18-14 18

Aerial Photo Date: February 2018

Note: Graphic overlays may not precisely align with physical features on the ground.
Looking west—towards subject site—at the intersection of E. 84th Pl. & S. 107th E. Ave.

Looking south—towards subject site—on S. 107th E. Ave.
Looking south—towards subject site—on S. 107th E. Ave.

Looking north—towards subject site—on S. 107th E. Ave.
Picture of Sign Model
(constructed at another school campus)
City of Tulsa Board of Adjustment Members  
(c/o INCOG – BOA Staff)  
2 West Second Street; Ste 800  
Tulsa, OK 74103  

March 21, 2019  

Variance Hardship Justification for Jefferson Elementary per City of Tulsa Zoning Code: 70.130-H Standards and Review Criteria  

1. No variance may be approved unless the board of adjustment 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;  

   The odd shaped parcel backs up against Hwy 169 and fronts onto a curvilinear street that follows the parcel’s boundary. The building and parking lot were placed on the north end of the parcel due to the narrow width of the parcel to the South. The existing sign is being upgraded to the new Union Sign Standards with the addition of a digital message center that will follow all of the zoning code requirements for digital signs, except for the spacing requirement unless, approved by Special Exception.  

b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose;  

   In this instance, the intended purpose of the zoning code is to determine if a single-family residence will be negatively impacted by a digital display sign that is located over 100 ft away, that will illuminate at 7 AM and be turned off at 9 PM. The literal enforcement of the codes spacing requirement is not necessary to achieve the provisions 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;  

   Normally, you find elementary schools located within residential zoning districts. This particular school is located in a corridor (CO) zoning district. But, it abuts single-family residential uses to the NE of the site which is unique for a corridor zoning district. In a perfect zoning world, the intensity of uses would be higher along highway corridors with commercial and retail uses, and then transition to less intense uses like multi-family
developments, and then make the transition to lower density single-family residences and subdivisions. The school serves as a nice buffer between the high intensity use of Hwy 169 and the single-family houses across the street corner on E 84th Place South.

d.That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;

This hardship is not created or self-imposed by the current property owner. This is a school and they need to be able to get important messages out to parents and community members. Going from an outdated sign to one that can get emergency messages out quickly, is important.

e.That the variance to be granted is the minimum variance that will afford relief;

The new sign will be placed in the same footprint/location of the existing sign. We meet the sign design dimensions and intend to comply with the standards set forth for digital display signs. However, we are not able to meet the spacing requirement from where the existing sign is located and respectfully ask to not be required to move it further away from the intersection. If we move it to the south driveway area, we have some sight triangle issues coming out of the parking lot.

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

The proposed sign will be more aesthetically pleasing and should enhance the essential character of the neighborhood.

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.

The spacing variance for the proposed digital sign will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.

Sincerely,

A. Nicole Watts, P.E., CFM
Principal / Director of Civil Engineering
City of Tulsa Board of Adjustment Members  
c/o INCOG – BOA Staff  
2 West Second Street; Ste 800  
Tulsa, OK  
74103  

March 21, 2019  

Letter of Deficiency Waiver Letter for Jefferson Elementary  

Dear Chairman Van De Wiele and Board of Adjustment Members,  

According to the City of Tulsa Board of Adjustment, General Policies and Rules of Procedure, Section II. B. Letter of Deficiency (LOD), the Board Staff may waive the requirement that an LOD accompany an application when in the opinion of the Board staff it is unnecessary.  

KKT Architects has worked very closely with INCOG staff and City of Tulsa Development Services staff to determine the zoning relief needed for this application and respectfully ask Board Staff to waive the LOD requirement for this application.  

Please note per the, General Policies and Rules of Procedure document dated June 14, 2016, we have met the requirements for citing on the application the necessary relief and the sections of the Zoning Code pertinent to that relief.  

Sincerely,  

[Signature]  

A. Nicole Watts, P.E., CFM  
Principal / Director of Civil Engineering
REQUEST FOR WAIVER OF LETTER OF DEFICIENCY REQUIREMENT

If the Board staff waives the requirement that an LOD accompany an application to the Board, the Applicant is responsible for requesting all necessary relief and for citing the sections of the Zoning Code pertinent to the relief sought. (The waiver of the requirement that an LOD accompany an application to the Board shall not be considered a waiver of the necessity to apply for a building permit or a zoning clearance permit, as may be required by the particular proposed use or construction.) In the event that the applicant does not request all necessary relief, additional BOA action may be required resulting in significant delays during the building permit process.

I hereby certify that I have read and understand the above requirements and that I request that the LOD requirement be waived for the subject property in case number:

________________________

Applicant’s Signature

Date

Approved by: ______________________________
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BOARD OF ADJUSTMENT
CASE REPORT

Case Number: BOA-22621

STR: 9419
CZM: 49
CD: 7
A-P#: 

HEARING DATE: 04/23/2019 1:00 PM

APPLICANT: Nicole Watts

ACTIONS REQUESTED: Special Exception to allow a dynamic display sign to be located in an RS-3 district (Section 60.050-B); Modification of a previously approved site plan (BOA-17832)

LOCATION: 3656 S 103 AV E
ZONED: RS-3

PRESENT USE: School - Roy Clark
TRACT SIZE: 378537.95 SQ FT

LEGAL DESCRIPTION: PRT NE SW BEG 1263.43E & 1739.62N SWC SW TH N511.53 E674.85 SE509.47 SW45.87 SW220 NW70 SW465 POB SEC 19 19 14 8.69ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property:
BOA-17832; on 9.23.97, the Board approved a special exception to permit a public school including 2 mobile classroom trailers per plan submitted.

BOA-9300; on 11.18.76, the Board granted an Exception to permit an elementary school.

Surrounding Property:
BOA-19469; on 11.12.01, the Board approved a Variance of the provisions of Section 602.B.4.b to permit four signs located on or oriented to the South 103rd East Avenue frontage and three signs oriented to the Mingo Valley Expressway frontage, per plan. Located; East side of S. 103rd E. Ave. & North of E. 41st St.

BOA-17722; on 6.10.97, the Board approved a Variance of the maximum number of signs in OL district from 1 to 3; a Variance of maximum display surface area from 2/10 SF per LF street frontage to 250 SF total signage; a Variance of the maximum allowable height from 20' to 30' per plan. Located; 3810 S. 103rd E. Ave.

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 large RS-3 zoned lots to the north and east; AG zoned tracts abuts the subject property to the south and west.

**STAFF COMMENTS:**
According to the submitted site plan, the proposed freestanding sign located in front of Union Roy Clark Elementary site, will contain an approximately 22 sq. ft. dynamic display sign. The Code defines a dynamic display sign as a *sign capable of displaying words, symbols, figures, images or messages that can be electronically or mechanically changed by remote or automatic means. This also includes any display that incorporates rotating panels, LED lights manipulated through digital input, “digital ink” or any other method or technology that allows a sign to present a series of images, messages or displays.*

Dynamic displays are prohibited in R districts except on a lot occupied by an allowed public, civic or institutional use; the Board is authorized to approve a special exception for the allowed freestanding sign to include a dynamic display. The permitted dynamic display in an R district is subject to the following regulations:

1. The allowed dynamic display component may not exceed 32 square feet in area, and no more than one (wall or freestanding) dynamic display is allowed per street frontage.
2. The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall or freestanding sign, but rather is counted as part of the maximum area of a wall or freestanding sign.
3. Dynamic displays in R districts and in AG districts may operate only between the hours of 7:00 a.m. and 9:00 p.m. unless otherwise expressly approved through the special exception process.
4. Dynamic displays are subject to the dynamic display regulations of Section 60.100.

The proposed freestanding sign with a dynamic display is located in an RS-3 zoning district. The applicant is requesting a **Special Exception** to allow a dynamic display in a RS-2 zoning district (Section 60.050.2.c).

The applicant is also before the Board to request a **Modification** of a previously approved site plan to permit the construction the proposed digital display sign as shown on the attached plan.

When the Board approved the special exception in BOA-17832it was approved per plan (see attached minutes). Therefore, the applicant is required to present any proposed modifications of the site plan to the Board for review and approval to allow the Board to ensure that the proposed modifications are keeping with the spirit and intent of the original approval.
Sample Motion

Move to ________ (approve/deny) a **Special Exception** to allow a dynamic display in a RS-3 zoning district (Section 60.050-B); **Modification** of a previously approved site plan (BOA-17832).

- 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 and Modification 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.
**Case No. 17832**

**Action Requested:**
Special Exception to permit a public school including 2 mobile classroom trailers.

**SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** – Use Unit 2, located 3656 South 103rd East Avenue.

**Presentation:**
The applicant, Ken North, 5656 South 129th East Avenue, representing Union Public Schools, submitted a site plan (Exhibit M-1) and stated the school would like to move the subject prefab portable classrooms from the Education Service Center on 129th to Roy Clark Elementary.

**Board Action:**
On MOTION of TURNBO, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to APPROVE a Special Exception to permit a public school including 2 mobile classroom trailers. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** – Use Unit 2; per plan submitted; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

Commencing at SW/c, Sec. 19, T-19-N, R-14-E, Tulsa County, Oklahoma, thence N 89°54'02" E, 1263.43' along the S Sec. line, thence Due N 1,739.62' to the POB, thence due N, 551.58', thence due E 674.85', thence S 7°20'06" E, 509.47', thence S 85°48'00" W, 45.87', thence S 71°34'00" W, 22.00', thence N 18°26'00" W, 70.00', thence S 85°06'00" W, 465.00' to the POB, said tract lies all in Sec. 19, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17833**

**Action Requested:**
Special Exception to allow Use Unit 17 (auto detail) on Lot 29. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** – Use Unit 17; a Special Exception to allow a single family home in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** – Use Unit 6 and a Variance of the front setback from Lewis to 3'. **SECTION 703. BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS**, located 2255 East 7th Street & 650 South Lewis.
LEGAL DESCRIPTION
PART OF THE SW/4 OF SECTION 19,
T-19-N, R-14-E, TULSA COUNTY,
STATE OF OKLAHOMA.

SCALE 1"=100'

0 25 50 75 100
Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) for permission to locate a mobile home in an AG District located at 5520 East 34th Street North.

Presentation:

Elbert Reynolds, applicant, stated he wanted to put a mobile home on his 5-acre tract and rent it to a friend. His own residence is on the acreage and there are other mobile homes in the area.

Protests: None.

Board Action:

On MOTION of PURSER, the Board voted unanimously to grant an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) for permission to locate a mobile home in an AG District for a period of seven (7) years on the following described tract:

W/2, SE/4, NE/4, NW/4 of Section 22, Township 20 North, Range 13 East, Tulsa County, Oklahoma.

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Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for an exception to construct an elementary school in an RS-3 District located north and west of 41st Street and 101st East Ave.

Presentation:

Bob Yeaden, architect representing the applicant, was present and stated the plans had been submitted for the streets and storm sewer system. Upon questioning, Mr. Yeaden stated he did not know if the public street dedication had taken place. He also presented a letter (Exhibit "D-1") from the Engineering Department stating the clearance had been received on the flood moratorium.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board of Adjustment voted 3-0-1 (with Smith "abstaining") to grant an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for an exception to construct an elementary school in an RS-3 District, per the plot plan submitted on the following described tract:

Commencing at the SW corner of Section 19, Township 19 North, Range 13 East, Tulsa County, State of Oklahoma; thence North 89°54'-02" East a distance of 1,263.43' along the South section line of Section 19; thence due North 1,739.62' to the point of beginning; thence due North 551.53'; thence due East 674.85'; thence South 7°20'-06" East a distance of 509.47'; thence South
85°-48'-00" West a distance of 45.87'; thence South 71°-34'-00"
West a distance 220.00'; thence North 18°-26'-00" West a distance
of 70.00'; thence South 85°-06'-00" West a distance of 465.00' to
the point of beginning, and containing 8.691 acres, more or less.

9301

Action Requested:
Exception (Section 410 - Principal Uses Permitted in Residential Dis-
tricts - Section 1207 - Duplexes) for permission to erect a duplex in
an RS-3 District; and a Variance (Section 440 - Special Exception Uses
in Residential Districts, Requirements - Under the Provisions of Section
1670 - Variances) for a variance of the frontage requirements and the
square footage requirements located at 1127 East 33rd Place.

Presentation:
Joe Lane, realtor from Hughes and Jones Company, representing Doctors
Kraft and James, stated this property was to be sold to Bill Wilkins for
a duplex. He stated he requested a variance of the frontage requirement
due to the shape of the lot, since the lot contained over the minimum
required lot area. Mr. Alberty pointed out this property was in the
flood moratorium area and the applicant could not receive a building
permit for construction without an exception from the City Commission.
Upon questioning by the Chair, Mr. Lane stated no plans have been sub-
mited at this time for the duplex construction. It was determined
after discussion that the lot contained square footage in excess of the
minimum 9,000 square feet required and thus a variance of the square
footage was not required.

Protests: None.

Board Action:
On MOTION of SMITH, the Board of Adjustment voted unanimously to grant
an Exception (Section 410 - Principal Uses Permitted in Residential
Districts - Section 1207 - Duplexes) for permission to erect a duplex in
an RS-3 District; and a Variance (Section 440 - Special Exception Uses
in Residential Districts, Requirements - Under the Provisions of Section
1670 - Variances) varying the frontage requirements subject to the City
Commission removing this property from the flood moratorium on the follow-
ing described tract:

E/2 of Lot 8, Block 1, Peebles Addition to the City of Tulsa, Okla.

9302

Action Requested:
Exception (Section 1420 (f) - Nonconforming Use of Buildings or Buildings
and Land in Combination) for permission to extend a nonconforming use of
a building and land in combination to permit warehousing and wholesaling
in a CS District; Variance (Section 730 - Bulk and Area Requirements in
Commercial Districts - Under the Provisions of Section 1670 - Variances)
for a variance of the rear setback requirements from 10' to 3.9' to
permit line up with existing building, and request for a variance of the
lot coverage requirements from 50% to 59%; and Exception (Section 250.3 (d) -
Modification of the Screening Wall or Fence Requirements) for permission

11.18.76:224(14)
east end of south side (screening on 110' west end, south side), located 1126 S. 120th E. Ave.

**Presentation:**

Jose Zamarripa, 1126 S. 120th E. Ave., submitted photographs (Exhibit C-1). He has a landscaping service. He does not have a fleet of trucks and trailers. He parks 100' from 119th Street. He noted that other residential properties have trailers with mowers on them. He has been parking there since before he bought the property and no one ever complained. This year he has received nearly fifteen complaints.

**Comments and Questions:**

Ms. Turnbo noted that his property was rezoned recently. Mr. Boulden asked Mr. Zamarripa what kind of shrubs he has on the side of the residential property. Mr. Zamarripa replied he has one big tree on the south side. He added that his neighbor had no objection to no screening on the east end of the south side.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On MOTION of Dunham, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Special Exception to allow a landscape contracting service Use Unit 15 in a CS zoned district; and a Special Exception of screening requirements on east end of south side, except for the screening on west 110' of the south side, on condition there be no commercial activity in the immediate area, on the following described property:

A tract of land being a part of the NE/4, NW/4, Section 8, T-19-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, described as follows: beg. at a point 355' W of the NE/c of said NE/4, NW/4, thence S a distance of 619.75' to the true POB; thence W a distance of 280' to a point which is 700.8' N of the S line of the NE/4, NW/4 of said Section; thence S a distance of 75.8' to a point; thence E a distance of 280' to a point; thence N a distance of 75.93' to the true POB.

********

**Case No. 19469**

**Action Requested:**

Variance of the provisions of Section 602.B.4.b to permit four signs located on or oriented to the South 103rd East Avenue frontage and three signs oriented to the Mingo Valley Expressway frontage. SECTION 602.B.4.b. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS, Accessory Use Conditions – Use Unit 11, located E side of S. 103rd E. Ave., N of E. 41st St.
Presentation:
Charles Norman, 2900 Mid-Continent Tower, stated he represented Junior Achievement. One year ago the Board approved a plan for the location of their building. About one-half of the building is to be used for office and the other half for exchange city, an educational program. This is part of a planned unit development approved in 1980. The signage is restricted to one sign not exceeding 32 square feet. At the time the applicant felt the size would be sufficient. One of the conditions regarding signage that came with a significant grant from the Donald W. Reynolds Foundation was for identification reflecting the name of the foundation. They asked for 90.88 square feet total for all seven signs. A site plan was provided (Exhibit D-1).

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

Board Action:
On MOTION of Dunham, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Variance of the provisions of Section 602.B.4.b to permit four signs located on or oriented to the South 103° East Avenue frontage and three signs oriented to the Mingo Valley Expressway frontage, per plan, finding the size and nature of the tract with the street frontage would create the hardship, and finding it would 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:

A tract of land that is part of Lot 1, Block 2, Bishop Acres, City of Tulsa, Tulsa County, State of Oklahoma, said tract being more particularly described as follows: Beg. at the most Wly corner of said Lot 1; thence N 62° 28' 32" E the Wly line of Lot 1, for a distance of 25.05' to a point of curvature; thence continuing along said Wly line along a 375.00' radius curve to the left, having a central angle of 29° 30' 00", for an arc distance of 193.08' to a point of compound curvature; thence continuing along the Wly line along a 1000.00' radius curve to the left, having a central angle of 1° 54' 09", for an arc distance of 33.21' to a point; thence S 55° 20' 29" E for a distance of 108.81' to a point; thence S 41° 16' 18" E for a distance 224.64' to a point on the Ely line of Lot 1; thence S 31° 26' 24" W along said Ely line, for a distance of 330.55' to a point; thence due W along the Sly line of Lot 1, for a distance of 88.16' to a point; thence along the Wly line of Lot 1 NWly along a 675.00' radius curve to the left, having an initial tangent bearing of N 13° 55' 36" W, a central angle of 13° 35' 52", for an arc distance of 160.20' to a point of tangency; thence continuing along said Wly line N 27° 31' 28" W, for a distance of 219.97' to the POB.

**********
**Case No. 17722**

**Action Requested:**
Variance of the maximum allowable number of signs in an OL district from 1 to 3. SECTION 602.B.4.b. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS, a Variance of the maximum allowable display surface area from 2/10 SF per LF street frontage to 250 SF. SECTION 602.B.4.c. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS, and a Variance of the maximum allowable height from 20’ to 30’. SECTION 602.B.4.e. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS - Use Unit 21, located 3810 South 103rd East Avenue.

Mr. Cooper announced that he will be abstaining.

**Presentation:**
The applicant, Don Beatt, 9520 East 55th Place, submitted a drawing of the plan to scale (Exhibit A-1); a site plan (Exhibit A-2) and a letter of support (Exhibit A-3). Mr. Beatt stated that he is representing West Telemarketing, a new company in Tulsa. The company has leased the subject property and would like a variance for the allowable number of signs. He explained that currently the building has letters on the building for identification and a small ground sign. According to the Zoning Code the two identification signs is all that is allowed. Mr. Beatt requested a variance to allow additional signage on the building and on the ground for identification of West Telemarketing.

**Comments and Questions:**
Mr. Gardner stated that the number of permitted signs in an office district are based on the number of street frontages not the width of street frontage. There are two groups of office buildings, one on the west side of 103rd and one on the east side. The eastern tract also abuts the Mingo Valley Expressway. The applicant is asking from one (1) to three (3) signs and the Board needs to determine exactly where the three (3) signs will be placed, and where the existing signs are located. He stated the applicant is wanting to increase the height of the sign from 20’ to 30’ in height. As a general rule, this kind of office district is often next to an abutting single-family subdivision, however the subject property abuts a collector street, school and park, and the expressway. These are physical facts to consider in terms of sign height and possibly the number of signs. This is also a large, which the Board can take into consideration.

In response to Mr. Dunham, Mr. Gardner stated that when an application is also part of a PUD they must seek approval for amendments to the signage restrictions, as well as subject to the Board of Adjustment’s approval as to variances. Mr. Gardner stated that this application did go before the TMAPC.
Mr. Beatt stated he did go before the TMAPC for PUD amendment and what he requested was approved. He listed the request as follows: A building sign, a small directional ground sign for directing to the parking area and a large monument sign facing 169 Expressway.

In response to Mr. Gardner, Mr. Beatt stated that he requested a 7’ x 21’ identification sign by 169 Expressway, 5’ x 18’ wall sign, 3’ x 4’ directional sign for the parking area. The wall sign was withdrawn and TMAPC approved the monument sign for the parking area and the identification sign on 169 Expressway.

Ms. Turnbo asked the applicant what was denied in the amended PUD? Mr. Jim Doherty, 616 South Boston, stated that the telemarketing company has 900 employees. He explained that TMAPC considered this application and voted 8-1 to approve the amended application. One of the hardships is that the subject property has mature trees, which partially obscures the front of the building and the wall sign does little good. The type of people looking for this company will be vendors and prospective employees. The signage requested is basically a logo identifying West Telemarketing as being on the tract that is visible from the expressway. The other signs are directional signs. It is difficult to locate the subject building since 103rd Street has no access from 41st or 31st. The tract is an extremely long tract and one way to achieve more signage is to do a lot split, but rather then go through a lot split, the applicant was encouraged to request a variance because of the size of the tract, the isolation of the tract and being on a commercial collector. Mr. Doherty commented that the applicant’s request is not unreasonable and there are a number of physical facts on the subject tract that causes hardships for the applicant.

In response to Mr. Dunham, Mr. Doherty explained that the applicant is asking for a logo sign (30’ pole sign) to be visible from the expressway and two directional signs to direct people to parking and the building. Mr. Doherty stated that the applicant is asking to increase from about 100 SF to 250 SF and given the scale of the tract that is not unreasonable. If this was commercially zoned the applicant would be allowed a billboard 672 SF plus one SF of sign per one foot of frontage. This is an ideal use and the intensity of the office use is appropriate and the level of signage for the intensity is appropriate.

Mr. Doherty stated that the two directional signs will be at the two parking lot entrances.

After a lengthy discussion it was determined that the applicant is requesting three signs.

Ms. Turnbo stated the location is the hardship for the signage requested. It is difficult to locate the subject building.
Board Action:
On MOTION of DUNHAM, the Board voted 4-0-1 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays" Cooper "abstention"; none "absent") to APPROVE a Variance of the maximum allowable number of signs in an OL district from 1 to 3. SECTION 602.B.4.b. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS, a Variance of the maximum allowable display surface area from 2/10 SF per LF street frontage to 250 SF total signage. SECTION 602.B.4.c. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS, and a Variance of the maximum allowable height from 20’ to 30’. SECTION 602.B.4.e. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS - Use Unit 21; per plan submitted with the exception of one wall sign; finding that the subject tract is a large tract of land with many mature trees that obscure the building’s visibility and the location of the subject building is difficult to locate; finding that the subject property abuts undevelopable property; finding that the requirements for a variance in Sec. 1607.C. has been met, on the following described property:

Lot 1, Block 2 & Lot 1, Block 1, Bishop Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17724

Action Requested:
Approval of an amendment to a previously approved site plan to permit expansion of the existing building and a Special Exception to approve church use on the E 40’ & S 75’ of subject tract. SECTION 703. BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS - Use Unit 13, located 10901 South Yale Avenue.

Presentation:
The applicant, Stephen A. Schuller, 320 South Boston, submitted a site plan (Exhibit B-1) and stated he is representing the Church of the Holy Spirit. He explained that the church has been situated on the subject property for approximately 15 years. The church use was first permitted for the subject property by the Board in 1980, at which time a plot plan was approved. Mr. Schuller stated that the church has acquired a couple of strips of land along the east and south boundaries of the property and the strips of land were never added to the approved church use for the property nor on the site plan. The church plans an expansion of its facilities, (sanctuary, parish hall and a multi-purpose educational building), to serve the property and the growing congregation. He explained that the church needs to add the acquired strips of land to the special exception approval for church use and to amend the site plan or plot plan accordingly. The construction will be in phases as indicated by the site plan submitted to INCOG. Mr. Schuller informed the Board that the applicant has elected to delete from the site plan the proposed building on the southside of the property.
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018
Looking south—on S. 103rd E. Ave.—towards subject site

Looking north—on S. 103rd E. Ave.—towards subject site is to the west
Looking south— on S. 103rd E. Ave.— towards subject site
Picture of Sign Model
(constructed at another school campus)
March 21, 2019

Letter of Deficiency Waiver Letter for Roy Clark Elementary

Dear Chairman Van De Wiele and Board of Adjustment Members,

According to the City of Tulsa Board of Adjustment, General Policies and Rules of Procedure, Section II. B. Letter of Deficiency (LOD), the Board Staff may waive the requirement that an LOD accompany an application when in the opinion of the Board staff it is unnecessary.

KKT Architects has worked very closely with INCOG staff and City of Tulsa Development Services staff to determine the zoning relief needed for this application and respectfully ask Board Staff to waive the LOD requirement for this application.

Please note per the, General Policies and Rules of Procedure document dated June 14, 2016, we have met the requirements for citing on the application the necessary relief and the sections of the Zoning Code pertinent to that relief.

Sincerely,

A. Nicole Watts, P.E., CFM
Principal / Director of Civil Engineering
REQUEST FOR WAIVER OF LETTER OF DEFICIENCY REQUIREMENT

If the Board staff waives the requirement that an LOD accompany an application to the Board, the Applicant is responsible for requesting all necessary relief and for citing the sections of the Zoning Code pertinent to the relief sought. (The waiver of the requirement that an LOD accompany an application to the Board shall not be considered a waiver of the necessity to apply for a building permit or a zoning clearance permit, as may be required by the particular proposed use or construction.) In the event that the applicant does not request all necessary relief, additional BOA action may be required resulting in significant delays during the building permit process.

I hereby certify that I have read and understand the above requirements and that I request that the LOD requirement be waived for the subject property in case number:

______________________________
Applicant's Signature

______________________________
Date

Approved by: ___________________________
STR: 8312
CZM: 53
CD: 7
A-P#: 

HEARING DATE: 04/23/2019 1:00 PM

APPLICANT: Nicole Watts

ACTION REQUESTED: Special Exception to allow a dynamic display sign to be located in an AG district (Section 60.050-B); Modification of a previously approved site plan (BOA-15374)

LOCATION: 9015 E 79 ST S

ZONED: AG

PRESENT USE: School Jarman

TRACT SIZE: ± 9.545 acres

LEGAL DESCRIPTION: LT 1 BLK 1, MEADOWBROOK ESTATES UNION SCHOOL

RELEVANT PREVIOUS ACTIONS:
Subject Tract:
BOA-15374; on 2.15.90, the Board approved a Special Exception, per plans submitted, to permit school use in an AG zoned district.

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 PUD zoned lots with underlying RS-3 zoning to the north, south, and east; RS-3 zoned residences abut the property to the west.
STAFF COMMENTS:
According to the submitted site plan, the proposed freestanding sign located in front of the Union Jarman Elementary site and will contain a dynamic display sign. The Code defines a dynamic display sign as a sign capable of displaying words, symbols, figures, images or messages that can be electronically or mechanically changed by remote or automatic means. This also includes any display that incorporates rotating panels, LED lights manipulated through digital input, “digital ink” or any other method or technology that allows a sign to present a series of images, messages or displays.

Dynamic displays are prohibited in R districts except on a lot occupied by an allowed public, civic or institutional use; the Board is authorized to approve a special exception for the allowed freestanding sign to include a dynamic display. The permitted dynamic display in an R district is subject to the following regulations:

1. The allowed dynamic display component may not exceed 32 square feet in area, and no more than one (wall or freestanding) dynamic display is allowed per street frontage.
2. The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall or freestanding sign, but rather is counted as part of the maximum area of a wall or freestanding sign.
3. Dynamic displays in R districts and in AG districts may operate only between the hours of 7:00 a.m. and 9:00 p.m. unless otherwise expressly approved through the special exception process.
4. Dynamic displays are subject to the dynamic display regulations of Section 60.100.

The proposed freestanding sign with a dynamic display is located in an AG zoning district. The applicant is requesting a Special Exception to allow a dynamic display in a AG zoning district (Section 60.050-B.2.c).

The applicant is also before the Board to request a Modification of a previously approved site plan to permit the construction of the proposed dynamic display sign. When the Board approved the special exception in BOA-15374 it was approved per plan (see attached minutes). Therefore, the applicant is required to present any proposed modifications of the site plan to the Board for review and approval to allow the Board to ensure that the proposed modifications are keeping with the spirit and intent of the original approval.

Sample Motion

Move to ________ (approve/deny) a Special Exception to to allow a dynamic display in an AG zoning district (Section 60.050-B); Modification of a previously approved site plan (BOA-15374).

- 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 and Modification 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.
Case No. 15373 (continued)

Board Action:

On MOTION of FULLER, the Board voted 5-0-0 (Boizle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE a Variance to permit a residential treatment transitional living center within 1/4 mile (1320') of another lot containing such facilities - Section 1205. COMMUNITY SERVICES AND SIMILAR USES - Use Unit 5; per plan submitted; subject to the execution of a tie contract; subject to a maximum of 136 residents; subject to lighting being installed around the perimeter of the facility, with continual lighting during the nighttime hours; finding a hardship demonstrated by the fact that the residential treatment center consists of two building located on separate abutting lots; and finding that the center has been in operation at this location for a three-year period and is non-conforming as to the distance from Horace Mann Correctional Center (approximately 500'); on the following described property:

South 35' of Lot 1, all of Lot 2, and 1/2 of the vacated alley adjacent thereto, Block 3, Oak Grove Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15374

Action Requested:

Special Exception to permit a public school in an AG zoned district - Section 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT - Use Unit 5, located east of 88th East Avenue and North of 79th Street South.

Presentation:

The applicant, Robert E. Yadon, 5437 South Gillette, Tulsa, Oklahoma, MPI Architects, submitted a plot plan (Exhibit M-1) for a proposed elementary school building on a ten-acre tract in the Union School District.

Comments and Questions:

Ms. Bradley asked if utilities are available, and Mr. Yadon stated that the School District plans to extend the 8" water line and construct a 36' street, with a storm sewer provided.

Mr. Gardner advised that one of the key considerations in the plating is to have a collector street along the southern boundary until the subdivision to the east and south is developed. He pointed out that the primary access will be along the southern boundary.

Protestants: None.

02.15.90:557(14)
Case No. 15374 (continued)

Board Action:

On MOTION of CHAPPELLE, the Board voted 5-0-0 (Bozile, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE a Special Exception to permit a public school in an AG zoned district - Section 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT - Use Unit 5; per plot plan submitted; on the following described property:

Beginning at a point 1192.72' north of the SW/c, SE/4, Section 12, T-18-N, R-13-E, Tulsa County, Oklahoma, thence north 660', thence east 660', thence south 660', thence west 660' to the Point of Beginning, with the south boundary being the centerline of East 79th Street South, containing ten acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15375

Action Requested:

Special Exception to permit a salvage business in an IM zoned district - Section 910. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS - Use Unit 27, located 13307 East Apache.

Presentation:

The applicant, Dan McKisick, 24 South 124th East Place, Tulsa, Oklahoma, requested permission to operate a salvage business at the above stated location. He stated that a salvage yard has previously been in operation on the property.

Comments and Questions:

Mr. Gardner asked the applicant if he plans to conduct the salvage operation in the same manner as the others in the area. He pointed out that existing salvage yards are screened, with no stacking extending above the top of the screening fence. Mr. McKisick stated that the entire yard will be screened with a 6' wood fence.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE, the Board voted 5-0-0 (Bozile, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE a Special Exception to permit a salvage business in an IM zoned district - Section 910. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS - Use Unit 27; subject to a 6' solid wood screening fence around the entire salvage area; and subject to cars being stacked no higher than the screening fence; finding that there are similar uses in the area, and the granting of the request will be in harmony with the spirit and intent of the Code; on the following described property:

Lot 1, Block 1, Apache Addition, City of Tulsa, Tulsa County, Oklahoma.
BOA-22622

18-13 12

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

Aerial Photo Date: February 2018

Subject Tract

Feet
0 300 600
Looking west— towards the subject site— on E. 79th St. S.

Looking east— towards the subject site— on E. 79th St. S.
Looking north—towards the subject site—on E. 79th St. S.
Picture of Sign Model
(constructed at another school campus)
March 21, 2019

Letter of Deficiency Waiver Letter for Jarman Elementary

Dear Chairman Van De Wiele and Board of Adjustment Members,

According to the City of Tulsa Board of Adjustment, General Policies and Rules of Procedure, Section II. B. Letter of Deficiency (LOD), the Board Staff may waive the requirement that an LOD accompany an application when in the opinion of the Board staff it is unnecessary.

KKT Architects has worked very closely with INCOG staff and City of Tulsa Development Services staff to determine the zoning relief needed for this application and respectfully ask Board Staff to waive the LOD requirement for this application.

Please note per the, General Policies and Rules of Procedure document dated June 14, 2016, we have met the requirements for citing on the application the necessary relief and the sections of the Zoning Code pertinent to that relief.

Sincerely,

A. Nicole Watts, P.E., CFM
Principal / Director of Civil Engineering
BOARD OF ADJUSTMENT
CASE REPORT

STR: 8406
CZM: 54
CD: 7
A-P#: 

HEARING DATE: 04/23/2019 1:00 PM

APPLICANT: Nicole Watts

ACTION REQUESTED: Special Exception to allow a dynamic display sign to be located in an RS-3 district (Section 60.050-B); Modification of a previously approved site plan (BOA-20954-A)

LOCATION: 10202 E 62 ST S

ZONED: RS-3

PRESENT USE: School - Grove

TRACT SIZE: ± 8.464 acres

LEGAL DESCRIPTION: LTS 1 THRU 4 LESS BEG NEC TH W169.66 SE243.74 N174.67 POB BLK 5, UNION GARDENS

RELEVANT PREVIOUS ACTIONS:

Subject Site:

BOA-20954-A; Amendment to a previously approved site plan to permit building and parking additions to an existing public school.

BOA-20954; Minor Special Exception to modify a previously approved site plan to permit addition and reconfiguration of existing parking.

BOA-19082; Board approved a Special Exception to permit 300? high monopole communication tower for Union Public Schools and co-location for other communication companies

BOA-8234; Board approved a request for an elementary school in an RS-3 district,

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 US Hwy 169 to the northeast and east; a large RS-3 zoned church to the south; a mix of RS-3 zoned residential and accessory school (yard) uses are located to the west.

**STAFF COMMENTS:**
According to the submitted site plans, the proposed freestanding sign located in front of Union Grove Elementary site will contain an approximately 22 sq. ft. dynamic display sign. The Code defines a dynamic display sign as a *sign capable of displaying words, symbols, figures, images or messages that can be electronically or mechanically changed by remote or automatic means*. This also includes any display that incorporates rotating panels, LED lights manipulated through digital input, “digital ink” or any other method or technology that allows a sign to present a series of images, messages or displays.

Dynamic displays are prohibited in R districts except on a lot occupied by an allowed public, civic or institutional use; the Board is authorized to approve a special exception for the allowed freestanding sign to include a dynamic display. The permitted dynamic display in an R district is subject to the following regulations:

1. The allowed dynamic display component may not exceed 32 square feet in area, and no more than one (wall or freestanding) dynamic display is allowed per street frontage.
2. The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall or freestanding sign, but rather is counted as part of the maximum area of a wall or freestanding sign.
3. Dynamic displays in R districts and in AG districts may operate only between the hours of 7:00 a.m. and 9:00 p.m. unless otherwise expressly approved through the special exception process.
4. Dynamic displays are subject to the dynamic display regulations of Section 60.100.

The proposed freestanding sign with a dynamic display is located in an RS-3 zoning district. The applicant is requesting a **Special Exception** to allow a dynamic display in a RS-3 zoning district (Section 60.050.2.c).

The applicant is before the board request a modification of a previously approved site plan to permit the construction of a dynamic display sign. When the Board approved the amendments to a previously approved site plan BOA-20954-A it was approved per plan (see attached minutes). Therefore, the applicant is required to present any proposed modifications of the site plan to the Board for review and approval to allow the Board to ensure that the proposed modifications are keeping with the spirit and intent of the original approval.

**Sample Motion**

Move to ________ (approve/deny) a **Special Exception** to to allow a dynamic display in a RS-3 zoning district (Section 60.050-B); **Modification** of a previously approved site plan (BOA-20954-A).

- 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 and Modification 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.
Board Action:
On MOTION of STEAD, the Board voted 4-0-0 (Henke, Stead, Tidwell, White “aye”; no “nays”; no “abstentions”) to APPROVE the Special Exception to permit a salvage yard (Use Unit 28) in an IM district (Section 901) subject to the code requirements specifically for the screening wall or fence along the lot lines or lines in common with the district to be screened subject to the letter dated May 5, 2010 from DeShazo Tang & Associates, Inc. The fence shall be 8 ft. in height with customarily used fencing material or other substantial materials that will visually separate the land uses and required to be screened from the general public traveling on the streets. Fencing will be uniform in height except as to changes in the topography; consistency of design and if painted shall be earth tone in color; will be constructed with the braces and supports on the interior and will comply with the code. All per plan 15.8; 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.

**********

Case No. 20954-A - Wallace Engineering

Action Requested:
Amendment to a previously approved site plan to permit building and parking additions to an existing public school. Location: SW/c of E. 62nd St. and S. 105th E. Ave.

Presentation:
Jim Beach, Wallace Engineering, 200 East Brady Street, Tulsa, OK; requesting an approval of an amendment to a previously approved site plan 16.6. The three small additions will be located on the north side of the property, and the parking lot that has the circular drive on the north side is also part of the addition, in fact, replaces the parking lot on the northeast corner of the property.

Interested Parties:
No interested parties were present.

Comments and Questions:
None.

Board Action:
On MOTION of STEAD, the Board voted 4-0-0 (Henke, Stead, Tidwell, White “aye”; no “nays”; no “abstentions”) to APPROVE the Amendment to a previously approved site plan to permit building and parking additions to an existing public school. The applicant has demonstrated to the board that the proposed modified plan is consistent with the board’s original approval of an exception and variance.

**********
MINUTES

On MOTION of Tidwell, the Board voted 4-0-0 (White, Henke, Tidwell, Stephens "aye"; no "nays"; no "abstentions"; Stead "absent") to APPROVE the Minutes of August 11, 2009, 2009 (No. 1007)

UNFINISHED BUSINESS

Case No. 20954

Action Requested:
Minor Special Exception to modify a previously approved site plan to permit an addition to and reconfiguration of an existing parking area; and a Variance of the setback requirement for a parking area from the centerline of an abutting street from 55 ft. to 36 ft. (Section 1302.8), located: 6210 South 105th East Avenue.

Presentation:
Jim Beach, 200 East Brady Street, Tulsa, Oklahoma, Wallace Engineering, referred to the aerial photograph in the agenda packet. He pointed out the existing parking lot located on the subject lot perpendicular to the Mingo Valley Expressway, which is the one they proposed to replace. He noted there have been several revisions to this lot since it was originally approved a number of years ago. They propose to expand the parking area as they need to allow as much parking as possible on this lot. They also requested a variance of the setback from 105th East Avenue. There are no single-family dwellings impacted by this parking lot modification. The hardship is that this is not the typical residential property nor is the surrounding property typical of an R district.

Comments and Questions:
Mr. White noted the street to the east was labeled 106th East Place on the site plan. Mr. Beach responded that it is a mistake on the site plan, it is 105th East Avenue.

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

Board Action:
On MOTION of White, the Board voted 4-0-0 (White, Henke, Tidwell, Stephens "aye"; no "nays"; no "abstentions"; Stead "absent") to APPROVE a Minor Special Exception to modify a previously approved site plan to permit an addition to and reconfiguration of an existing parking lot; and a Variance of the setback requirement for a parking area from the centerline of an abutting street from 55 ft. to 36 ft. (Section 1302.8); 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; in granting the variance, the hardship being that the code was established to prevent the separation from residentially used area, while this is residentially zoned it is not residentially used; 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, on the following described property:

LTS 1 THRU 4 LESS BEG NEC TH W169.66 SE243.74 N174.67 POB BLK 5, UNION GARDENS, City of Tulsa, Tulsa County, State of Oklahoma

**********

Case No. 20962

Action Requested:
Special Exception to permit an Asphalt Plant and Accessory uses (Use Unit 27) in an IM district (Section 901), located: 2112 North 129th East Avenue.

Presentation:
Lou Reynolds, 2727 East 21st Street, Tulsa, Oklahoma, stated the property is a 38 acre parcel that has been split and approved by the planning commission with the easterly 25 acres purchased for an asphalt plant. It is zoned IM and they need a special exception for this use. The site proposed for the plant is more than 1,300 ft. from the nearest house. It is surrounded by two concrete ready-mix facilities. There is a railroad track to the north and a setback of almost ¼ mile from 129th East Avenue. He pointed out the wooded area and topographical changes would be adequate screening from the nearest house.

Interested Parties:
There were no interested parties.

Board Action:
On MOTION of White, the Board voted 4-0-0 (White, Henke, Tidwell, Stephens "aye"; no "nays"; no "abstentions"; Stead "absent") to APPROVE a Special Exception to permit an Asphalt Plant and Accessory uses (Use Unit 27) in an IM district (Section 901), 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:

PRT NE BEG 1876.90S NEC NE TH S APPROX 762.664 W2640 N APPROX 519.317 TO SL RR R/W TH NELY ALONG SLRR R/W POB SEC 29 20 14, City of Tulsa, Tulsa County, State of Oklahoma
Mr. Cuthbertson informed the Board that the applicant made an untimely request for a continuance. However, the continuance is necessary, as they found new information that would prevent the Board from acting on the variance request. The request is for a 46 ft. 8 in. sign but the actual sign is 50 ft. He added that a new notice could be sent out in time for the September 8, 2009 meeting.

**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 **CONTINUE** Case No. 20953 to the meeting on September 8, 2009, on the following described property:

LT 4 BLK 1, TRADE WINDS ADDN RES L4-6 & PRT L14-16&17 B2 VILLA GROVE, City of Tulsa, Tulsa County, State of Oklahoma

**********

**Case No. 20954**

**Action Requested:**
Minor Special Exception to modify a previously approved site plan to permit addition and reconfiguration of existing parking, located: 6210 South 105th East Avenue.

Mr. Cuthbertson stated that prior to the hearing it was determined by the applicant that additional relief was needed. The new notice was prepared for the August 25, 2009 hearing.

**Comments and Questions:**
Ms. Stead stated the information given to the Board would not be sufficient to make a decision and they would need more before the next hearing.

**Presentation:**
Jim Beach, 200 East Brady, Tulsa, Oklahoma, Wallace Engineering, agreed, and stated they have a new plan that will be submitted.

**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 **CONTINUE** Case No. 20954 to the meeting on August 25, 2009, on the following described property:

LTS 1 THRU 4 LESS BEG NEC TH W169.66 SE243.74 N174.67 POB BLK 5, UNION GARDENS, City of Tulsa, Tulsa County, State of Oklahoma

**********
Case No. 15368 (continued)

Mr. Jones advised that the parking lot in its present state is probably nonconforming, and although the parking does not meet the Code requirement, the applicant has provided some additional parking spaces for the new use.

In response to Mr. Fuller, Ms. Hubbard pointed out that some of the parking as it exists along Peorle encroaches into the major street setback.

Mr. Olsen pointed out that the owner did increase the parking area by the removal of one building.

Mr. Bolzle asked the applicant how many parking spaces have been added since his client purchased the subject property, and he replied that 30 additional spaces have been provided.

Board Action:

On MOTION of FULLER, the Board voted 3-2-0 (Bolzle, Chappell, Fuller, "aye"; Bradley, White, "nay"; no "abstentions"; none "absent") to APPROVE a Special Exception to modify parking requirements to reduce the number of off-street spaces provided from 75 to 64 - Section 1470. PARKING LOADING AND SCREENING REQUIREMENTS - Use Unit 12; and to APPROVE a Variance to allow required off-street parking spaces to be within setback area of a major street plan - Section 280. STRUCTURE SETBACK FROM ABUTTING STREETS - Use Unit 12; per plot plan submitted; finding that the older area was developed without adequate on-site parking and, therefore, nonconforming as to parking; finding that the owner has added 30 spaces and the resulting number of spaces will be adequate for the area; and finding that many of the parking lots along Peorle encroach into the setback area of the Major Street Plan; on the following described property:

Lots 1, 2, 3, 6 and 11, Broadmoor Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Action Requested:

Approval of amended site plan.

Presentation:

The applicant, Tom Williamson, Ragland Architects, 3104-A South Elm Place, Broken Arrow, Oklahoma, submitted an amended site plan (Exhibit D-11), and requested permission to add two classrooms (4000 sq ft) to the southwest portion of the existing elementary school.
Case No. 8254 (continued)

Comments and Questions:

Mr. Jones informed that the previously submitted site plan (Exhibit D-2) was approved by the Board in 1974 (new addition essentially aligns with the existing building walls).

Mr. Bolzie inquired as to the amount of property owned by the school at this location, and the applicant replied that the school is located on a nine-acre tract.

Protestants: None.

Board Action:

On MOTION of FULLER, the Board voted 5-0-0 (Bolzie, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE the amended site plan as presented.

Case No. 14814

Action Requested:

Approval of amended site plan.

Presentation:

The applicant, Bill Conroy, submitted an amended site plan (Exhibit E-1), and explained that the Philbrook Art Center is requesting permission to replace a 280 gallon underground gasoline tank with a 1000 gallon tank. Mr. Conroy stated that the gasoline reserve will be used to power the emergency generators.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE, the Board voted 5-0-0 (Bolzie, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE an amended site plan, as submitted by the applicant.

There being no further business, the meeting was adjourned at 2:45 p.m.

Date Approved 8/15/90

Chairman

02.01.90:556(10)
Board Action:
On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait
"aye"; no "nays"; no "abstentions"; Thompson "absent") to grant a
Variance (Section 280 - Structure Setback From Abutting Streets -
Under the Provisions of Section 1630 - Minor Variances) of the set-
back requirements from 50' to 31' to permit the erection of a sign,
removal contract required, on the following described property:

Lot 1, Block 5, Orcutt Addition to the City of Tulsa, Oklahoma.

Action Requested:
Variance (Section 630 - Bulk and Area Requirements in The Office Dis-
tricts - Under the Provisions of Section 1630 - Minor Variances) of
the floor area ratio from 25% to 28.3% in an OL District at 6815 South
Canton Avenue.

Presentation:
Don Bingham, representing the Evergreen Trust, presented a plot plan
(Exhibit "F-1") and stated this building will house a group of com-
puter companies.

Protests: None.

Board Action:
On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait
"aye"; no "nays"; no "abstentions"; Thompson "absent") to grant a
Variance (Section 630 - Bulk and Area Requirements in The Office Dis-
tricts - Under the Provisions of Section 1630 - Minor Variances) of
the floor area ratio from 25% to 28.3% in an OL District, per plot
plan submitted, on the following described tract:

The North 275' of Lot 2, Block 3, Burning Hills, an Addition to the
City of Tulsa, Tulsa County, Oklahoma.

UNFINISHED BUSINESS:

Presentation:
John Holland, 525 South Main, Suite 300, representing Independent School
District No. 9, presented a substitute plot plan (Exhibit "G-1") and
advised that the proposed buildings will be prefabs to accommodate addi-
tional students in the elementary school.

Board Action:
On MOTION of LEWIS, the Board voted 3-0-1 (Lewis, Purser, Wait "aye";
no "nays"; Smith "abstaining"; Thompson "absent") to approve the sub-
stitute plot plan for Case No. 8234.

Action Requested:
Exception (Section 310 - Principal Uses Permitted in Residential Dis-
tricts - Section 1207 - Duplexes) for permission to erect duplexes in
an RS-3 District at 129th East Avenue and 24th Street.
Gale Plummer submitted the plot plan (Exhibit "B-1") pointing out the two existing buildings on the tract, one of which is located two feet from the west property line. The proposed building is to be located to the north of the building on the western portion of the tract two feet from the property line, thereby aligning with the existing building.

Mr. Gardner advised the Board that this area is planned and designated for light industrial zoning by an adopted Special Zoning Study. The major portion of the area has been rezoned light industry and the property owners to the east and west of the subject tract have not yet chosen to rezone their properties. He stated that he questioned the two-foot setback from the west property line, feeling that ten feet was more appropriate; however, he did not know that there was an existing building already two feet from the west property line.

Mr. Plummer advised the Board that the property owners to the east and west are aware of the application and have no objections, stating that they plan to rezone their properties in the future for light industrial purposes.

Protests:
None.

Board Action:
On MOTION of SMITH, the Board (3-0) approved a Variance (Section 730 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1470) for a variance of the 75' setback to permit building 2' from the west property line; AND an Exception (Section 250.3 - Modification of the Screening Wall or Fence Requirements) for permission to remove screening requirements on the east and west property lines abutting R Districts per plot plan, in an IL District on the following described tract:

Lot 1, Block 1, Add Addition to the City of Tulsa, Oklahoma.

Action Requested:
Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1005 - Community Services, Cultural and Recreational Facilities) for permission to erect an elementary school; AND
Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1470) for permission to build across lot lines in an RS-3 District located at 6210 South 105th East Avenue.

Presentation:
Ed Brett, representing the Independent School District No. 9, submitted the plot plan (Exhibit "C-1"), describing the subject property and stating that the School District has owned the property for four years and now wishes to construct an elementary school on the tract. The plans call for the building's being located across lot lines and the properties will not be sold on an individual basis due to the use of the property. He further pointed out for information purposes that the School District has agreed to dedicate a 20' strip on the east side of the property and a portion of the corner when 105th is widened, which is the reason for the building and parking areas being located as shown on the plans. He stated that the dedication agreement has been reviewed with the City Engineer and State Highway Department.

Protests:
None.

Interested Party:
An interested party present, name unknown, advised the Board that she had sold the subject property to the School District some years ago and that she did not object to the school's being located on the tract. She requested that the Board consider the proposed school as the cultural center of this area of the City.

Board Action:
On MOTION of GUERRERO, the Board (3-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1005 - Community Services, Cultural and Recreational Facilities) for permission to erect an elementary school; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1470) for permission to build across lot lines per plot plan in an RS-3 District on the following described tract:

Lots 1, 2, 3, 4, Block 5, Union Gardens Addition to the City of Tulsa, Tulsa County, Oklahoma.

4.18.74:162 (4)
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018
Note: Graphic overlays may not precisely align with physical features on the ground.
SL 5.
Looking east—towards subject site—on E. 62nd

SL 5.
Looking west—towards subject site—on E. 62nd
Picture of Sign Model
(constructed at another school campus)
City of Tulsa Board of Adjustment Members

c/o INCOG – BOA Staff
2 West Second Street; Ste 800
Tulsa, OK
74103

March 21, 2019

Letter of Deficiency Waiver Letter for Grove Elementary

Dear Chairman Van De Wiele and Board of Adjustment Members,

According to the City of Tulsa Board of Adjustment, General Policies and Rules of Procedure, Section II. B. Letter of Deficiency (LOD), the Board Staff may waive the requirement that an LOD accompany an application when in the opinion of the Board staff it is unnecessary.

KKT Architects has worked very closely with INCOG staff and City of Tulsa Development Services staff to determine the zoning relief needed for this application and respectfully ask Board Staff to waive the LOD requirement for this application.

Please note per the, General Policies and Rules of Procedure document dated June 14, 2016, we have met the requirements for citing on the application the necessary relief and the sections of the Zoning Code pertinent to that relief.

Sincerely,

A. Nicole Watts, P.E., CFM
Principal / Director of Civil Engineering
REQUEST FOR WAIVER OF LETTER OF DEFICIENCY REQUIREMENT

If the Board staff waives the requirement that an LOD accompany an application to the Board, the Applicant is responsible for requesting all necessary relief and for citing the sections of the Zoning Code pertinent to the relief sought. (The waiver of the requirement that an LOD accompany an application to the Board shall not be considered a waiver of the necessity to apply for a building permit or a zoning clearance permit, as may be required by the particular proposed use or construction.) In the event that the applicant does not request all necessary relief, additional BOA action may be required resulting in significant delays during the building permit process.

I hereby certify that I have read and understand the above requirements and that I request that the LOD requirement be waived for the subject property in case number: ____________________________

__________________________
Applicant's Signature

3. 31. 19
Date

Approved by: ____________________________
BOARD OF ADJUSTMENT
CASE REPORT

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

HEARING DATE: 04/23/2019 1:00 PM

APPLICANT: Alan Betchan

ACTION REQUESTED: Special Exception to allow a fence to exceed 4 ft. in height within the required street setback (Section 45.080)

LOCATION: 1809 E 41 ST S

PRESENT USE: residential

LEGAL DESCRIPTION: ALL LT 5 & LT 6 LESS BEG SWC TH NE171.9 NEC LT 6 SLY164.68 W52.57 POB & PRT LT 3 & 4 BEG SECR LT 4 SW230.1 NW85 NE147.3 E120.94 S31.7 POB LESS BEG SWC LT 3 TH NW85 NE47.42 SLY76.56 POB BLK 13, HIGHLAND PARK EST

ZONED: RS-2

TRACT SIZE: 59943.16 SQ FT

RELEVANT PREVIOUS ACTIONS:
Subject Property:
BOA-12350; on 12.16.82, the Board denied a variance of the required 25 feet rear yard in a RS-2 zoned district to 15 feet to allow for an expansion.

Surrounding Property:
BOA-22108; on 7.26.16, the Board approved a Special exception of the wall height from 4 feet to 8 feet in the required front yard in an R District. Located; 1905 E. 41st St. S. (immediately east of the subject property).

BOA-20337; on 9.12.06, the Board denied a Special Exception to allow an 8' privacy fence in the front yard. Located; 1725 E. 41st St. S. (immediately west of the subject property)

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 abuts RS-2 zoned residences to the north and west; RS-1 zoned tracts to the east; E. 41st St. S. is immediately south of the subject property.

**STAFF COMMENTS:**
The applicant is proposing a fence that is within the required street setback on the south portion of the property, along E. 41st St. S. As shown on the attached exhibit, the fence will be 8 ft. in height in the front street setback. It appears the fence will be 5 ft. from the front property line. The required street setback in an RS-2 zoned district is 35 feet from an arterial street.

The Code (Section 45.080-A) limits fence and wall heights in the required front setback to 4 feet; 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 double frontage lots. 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 to 8 feet in height in the front street setback along E. 41st St. S.

**Sample Motion**

Move to ________ (approve/deny) a **Special Exception** to allow a fence to exceed 4 ft. in height within the required street setback (Section 45.080)

- 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.
Board Action:
On MOTION of FLANAGAN, the Board voted 4-0-0 (Flanagan, Snyder, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Bond absent) to APPROVE the request for a Variance to reduce the street yard setback (Section 5.030-A), subject to conceptual plan 5.8. The roofing material is to match the style and the color of the existing roofing. The front and the sides of the porch are to remain open at all time. 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 16 BLK 3, MARYLAND HGTS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22108—Jesse Gober

Action Requested:
Special Exception of the wall and/or fence height from 4 feet to 8 feet in the required front yard in the R District (Section 45.080). LOCATION: 1905 East 41st Street South (CD 9)

Presentation:
Jesse Gober, 251 East South Lake Boulevard, South Lake, Texas; stated his client would like to install an eight foot fence, which will consist of a 2'-0” stone wall footing that will match the house with 6'-0” of wrought iron fencing on top of the wall.

Mr. Van De Wiele asked Mr. Gober if the gate was going to be wrought iron. Mr. Gober answered affirmatively. Mr. Van De Wiele stated that the renderings he saw of the fence looked like cedar. Mr. Gober stated the fence will actually be ¾” x ¾” pickets and
not cedar. Mr. Gober stated that the gates will be wrought iron and the bottom portion will be solid.

Mr. Gober stated the fence is for security. The home owner's house was broken into and robbed at gunpoint. They also have a continual problem of people pulling into their driveway from 41st Street.

Mr. Van De Wiele asked how far off the property line or 41st Street would this fence be placed. Mr. Gober stated that currently there is a decorative four foot fence on the property and the new fence would be in that location. The gate for the driveway would set back farther to allow proper stacking.

Mr. White asked Mr. Gober what the spacing between the pickets would be. Mr. Gober stated that he has not detailed that out but it will probably be four to six inches. Mr. White asked Mr. Gober if the pickets were going to be 3/4" wide pickets. Mr. Gober nodded in agreement. Mr. White asked if that would mean that every 4-3/4" there will be a four inch gap. Mr. Gober stated that is not final so he is not sure. Mr. Gober stated that he has not detailed out the panels yet. Mr. White stated that he was thinking about the site and air flow pattern. Mr. Gober stated that the purpose is so that people can see because if someone were to get over the eight foot structure the home owner's would want to have someone to be able to see what is happening.

Interested Parties:
Lawrence Halka, 4101 South Victor Court, Tulsa, OK; stated he lives directly across 41st Street from the subject property. He was confused as to whether this was going to be a solid or open fence and he is relieved that the top portion will not be a solid fence. Mr. Halka stated that the only fences that exist along 41st Street in the entire neighborhood are those that have been approved as part of planned developments which are directly to the east of the subject property. There are no other walls or tall fences in the area; certainly along Victor Court or along 41st Street from Utica to Lewis except for the planned developments. Mr. Halka understands the appreciation for additional security and has no objection to that but he does not believe an eight foot fence is attractive or necessary. He does not believe the last two feet add 33% more security. Mr. Halka stated that the adjoining fence is almost seven feet except for the columns which may reach close to eight feet. He does not see any reason to have a taller fence than the adjoining fence. Mr. Halka stated that according to the specifications provided the columns in the subject fence exceed the proposed eight foot height. Mr. Halka stated that he would be amenable to a six foot total height fence as long as it meets the open spacing as proposed by the applicant.

Mahala Mattal, 1905 East 41st Street, Tulsa, OK; stated that she is the homeowner. The fence is for safety and two feet in fence height does make a difference as far as people being able to scale a fence. She has a sidewalk that she had installed in front of her house and that allows people to sit in front of her house on a constant regular basis. These people malinger and throw trash into the yard. People drive down in the middle of the night. She has two small children and this is very personal for her and that is the
reason for the fence. She is trying to stay very aesthetic and does not want the fence to be an eyesore by any means whatsoever. The fence will absolutely not be a sound barrier or an eyesore because she is being very cautious about that. She has had security people come in from New York City and give her recommendations for their security.

Comments and Questions:
Mr. White stated that the fact the bottom two foot portion is solid yet the top six feet is not solid he does not have any problem with the request, because security is becoming more and more paramount.

Mr. Van De Wiele agreed. As to whether a six foot or eight foot fence is easier to scale he is not too sure about. A two foot wall with a four foot fence on top of it would be something that could be climbed over fairly simply. He does think the architecture of what has been drawn up, to the extent that the fence is wrought iron not just a cedar plank fence on top, is attractive. Mr. Van De Wiele stated that he appreciates the neighbors concerns as well, but he thinks it sits far enough off 41st that it tends to mitigate that concern. He can support the application.

Ms. Snyder stated that she does not have a problem with the request.

Board Action:
On MOTION of WHITE, the Board voted 4-0-0 (Flanagan, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Bond absent) to APPROVE the request for a Special Exception of the wall and/or fence height from 4 feet to 8 feet in the required street setback in the R District (Section 45.080), subject to conceptual plans 6.10, 6.11, 6.12 and 6.13. The construction of the fence is shown on conceptual plan 6.13. The fence is to have a 2'-0" stone base with steel/wrought iron pickets on the top of the base. The pickets are to be ½" x ½" with an approximate 4" spacing between the pickets for sight and air flow. 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:

S 400' W 30' Lt 9 & S 400' Lt 10 & S 296.9' W 1/2 Vac St on west, Essex RSB PT L8&9 Royal Oak Hts & PT L1-3 Yorktown Est, Royal Oak Hgts, Highland Park Est, City of Tulsa, Tulsa County, State of Oklahoma

22109—Tanner Consulting, LLC

Action Requested:
Variance from the street yard landscaping requirements (Section 65.030); Variance from the landscaping installation, irrigation and maintenance requirements (Section 65.070); Variance to reduce the required parking to 0 spaces (Section 55.080-C) to permit construction of a replacement storage building. LOCATION: 1114 East 1st Street South (CD 4)
Mr. Ackermann stated he expected the planning commission would look forward to this Board making a statement or a decision on this issue.

**Mr. Stephens returned at 2:59 p.m.**

**Richard Bales,** 2315 Charles Page Boulevard, Park Director, stated they planned for sidewalks with paved walkways through the gardens in time. They did not want to place a straight sidewalk from 51st Street down Hudson. They did not want it to be part of this project and is not included in the budget for this part of the process. Mr. Henke asked him when they planned to do the sidewalk.

Mr. Al Byers (inaudible) 624 South Boston, stated the plan shows how the sidewalk would tie in to the original plan. They plan to construct the sidewalk behind the existing berm, which connects with the gardens all the way back to 51st Street.

**Board Action:**
On Motion of Dunham, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Special Exception to permit a Public Library/Community Center in an RS-2 district, with a two-year waiver of construction of a curved linear sidewalk, per plan submitted at the hearing, on the following described property:

W795 E875 S1475 N1525 NW SEC 34 19 13 26.92ACS, City of Tulsa, Tulsa County, State of Oklahoma

**********

**Case No. 20337**

**Action Requested:**
Special Exception to allow an 8' privacy fence in the front yard. (210.B.3), located: 1725 East 41st Street South.

**Presentation:**
**Gregory Helms,** 329 South Elm Street, Jenks, Oklahoma, represented the property owner. He pointed out that the property is directly across from Victor Avenue. The wall was to buffer the property along 41st Street. He noted the staff comments regarding a 6 ft. wall along Xanthus Avenue. He measured that wall and found it to be 8 ft.

**Comments and Questions:**
Mr. Cuthbertson responded that a rear yard or side yard are allowed to have six or eight foot fences. Mr. Henke stated that this application is for the front yard. Mr. Helms replied he was just pointing out that there are walls along 41st Street.
Interested Parties:
Greg Jennings, stated it is not a fence but a wall. The house has existed as long as the street and the owner bought it that way. He expressed opposition because it cuts off the neighborhood and creates a compound with no open spacing. He added that it isolates everyone.

Dave Dutton, 4124 South Victor Court, wanted to know more details regarding the location and structure of the fence. Mr. Henke replied it would be seven feet from the street. He suggested vegetation, or an ornamental iron fence.

Herb Beattie, stated the Brookside Neighborhood Association is in agreement with the previous two interested parties.

Janet Pagano, 4105 South Victor Avenue, stated a wall would not be consistent with the neighborhood.

Applicant's Rebuttal:
Mr. Helms stated it would be about seven feet off the street and would not be any closer than the existing walls. They plan to landscape along the fence just like the existing fence is farther to the east. Mr. Stephens pointed out that some of the homes were there before the zoning code, as well as the fences. Mr. Ackermann explained that the zoning code states that to enclose a required front yard in RS-2, it requires 35 ft. from the property line. It allows you to place a berm, fence, wall or vegetation no higher than four feet within the 35 ft. If you place it out of the 35 ft. you can build it to eight feet.

Board Action:
On Motion of Stead, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to DENY a Special Exception to allow an 8' privacy fence in the front yard. (210.B.3), on the following described property:

PRT LTS 2 3 6 & 7 & PRT VAC ST BEG 5E SWC LT 7 THN302.12 NE94.54 SE164 NE47.42 S241.24 W197.57 POBBLK 13 , HIGHLAND PARK EST, City of Tulsa, Tulsa County, State of Oklahoma

*

OTHER BUSINESS

Mr. Henke out at 3:24 p.m.

Mr. Cuthbertson provided a Non-Residential Site Plan Check List. He stated he wanted them to review the list and make revisions or suggestions. He added that it would be put on the next agenda for discussion.
Case No. 12348 (continued)

parking. He suggested that the case be continued to allow the applicant to compose a document concerning the parking.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to continue this item to the January 6, 1983 meeting to allow the applicant time to work out something concerning the parking and creating a document for the City Legal Department's review that will satisfy the off-street parking concerns.

Case No. 12349

Action Requested:

Special Exception - Section 250.3 - Modification of Screening Wall or Fence Requirements - Request to remove the screening requirement from abutting R Districts. This property is located at 1736 South Carson Avenue.

Presentation:

Curtis Parks, 4207 South Oswego Avenue, was present representing the applicant, Michael Beard, and submitted two photographs of the subject property (Exhibit "R-1"). Mr. Parks and Mr. Beard own the property jointly and are requesting permission to waive the screening requirement at the subject location, where an addition to the office has been made. They feel that the screening fence is unnecessary as there are a number of trees and other foliage along the rear of the property (west). Also, on the west property line it drops about 4' at that location and a chain link fence is presently in place there. To the south is a 10' drop-off which abuts a parking lot. The property owners to the north which would be most affected do not want the screening fence erected.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 250.3 - Modification of Screening Walls or Fence Requirements) to remove the screening requirement from abutting R Districts, until such time that the adjacent property owners would request that the owners of the subject property install a fence, on the following described property:

Lot 3, and the South 30' of Lot 2, Block 2, Buena Vista Park Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Case No. 12350

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance of the rear yard requirements from 25' to 15' to permit an addition to the present residence. This property is located at 1809 East 41st Street.
Case No. 12350 (continued)

Presentation:
Mr. Olsen was present representing Olsen-Coffey Architects and submitted a drawing of the proposal (Exhibit "S-1"). The applicant is requesting permission to add a 3-car garage onto the existing residence. The subject tract is a large lot and is situated several hundred feet from 41st Street.

Protestants:
David Daugherty, 4015 South Victor Avenue, was present stating that his property backs up to the subject property. His concern was that the addition might be an eyesore for the area and it could set a precedent in the area. He also felt that the applicant did not show a hardship.

Comments:
Dorotha Miller, Protective Inspections, felt that the proposed structure could be located within 3' of the interior lot line.

The Board felt that a hardship had not been shown. They felt that the structure could be located where it would comply with the setback requirements.

Board Action:
On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to deny a Variance (Section 430 - Bulk and Area Requirements in Residential Districts) of the rear yard requirements from 25' to 15' to permit an addition to the present residence, on the following described property:

All of Lots 5 & 6, Block 13, Highland Park Estates, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof; also portions of Lots 3 & 4, Block 13, Highland Park Estates, being more particularly described as follows, to wit: Beginning at the Southeast corner of Lot 4; thence Southwesterly along the South line of Lots 4 & 3 to the Southwest corner of Lot 3; thence in a Northwesterly direction along the West line of Lot 3, a distance of 85 feet; thence in a Northeasterly direction across Lot 3 to a point on the West line of Lot 4, 75 feet North of the Southwest corner thereof; thence in a Northeasterly direction across Lot 4 to a point on the East line of Lot 4, 31.8 feet North of the Southeast corner thereof; thence South 31.8 feet to the point of beginning.

Case No. 12351

Action Requested:
Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request to allow two duplexes in an RS-3 District; and a Variance - Section 440 - Special Exception Uses in Residential Districts, Requirements - Request for a variance of the minimum lot area from 9,000 sq. ft. to 7,000 sq. ft. and the minimum frontage requirement from 75' to 50'; and a Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance of the side yard requirements from 5' to 0' to permit connection of the two duplexes on a lot line. This property is located at 1333 East 36th Street.

12.16.82:377(28)

12.10
Looking northwest—towards the subjects site—at the intersection of E. 41st St. S. & S. Victor Ave.
Looking north – subject site is to the west of the fence at the intersection of E. 41st St. S. & S. Victor Ave.
Legal Description

All of Lots Five (5) and Six (6) and a portion of Lots Three (3) and Four (4), Block Thirteen (13), HIGHLAND PARK ESTATES, as Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat No. 689, being more particularly described as follows, to-wit:

Beginning at the Southeast corner of said Lot 4, thence Southwesterly along the South line of said Lots 4 and 3 to the Southwest corner of Lot 3; thence in a Northwesterly direction along the West line of Lot 3 a distance of 85.0 feet; thence in a Northeasterly direction across Lot 3 to a point on the West line of Lot 4, 75.0 feet North of the Southwest corner thereof; thence in a Northeasterly direction across Lot 4 to a point on the East line of Lot 4, 31.7 feet North of the Southeast corner thereof; thence South 31.7 feet to the Point of Beginning.

LESS AND EXCEPT THE FOLLOWING TRACTS:

A tract of land in Lot Six (6), Block Thirteen (13), HIGHLAND PARK ESTATES, as Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat No. 689, being more particularly described as follows, to-wit:

Beginning at the Southwest corner of said Lot 6; thence Northeasterly along the Westerly line of said Lot 6 a distance of 171.9 feet to the Northwest corner of said Lot 6; thence Southerly parallel to the East line of said Lot 6 a distance of 164.68 feet to a point on the South line of said Lot 6 a distance of 52.57 feet to the Point of Beginning.

AND

A tract of land in Lot Three (3), Block Thirteen (13), HIGHLAND PARK ESTATES, as Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat No. 689, being more particularly described as follows, to-wit:

Beginning at the Southwest corner of said Lot 3; thence Northwesterly along the Westerly line of said Lot 3 a distance of 85.0 feet; thence Northeasterly a distance of 47.42 feet; thence Southerly parallel to the East line of said Lot 3 a distance of 76.56 feet the Point of Beginning.
Resolved:

No

Resolved On:

Comments

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 fence and wall regulations in accordance with the special exception procedures of Section 70.120.

Corrective Action
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 fence and wall regulations in accordance with the special exception procedures of Section 70.120.

Corrective Action

Review Comments- Provide documentation indicating the proposed fence located in the street setback will not exceed 4’ in height measured from grade or apply to BOA for a special exception to allow a fence to exceed 4’ in height in a street setback.
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9321
CZM: 47
CD: 9
A-P#: Case Number: BOA-22625

HEARING DATE: 04/23/2019 1:00 PM

APPLICANT: Mark Capron

ACTION REQUESTED: Modification of a previously approved site plan (BOA-15854; BOA-16838)

LOCATION: 4825 E 36 ST S ZONED: RS-3

PRESENT USE: Bank Branch TRACT SIZE: 24816.23 SQ FT

LEGAL DESCRIPTION: BEG 40N & 24.75W SECR S/2 S/2 SE NE TH N140 W177.25 S140 E177.25 POB SEC 21 19 13 .57AC

RELEVANT PREVIOUS ACTIONS:

Subject site:
BOA- 16838; on 11.08.94, the Board approved an amendment to a site plan; a variance of the previous conditions of approval to permit an additional drive through banking land (remote teller) subject to conditions.

BOA-15966; on 4.28.92, the Board approved, per plot plan, a variance to amend a previously approved plot plan, BOA-15854, to permit a drive-thru automatic teller machine and amend the hours of operation for the bank.

BOA-15854; on 10.22.91, the Board approved a special exception to amend a previously approved site plan (BOA-11525); a variance of the required 95 feet setback from the centerline of South Yale Avenue to 80 feet to permit an addition to an existing bank.

BOA-11525; on 12.17.81, the Board approved a site plan, elevation plans, and planting plans to allow a savings and loan facility in a RS-3 zoned district.

BOA-11525; on 6.25.81, the Board approved a use variance to allow a savings and loan facility in a RS-3 zoned district.

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 an RS-3 zoned church to the south; RS-3 zoned residences to the north and west; S. Yale Ave. is immediately to the east of the subject property.

STAFF COMMENTS:
The applicant is before the board request a modification of a previously approved site plan (BOA-15854; BOA-16838) to permit the relocation of a trash dumpster, an ATM drive up window, and site lighting and paving alterations.

The proposed changes are shown on the attached site plan. When the Board approved the special exception in BOA-15854 it was approved per plan (see attached minutes). Therefore, the applicant is required to present any proposed modifications of the site plan to the Board for review and approval to allow the Board to ensure that the proposed modifications are keeping with the spirit and intent of the original approval.

Sample Motion

Move to ________ (approve/deny) a Modification of the previously approved site plan in BOA-15854; BOA-16838.

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

- Subject to the following conditions: ________________________________

The Board finds that the requested Modification 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.
Case No. 16837 (continued).

**Board Action:**

On **MOTION** of TURNBO, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Tumbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE a Variance** of the required setback from an abutting R District - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 13; per plan submitted; finding that only a small portion of the building will encroach within the required building setback; and finding that approval of the request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lots 1, 2 and 3, Block 1, Florence Park, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 16838**

**Action Requested:**

Amended site plan approval and a variance of the previous conditions of approval to permit an additional drive through banking lane - Use Unit 11, located 4825 East 36th Street.

**Presentation:**

The applicant, Ken Petty, 3805 South 79th East Avenue, was represented by Robert Nichols, 111 West 5th Street, who informed that he has been retained by State Bank to present the application. He submitted a revised site plan (Exhibit D-1) and explained that his client is proposing to add an additional lane to accommodate a remote teller, which will relieve traffic congestion. Mr. Nichols stated that the property owners to the north are not opposed to the application.

**Comments and Questions:**

Mr. Gardner explained that the previous application was approved per plan submitted, and any deviation from that plan requires Board approval.

Mr. Bolzle stated that, at the previous meeting, the Board was somewhat concerned with the northernmost island that was to contain the ATM, and voiced a concern with the traffic, noise level and hours of operation.

Mr. Nichols noted that the ATM will remain in the third isle, and a remote teller is proposed, which will only be in operation when the bank is open. He pointed out that this is a quicker operation than the ATM, and is intended for overflow.

Mr. Bolzle asked if one island and one lane, along with the canopy, will be extended to the north, and Mr. Nichols answered in the affirmative.
Case No. 16838 (continued)
Mr. Bolzle voiced a concern with the process of approving revised site plans that would automatically approve variances that were not specifically mentioned, such as the extension of the canopy, parking, etc.

Mr. Gardner stated that the notice received by property owners within 300' advised them that the operation is to be expanded and that variances of approved conditions were requested. He remarked that interested parties could call or attend the hearing for specific details.

Protestants:
None.

Board Action:
On MOTION of WHITE, the Board voted 3-2-0 (Abbott, Doverspike, White, "aye"; Bolzle, Turkbo, "nay"; no "abstentions"; none "absent") to APPROVE an amended site plan and a variance of the previous conditions of approval to permit an additional drive through banking lane (remote teller) - Use Unit 11; per revised plan submitted; subject to 24-hour operation of automatic teller machine (ATM previously limited to 8 a.m. to 8 p.m. operation), and banking lobby hours being 8 a.m. to 8 p.m., Monday through Saturday (previously not open on Saturday), on the following described property:

Part of the S/2, S/2, SE/4, NE/4, Section 21, T-19-N, R-13-E, more particularly described as follows: Beginning 40' north and 24.75' west of SE/c of said S/2, S/2, SE/4, NE/4, thence north and parallel to east section line a distance of 140' thence N89°50'40"W 177.25' thence south 140' thence S89°50'40"E 177.25' to the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16839

Action Requested:
Variance of the number of required parking spaces - SECTION 1212.c. Off-Street Parking and Loading Requirements - Use Unit 12, located southwest corner of East 71st Street and South Sheridan Road.

Presentation:
The applicant, Tina Marshall, 3500 Eastern Boulevard, Montgomery, Alabama, was represented by Kevin McGlothlin, 3500 Eastern Boulevard, Montgomery Alabama, who requested that the number of parking spaces in the shopping center be varied to permit the operation of a restaurant. He explained that the proposed restaurant is a new tenant in the center; and this type of business is 70% carryout and does not need the amount of parking normally required for this use. A plot plan (Exhibit E-1) was submitted.
CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 608
Tuesday, April 28, 1992, 1:00 p.m.
City Council Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT

Bolzle, Chairman
Chappelle
Doverspike
Fuller
White

MEMBERS ABSENT

Gardner
Moore
Russell

STAFF PRESENT

Jackere, Legal Department
Hubbard, Protective, Insp.
Parnell, Code Enforcement

OTHERS PRESENT

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, April 24, 1992, at 1:10 p.m., as well as in the Reception Area of the INCOG offices. An addendum was posted on Friday, April 24, 1992 at 4:40 p.m.

After declaring a quorum present, Chairman Bolzle called the meeting to order at 1:00 p.m.

MINUTES:

On MOTION of CHAPPELLE, the Board voted 4-0-1 (Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; Doverspike "abstaining"; none "absent") to APPROVE the Minutes of April 14, 1992.

Case No. 15966

Action Requested:
Consider approval of amended minutes (Case No. 15966, Roy Johnsen).

Presentation:

Mr. Johnsen stated that his previous presentation concerned both the regular banking hours and the hours for the automatic teller. He requested that the minutes should reflect that hours of operation for the automatic teller machine be 24 hours a day, and the hours of operation for the bank be from 8:00 a.m. to 8:00 p.m., Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday.

Board Action:

On MOTION of FULLER, the Board voted 4-0-1 (Bolzle, Chappelle, Doverspike, Fuller, "aye"; no "nays"; White, "abstaining"; none "absent") to AMEND the minutes for Case No. 15966 to APPROVE a Variance of a previously approved plot plan to permit a remote teller and a drive-through automatic teller machine, with hours of operation being 24 hours each day, and lobby hours being from 8:00 a.m. to 8:00 p.m., Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday.
Case No. 15964 (continued)

**Protestants:**
None.

**Board Action:**
On MOTION of FULLER, the Board voted 3-0-0 (Bolzle, Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; White, Doverspike, "absent") to APPROVE a Variance of the 672 sq ft of signage to a total of 794 sq ft to add additional signs - Section 1221.D. CS District Use Conditions for Signs - Use Unit 13; per plot plan; subject to the elimination of the roof flags (signs); finding that the proposed signage, without the flags, would not be detrimental to the area, or violate the spirit, purposes or intent of the Code; on the following described property:

E/2, NE/4, Section 7, T-19-N, R-14-E, City of Tulsa
Tulsa County, Oklahoma.

Case No. 15966  Minutes amended 4/28/92

**Action Requested:**
Variance of a previously approved plot plan to permit a drive-through automatic teller machine and a remote teller; and a variance of the permitted hours of operation (Monday - Friday, 8:00 a.m.- 8:00 a.m., and 9:00 a.m.- 5:00 p.m.), located NW/c East 36th Street and South Yale Avenue.

**Presentation:**
The applicant, Roy Johnsen, 201 West 5th Street, Tulsa, Oklahoma, stated that he is representing State Bank. He explained that the automatic teller currently located inside the bank will be relocated outside the building (Exhibit G-1) for customer convenience. Mr. Johnsen stated that there are two traffic lanes on the north side of the building, and a third lane will be installed to accommodate the new machine. He pointed out that the residential property to the north is protected by a 15' green area and a screening fence (Exhibit G-2). The applicant added that another grassy area and a second screening fence is beyond the fence that was installed by the bank. He stated that the storage areas for the houses to the north are nearest the teller machines, with the actual living areas somewhat separated from that location. Mr. Johnsen stated that, although the machines will be available 24 hours, it has been determined that few transaction take place during the nighttime hours. He requested that the hours of operation be permitted 24 hours a day Monday through Friday, and from 8:00 a.m. to 5:00 p.m. on Saturday.
Case No. 15966 (continued)

Comments and Questions:
In response to Mr. Fuller, the applicant stated that the previously approved plot plan depicted two lanes to the north, and a third lane is now being requested. He pointed out that a revision of the plan was approved in 1991 to permit the addition of a vault inside the bank.

Protestants:
None.

Board Action:
On MOTION of FULLER, the Board voted 3-0-0 (Bolzle, Chappelle, Fuller, "aye"); no "nays"; no "abstentions"; White, Doverspike, "absent") to APPROVE a Variance of a previously approved plot plan to permit a drive-through automatic teller machine and a remote teller, with hours of operation being 24 hours each day, Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday (hours of operation for the bank being from 9:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 12:00 noon on Saturday); per amended plot plan; finding that the additional service lane will not be detrimental to the area; on the following described property:

S/2, S/2, SE/4, NE/4, Section 21, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 3:10 p.m.

Date Approved March 24, 1992

Chairman

03.10.92:605(15)
Case No. 15852 (continued)

Board Action:

On MOTION of DOVERSPIKE, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to APPROVE a Special Exception to permit a dry cleaning establishment in a CS District - Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 15; per plot plan submitted; and subject to Health Department approval; finding the use to be consistent with those currently located in the shopping center; on the following described property:

Part of the N/2 of the NE/4 of Section 16, T-19-N, R-13-E, of the IBM, Tulsa County, Oklahoma, said tract being more particularly described as beginning at the NW/c of said NE/4 of said Section 16; thence east along the north line of said Section 16 a distance of 1286' to a point; thence due south a distance of 249.07' to a point; thence due west a distance of 62' to a point; thence due south a distance of 156' to a point of curve; thence around a 9°01'48" curve to the left having a radius of 634.26' a distance of 188.56' to a point of tangency; thence south 17°02' east a distance of 220.97' to a point of curve; thence around a 4°42' curve to the right having a radius of 1218.14' a distance of 358.23' to a point; thence due east a distance of 70.24' to a point; thence due south a distance of 182.81' to a point on the north line of the SE/4 of the NE/4 of said Section 16; thence west along said north line of said SE/4 of the NE/4 of said Section 16 a distance of 120' to an intersection with the east line of Ridge View Addition to the City of Tulsa, Oklahoma according to the recorded plat thereof; thence north along the east line of said addition a distance of 2.57' to the NE/c thereof; thence west along the north line of said addition to an intersection with the north and south centerline of said Section 16; thence north along said north and south centerline of said Section 16 - line of said Section 16 a distance of 1318' to the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15854

Action Requested:

Variance to permit the expansion of a previously approved plot plan (BOA 11152) by adding an addition for safe-deposit boxes; and a Variance of the required 95' setback from the centerline of South Yale Avenue to 80' to permit an addition to an existing bank - Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 11; located at NW/c 36th Street and Yale Avenue.

Presentation:

The applicant, State Bank, was represented by Larry Choate, 502 South Main Mall, Tulsa, Oklahoma, who submitted a plot plan (Exhibit G-1), and explained that the bank is proposing to construct a 600 sq ft addition to the existing structure to permit the installation of a vault and safe-deposit boxes. He stated that the architectural designed of the new construction will be the same as the remainder of the building, and the new service will not generate additional traffic in the area.
Case No. 15854 (continued)

Comments and Questions:
Mr. Doverspike asked if the new service will change the hours of operation for the bank, and Mr. Choate stated that banking hours will remain the same, and there will be no additional entrances or curb cuts.

Ms. White remarked that the residence to the north appears to be closer to Yale Avenue than the bank building.

Protestants: None.

Board Action:
On MOTION of WHITE, the Board voted 4-0-0 (Boizle, Chappelle, Doverspike, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to APPROVE a Variance to permit the expansion of a previously approved plot plan (BOA 11152) by adding an addition for safe-deposit boxes; and to APPROVE a Variance of the required 95' setback from the centerline of South Yale Avenue to 80' to permit an addition to an existing bank - Section 403. BULK AND ACRE REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 11; per plot plan submitted; finding that the new construction will not encroach further into the required setback on Yale Avenue than the residence to the north; and finding that the installation of a vault and safe-deposit boxes will not alter banking hours or generate additional traffic in the area; and finding that the approval of the variance request will not be detrimental to the neighborhood, or violate the spirit and intent of the Code: on the following described property:

Part of the S/2 of the S/2 of the SE/4 of the NE/4 of Section 21, T-19-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereon, more particularly described as follows, to-wit: Beginning at a point 40' north and 24.75' west of the southeast corner of said S/2 S/2 SE/4 NE/4; thence north and parallel to the east section line of said Section a distance of 140' to a point; thence N89°50'40"W a distance of 177.25' to a point; thence south a distance of 140' to a point; thence S89°50'40"E a distance of 177.25' to the POB; City of Tulsa, Tulsa County, Oklahoma.

Case No. 15855

Action Requested:
Special exception to permit a home occupation (auto repair) in a residential area - Section 404.B. - Special Exception Uses in Residential Districts - Use Unit 6, located 2125 South 103rd East Avenue.
Case No. 11351 (continued)

are proposed. Mr. Reese advised that Protective Inspection's Department, Traffic Engineering Department and the Hydrology Department have all been contacted concerning the additional parking. The Staff has also reviewed the plot plan with the applicant. Thirty-three (33) parking spaces are presently in place and some of the "green area" will be converted for the additional parking.

Comments:

Dorotha Miller, Protective Inspections, advised that she had suggested that the applicant come to this Board because the plot plan would be different than the original one which had been approved. Previously, the "green area" had been discussed and the proposed parking will reduce that area.

Mr. Gardner advised that there was some concern with the drainage previously, but the applicant has talked with the Hydrology Department concerning that aspect.

Mr. Victor asked if any additional landscaping was proposed and Mr. Reese advised that some additional landscaping would be added.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"); no "nays"; no "abstentions"; Purser, Wait, "absent") that the Board accept the substitute plot plan and that the seven (7) additional parking spaces be permitted, and that landscaping will be provided as shown on the drawing and that a color rendering showing the landscaping and drawing be submitted for the file.

Case No. 11525

Action Requested:

Clarification concerning Board Action on Case No. 11525 heard on December 17, 1981.

Presentation:

Mr. Gardner advised that the applicant, Charles Norman, submitted an elevation plan, a site plan, a planting plan and three elevation drawings of signs which the Board approved at that time. The motion approving the request states that the Board approved the detailed plans and drawings of the signs as submitted, subject to conditions. Dorotha Miller, Protective Inspections, felt that the wording of the motion should be changed to more specifically state that all of the plans were approved.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"); no "nays"; no "abstentions"; Purser, Wait, "absent") that the Minutes of December 17, 1981, be changed concerning Case No. 11525 that the motion will state that the Board approved the elevation plan, site plan, planting plan and three (3) elevation drawings of signs.

There being no further business, the meeting adjourned at 3:55 p.m.
Case No. 11075 (continued)

there is a violation any longer because the hole has been filled with the exception of a small portion of it.

Mr. Lewis asked Mr. Jackere if there was anything that the Board could act upon at this time and Mr. Jackere answered no. The Board determined that the applicant had fulfilled their requirements and decided to go on with the rest of the meeting and let Mr. Jackere talk to the applicant and others interested in this case.

Case No. 11525

Action Requested:

Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1211 - Offices and Studios - Under the Provisions of Section 1670) Request for a principal use variance on the basis of extraordinary and exceptional conditions and circumstances peculiar to the property under application to permit the use of the property for a branch office of a savings and loan association, subject to development standards and a site plan to be approved by the Board of Adjustment. This property is located on the northwest corner of 36th Street and Yale Avenue.

Presentation:

Mr. Lewis read the conditions of approval when the case was heard June 25, 1981.

Mr. Charles Norman, 909 Kennedy Building, representing State Federal Savings and Loan Association, advised the Board that a use variance was granted by the Board in June 1981, to utilize the northwest corner of 36th Street and Yale Avenue for a branch office with the conditions stated by Chairman Lewis.

Mr. Norman submitted an elevation plan (Exhibit "B-1"), a site plan (Exhibit "B-2"), a planting plan (Exhibit "B-3"), and three elevation drawings of signs (Exhibit "B-4"). Mr. Norman stated that the plans conform to the requirements of the Board’s approval and asked that the Board approve the plans for the purpose of the issuance of a building permit.

Mr. Norman stated at the previous hearing one of the key issues was the reduction from four (4) lanes for the drive-in to, two (2), which increased the distance between the residential structure to the north to 27' from the nearest pavement area to the north property line. Mr. Norman stated that the proposed building contains 2,200 square feet as was submitted.

Protestants: None.

Board Comments:

Mr. Lewis asked if there were houses surrounding the area and Mr. Norman stated that one house faces Yale and one house faces 36th Street. Mr. Norman said that both of the property owners were at the June 25th hearing and had no objections.
Case No. 11525 (continued)

Mr. Lewis inquired about the screening and Mr. Norman stated that it is a brick area with a plant area to avoid the appearance of a solid wall or fence.

Mr. Lewis asked how high the brick area was and Mr. Norman stated that it is six (6) feet high.

Board Action:
On MOTION of SMITH and SECOND by PURSER, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; to approve the elevation plan, site plan, planting plan, and three (3) elevation drawings of signs as submitted and subject to the conditions imposed by the Board in the June 25, 1981 hearing, on the following described property:

Part of the S/2 of the S/2 of the SE/4 of the NE/4 of Section 21, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U. S. Survey thereof, described as follows: Beginning at a point 40' North and 24.75' West of the SE corner of said S/2 of the S/2 of the SE/4 of the NE/4; thence North and parallel to the East Section Line of said Section, a distance of 140' to a point; thence North 89'-50-40" West a distance of 177.25' to a point; thence South a distance of 140' to a point; thence South 89'-50-40" East a distance of 177.25' to the point of beginning.

Discussion:
Mr. Smith asked the developer to put a color rendering in the Board file along with the plans.

Case No. 11097

Action Requested:
Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) Request for permission to use property for church and related off-street parking at 1621 North Sheridan Road. (The proposed use is to convert an existing dwelling into a youth recreation center.)

Presentation:
Frank Rowell, Jr. 207 Franklin Building, 23 West 4th Street, was present to address the Board and advised that the application was before the Board in July 1980. At that time, approval was given for an 18-month temporary exception to the Zoning Ordinance. The Board advised the applicant that if there were no protests during the 18-month period that he should come back for a permanent exception. Mr. Rowell stated that the granting of the exception was to be used as a youth center with some imposed conditions placed on the use. Mr. Rowell would like to use the building for general church purposes also.

Protestants: None.

Board Comments:
Mr. Lewis stated that the Board cannot grant something that has not been advertised previously.

Mr. Gardner advised the Board that the applicant is not asking that the number of children be increased, or that the hours of operation be extended.

12.17.81:352(3)
in Tulsa, she wished to locate a mobile home on this property (owned by her) and live in Tulsa near her family. Mrs. Knight stated that the property was approximately two acres and that there were two different mobile home parks in the vicinity and that there were a few mobile homes not located in parks about 1/2 mile from her property. She advised that the tract of land to be used was 89' x 900' and the mobile home would be situated approximately 100' from Yale Avenue. Mrs. Knight further advised that the mobile home would be new. Mrs. Knight described briefly the surrounding area, which consists of a land-fill, a shopping center, a subdivision directly across the street which does not front Yale, and a coal strip-pit mine.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680) to permit a mobile home in an RS-3 District; and, a Variance (Section 440.6 (a) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670) of the time limitation to permit a mobile home in an RS-3 District, for a period of three years, removal bond required, for only one mobile home, on the following described property:

Lot 7, Block 3, S. R. Lewis Addition to the City of Tulsa, Tulsa County, Oklahoma.

Action Requested:

Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1211 - Offices and Studios - Under the Provisions of Section 1670) request for a principal use variance on the basis of extraordinary and exceptional conditions and circumstances peculiar to the property under application to permit the use of the property for a branch office of a savings and loan association, subject to development standards and a site plan to be approved by the Board of Adjustment. This property is located on the northwest corner of 36th Street and Yale Avenue.

Presentation:

Charles Norman, 909 Kennedy Building, was present to address the Board in the capacity of legal counsel for the owner of the property, Gene Mann, and submitted a plot plan (Exhibit "H-1"), a letter from Gary VanFossen, A.I.A., describing the building details and plans (Exhibit "H-2"), a letter to the Board from Charles Norman describing the particular tract of land and citing several zoning cases (Exhibit "H-3"), and twelve 5" x 7" color photographs depicting the subject property and surrounding area (Exhibit "H-4"). Mr. Norman advised that the applicant was proposing to construct a branch office facility on the northwest corner of 36th Street and Yale Avenue. He stated that Mr. Mann had owned the property since January of 1964 and that on the northeast corner of the intersection was Highland Park, a City Park with picnic facilities and lighted tennis courts, on the southeast corner is a fully developed church facility, and on the southwest corner is another church facility. Mr. Norman explained that, in 1969, an application
for rezoning the property to OL was presented to the Tulsa Metropolitan Area Planning Commission which was reviewed and recommended for approval, forwarded to the City Commission, which denied the rezoning application. The application was subsequently heard in Tulsa County District Court and the District Court upheld the decision of the City Commission; the property remains zoned RS-3. He further explained that from 1969 to date, no offers to purchase or develop the property in residential fashion have been presented to Mr. Mann and the property is virtually unusable as residential property, since traffic flow is so great along 36th Street and Yale Avenue. Mr. Norman also cited traffic flow figures as received by the Traffic Engineer. Mr. Norman reviewed the exhibited outline of material and building specifications with the Board, as submitted.

Protestants:
Patrick Devlin, 4817 East 35th Court, stated that his main concern over the proposal was an increase in traffic created by the drive-in lanes since the cul-de-sac on which he lives is the only means of entrance and exit to his property.

Applicant's Comments:
Mr. Norman stated that he was of the opinion that traffic would not increase noticeably due to the fact that the heavy traffic flow was already in existence.

Board Comments:
Mr. Victor asked the hours of operation, to which Mr. Norman explained that the facility would be open from 9:00 a.m. to 6:00 p.m., on weekdays and from 9:00 a.m. to 12:00 noon on Saturdays. Considerable discussion ensued as to the sign and its location and height. Mr. Norman indicated a willingness to submit the sign design to the Board for approval prior to erection.

Mrs. Purser asked Mr. Norman if there were any drainage problems on the subject property that he was aware of. Mr. Norman indicated that he was not aware of any drainage problems. Mr. Norman also indicated a willingness to submit any final landscaping plans or final renderings of the proposed structure if desired by the Board.

Board Action:
On MOTION of VICTOR, and SECOND by SMITH, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Lewis, Wait, "absent") to approve a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1211 - Offices and Studios - Under the Provisions of Section 1670) to permit the use of the property for a branch office for a savings and loan association, subject to the development standards submitted, and subject to a detailed site plan to be approved by the Board of Adjustment and subject to the following: (1) Submittal of completed drawings for the project showing landscaping, types of plantings and sign design; (2) limiting the structure to a two-lane drive-through facility; (3) hours of operation to be from 9:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 12:00 noon on Saturday; (4) no access off Yale Avenue; and, (5) architecturally the structure shall be residential in character, all on the following described property:

6.25.81:338(13)
Part of the S/2 of the S/2 of the SE/4 of the NE/4 of Section 21, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U. S. Survey thereof, described as follows:

Beginning at a point 40' North and 24.75' West of the SE corner of said S/2 of the S/2 of the SE/4 of the NE/4; thence North and parallel to the East Section Line of said Section, a distance of 140' to a point; thence North 89°-50'-40" West a distance of 177.25' to a point; thence South a distance of 140' to a point; thence South 89°-50'-40" East a distance of 177.25' to the point of beginning.

Action Requested:
Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations - Under the Provisions of Section 1680) request for an exception to permit a beauty shop as a home occupation in an RS-3 District. This property is located at 3508 South Norfolk Avenue.

Presentation:
Carolyn Reichman, 3508 South Norfolk Avenue, advised that he residence was located on a dead-end street and was the second house from the end and that parking would be provided on her driveway and in front of the residence on the street. She stated that her hours of operation would be Monday through Friday, from 9:00 a.m. to 3:00 p.m., and explained that an additional six to seven cars that would be at the residence would not be a noticeable increase since the average traffic flow on the street per day was 85 cars, due to the fact that drivers apparently do not see the "Dead End" sign, proceed down the street, and turn around in her driveway.

Protestants: None.

Board Action:
On MOTION of SMITH and SECOND by VICTOR, the Board voted 3-0-0 (Purser, Smith Victor, "aye"); no "nays"; no "abstentions"; Lewis, Wait "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations - Under the Provisions of Section 1680) to permit a beauty shop as a home occupation in an RS-3 District, as presented by the applicant, with hours of operation to be from 9:00 a.m. to 3:00 p.m., Monday through Friday, and subject to all Home Occupation Rules and Regulations, to run with this owner only, on the following described property:

The S/2 of Lot 6, Block 2, Peoria Court Addition to the City of Tulsa, Tulsa County, Oklahoma.

Action Requested:
Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670) request for a variance of the size of the accessory building from 750 square feet to 1,800 square feet in an RS-3 District. This property is located at 3149 North 129th E. Avenue.
Subject Tract
BOA-22625
19-13 21
Aerial Photo Date: February 2018

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

BOA-22625

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

Aerial Photo Date: February 2018
APPLICATION NO: 22370-2019 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)
Location: 4825 E. 36th Street S.
Description: Office Building Renovation

INFORMATION ABOUT SUBMITTING REVISIONS

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

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A $55 RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

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

IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.

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

3. PRESENT THIS LETTER TO INCOG WHEN APPLYING FOR BOARD OF ADJUSTMENT OR PLANNING COMMISSION ACTION.

(Continued)
REVIEW COMMENTS

APPLICATION NO. 22370-2019
4825 E. 36th Street
February 27, 2019

This letter of deficiencies covers zoning Review items only.

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

1.) 70.120-J Amendments
1. Amendments to approved special exceptions must be processed as new special exception applications, including all requirements for fees, notices and

   NOTE: The zoning review for your permit application will resume after a zoning site plan is submitted. Additional deficiencies may be found and are required to be resolved prior to approval of your application. Public hearings, provided that the development administrator is authorized to approve the following:
   a. Any structures or uses authorized to be approved by the development administrator at the time of special exception approval; and
   b. The addition or relocation of customary accessory uses and structures.

2.) 65.090-C Lighting Plans
1. General
   Where outdoor lighting is proposed, outdoor lighting plans demonstrating compliance with the standards of this section are required with the submittal of a site plan. Applicants have 2 options for the format of the required lighting plan:
   a. Submit a lighting plan that complies with the fixture height lighting plan requirements of §65.090-C2; or
   b. Submit a photometric plan demonstrating that compliance will be achieved using taller fixture heights, in accordance with §65.090-C3.

   Review Comment: The proposed relocated trash dumpster, ATM drive up window, site lighting and paving alterations require a modification of a previously approve site plan by the City of Tulsa BOA per case 15854.

   Review Comment: The proposed additional site lighting must comply with one of the two methods for site lighting. Provide a site lighting plan in compliance with section 65.090-C.

NOTE: Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to send the decision of any actions by the BOA or TMAPC affecting the status of your application to our office, so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.
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.