AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, May 14, 2019, 1:00 P.M.

Meeting No. 1228

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of Minutes of April 23, 2019 (Meeting No. 1227).

UNFINISHED BUSINESS

2. 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); Special Exception to exceed the allowable driveway width within the right-of-way (Section 55.090-F.3). LOCATION: 7431 East 7th Street South (CD 3)

3. 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)

NEW APPLICATIONS

4. 22626—Barbara Carson
   Variance to reduce the required street setback in an RS-3 District (Table 5-3). LOCATION: 252 South Quebec Avenue East. (CD 4)

5. 22627—Amanda Prickett
   Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). LOCATION: 3735 South Harvard Avenue East, Unit A (CD 9)
6. **22628—Meenakshi Krishnasamy**  
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).  
**LOCATION:** 2811 East 15th Street South & 1442 South Delaware Place East (CD 4)

7. **22629—Brian Letzig**  
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).  
**LOCATION:** 1212 and 1214 East 1st Street South (CD 4)

8. **22630—Bonnie Caldwell**  
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).  
**LOCATION:** 623 South Peoria Avenue East, Suite B (CD 4)

9. **22631—Steve Wright**  
Variance of the required minimum lot width in an AG District (Table 25-2) to permit a lot split.  
**LOCATION:** 11840 South Sheridan Road East (CD 8)

10. **22632—Michael Kneafsey**  
Special Exception to exceed the allowable driveway width within the street setback (Section 55.090-F.3); Variance to allow for an accessory building to exceed one story in height (Section 90.090-C.2).  
**LOCATION:** 1868 East 16th Place South (CD 4)

11. **22633—Randy Hendrix**  
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).  
**LOCATION:** 302 South Frankfort Avenue East (CD 4)

12. **22634—Gregory Helms**  
Special Exception to permit a freestanding sign to be located within the City of Tulsa street right-of-way/planned street right-of-way (Section 60.020-E).  
**LOCATION:** 3509 South Peoria Avenue East (CD 6)

13. **22635—KKT Architects**  
Variance of the F1 screening fence or wall requirement along the east property line (Section 65.060-C.2).  
**LOCATION:** SW/c of East 31st Street South & South 120th Place East (CD 6)

14. **22636—KKT Architects**  
Variance of the required street setback from East Latimer Place (Section 15.030-A); Variance to allow an existing structure to be located within the City of Tulsa street right-of-way/planned street right-of-way (Section 90.090-A); Variance of
the required lot width for two proposed lots (Lot 2 & Lot 5) (Section 15.030-A). LOCATION: 1037 North Owasso Avenue East (CD 1)

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

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

CD = Council District

NOTE: If you require special accommodation pursuant to the Americans with Disabilities Act, please notify 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: 05/14/2019 1:00 PM (continued from 4/23/2019)

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); Special Exception to exceed the allowable driveway width within the right-of-way (Sec. 55.090-F.3)

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
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.

**CURRENT STAFF COMMENTS:**
The Board continued #BOA-22617 to allow time for staff to evaluate the need for additional relief. Staff found that the subject property will exceed the 4,000 sq. ft. open space requirement with the proposed garage and driveway. However, it appears that the driveway width exceeds the allowable 26 ft. in the right-of-way.

Per the code, the below table shows the maximum driveway width requirements:

<table>
<thead>
<tr>
<th>Maximum Driveway Width</th>
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<tr>
<td>Lot Frontage</td>
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<tr>
<td>Driveway Within Right-of-Way (feet) [1]</td>
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<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 65 ft. of frontage on E. 7th St S. The applicant is allowed by right a driveway width of 30 ft. within the street setback and 26 ft. within the right-of-way. As shown on the attached exhibit, the driveway width is approximately 30 ft. in the street setback. It appears on the attached photo of the property that the 30 ft. driveway width extends into the right-of-way.

Therefore, the applicant is before the Board requesting an additional **Special Exception** to allow a 30 ft. driveway within the right-of-way along E. 7th St. S.

The Board also requested that the applicant provide additional information regarding the color, finish, and materials that would be used in the construction of the detached garage.

**PREVIOUS 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 700 sq. 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)](image)

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); **Special Exception** to exceed the allowable driveway width within the right-of-way (Sec. 55.090-F.3)

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

The Board finds that the following facts, favorable to the property owner, have been established:

"a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;"
b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;

c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;

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

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

f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."
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
Bozle
Bradley
Chappelle
Fuller

MEMBERS ABSENT
White

STAFF PRESENT
Gardner
Jones
Moore

OTHERS PRESENT
Jackere, Legal Department
Hubbard, Protective Inspections

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

UNFINISHED BUSINESS

Case No. 15247

Action Requested:

Variances - Section 430.1 - Bulk and Area Requirements In the Residential Districts - Use Unit 1206 - Request a variance of the required 5' side yard 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 protesters 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.
Case No. 15245 (continued)

Protestants: None.

Board Action:

On MOTION of CHAPPELLE, the Board voted 4-0-0 (Bolzie, 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 35.36'; thence W 63°13'30" W a distance of 89.54'; thence N 32°59'53" W a distance of 142.38'; thence N 57°54'1" E a distance of 70.00'; thence N 73°42'5" E a distance of 127.10'; thence S 32°51'53" E a distance of 250.00'; thence S 55°01'0" 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)

2.8
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 (Boizle, 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.
Looking north—towards the subject site—on E. 7th St.
NOT APPROVED
FOR CONSTRUCTION
Jeff S. Taylor  
Zoning Official  
Plans Examiner  
TEL(918) 596-7637  
jstaylor@cityoftulsa.org

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

ZONING CLEARANCE PLAN REVIEW  
2/14/2019

APPLICATION NO: BLDR-22258-2018 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Project Location: 74318 7th St S  
Description: Detached Accessory Building

<table>
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<tr>
<th>INFORMATION ABOUT SUBMITTING REVISIONS</th>
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<tbody>
<tr>
<td>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.</td>
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REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

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<thead>
<tr>
<th>IMPORTANT INFORMATION</th>
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<tbody>
<tr>
<td>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.</td>
</tr>
<tr>
<td>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 <a href="http://WWW.INCOG.ORG">WWW.INCOG.ORG</a> OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.</td>
</tr>
<tr>
<td>3. A COPY OF A &quot;RECORD SEARCH&quot; [<strong>IS NOT</strong> INCLUDED WITH THIS LETTER. PLEASE PRESENT THE &quot;RECORD SEARCH&quot; 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.)]</td>
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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 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

1. 45.030-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.
Hello Amy, good afternoon.

Per our conversation, I am attaching a sample photo from Honeycutt Construction which is similar to what we would like to build. The difference is the roll up door is on the end whereas ours will be on the side. In addition, I have attached a couple samples of the siding and warranty information.

We did find some other examples of neighbor properties in our immediate area. The 7401 E 7th which is 3 doors down has almost a 5 car driveway on the 74th East Avenue side with quite a bit of concrete in the back yard. Further findings have a house 7 or 8 blocks to the east where the detached garage is over two stories. Yes, the lot is bigger than ours but the garage is much taller than the house. This is located 5504 E 5th Place. Have attached a few pictures.

Thanks again for your help.

Jarrett

On Tue, Apr 30, 2019 at 12:16 PM Jarrett Metzler <metzlej@gmail.com> wrote:

Hello Amy,

Yes, I remeasured again. The current driveway is 20' 8" and the proposed is 9' 1" so the total would be 29' 9". Are there any zoning restrictions regarding the concrete for the backyard in between the building and the house? Can I apply for the extra variance online or will I need to come in again? Also, any idea of the cost to apply for the add'l variance?

Did you have a chance to research the property I sent earlier? Just curious if they were any variance exceptions granted.

Thanks again for your help.

Jarrett

On Tue, Apr 30, 2019 at 11:01 AM Ulmer, Amy <aulmer@incog.org> wrote:

Good morning,
Choose a panel quality that works best for your project and budget.

CentralGuard® provides superior fade resistance.

CentralGuard® is an advanced system engineered by Central States, to protect our metal against fade, dent, and rust. It combines the durability of ceramic and select inorganic pigments with the strength of a proprietary silicone polyester resin to deliver a durable finish, no matter the weather.

- Ceramic pigments are practically unaffected by acid rain and pollution.
- They resist color fade even in the most hostile environments.
- Silicone polyester resin resist dirt, staining and abrasion.
- Excellent fade and chalk resistance.

For more information visit www.AllMetalNotEqual.com
Hello Amy,

Good morning. Thanks for your help yesterday and wanted to check back with you to see if you could provide me anymore information regarding the concrete zoning for our house?

Also, I checked and the house that I was referring to is at 7711 E 4 PL S TULSA 74112
They have 3 different driveways - 1 on the west side (larger than a single car) and 2 x on the south side on 4th place (1 x double car drive way and 1 single car driveway). Also, they have a fairly large concrete slab as well between the detached steel building and their house.

I sent an email to the Honeycutt Construction asking for the materials list for the building.

Not sure if I was following the correct process as the city permit office required me to furnish stamped drawings of the concrete for the building which was $1000.00 and it was over $500 to get this opportunity to try and get the approval. A lot of the homes here are older which people not taking great care of them. We have invested quite a bit and plan on staying here through retirement.
Thanks,
Jarrett Metzler
918-510-6423

On Fri, Apr 5, 2019 at 8:39 AM Jarrett Metzler <metzlei@smail.com> wrote:
Hello Amy,

Good morning.

The attached drawings are from Honeycutt Construction who is providing the building. Please let me know if you were looking for something different.

Thanks,
Jarrett

On Fri, Apr 5, 2019 at 8:29 AM Ulmer, Amy <aulmer@incog.org> wrote:

Good morning,

Thank you. I will add this information to your application. Do you have any elevation drawings for the accessory building?
BOARD OF ADJUSTMENT
CASE REPORT

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

HEARING DATE: 5/14/2019 1:00PM (continued from 04/23/2019)

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; on 8.20.2018, an Administrative Adjustment was approved 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.

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.

CURRENT STAFF COMMENTS

On 4/23/19, the Board continued #BOA-22619 to the 5/14/19 meeting to allow time for the applicant to provide a sufficient hardship statement. As of writing this staff report, no new information has been submitted.

PREVIOUS 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 0-1: Lot and Building Regulations for -P Character Zones |
|---------------|-----------------|-----------------|-------------------|
| Minimum Lot Area (sq. ft.) | 3,500 | Minimum Ground Floor Ceiling Height (feet) | 14 |
| A Minimum Lot Width (feet) | 25 | Minimum Transparency (%) | |
| B Minimum Street Frontage (feet) | 20 | Ground floor | |
| Minimum Open Space per Unit (sq. ft.) | 100 | Upper floors | 20 |
| C Build-to-Zone (BTZ) (minimum/maximum in feet) | 0/10 | Min. Parking Setbacks (ft)[see also $Error! Reference source not found.] | |
| Street | Primary street | 30 | |
| Abutting R district | Secondary street or R zoning district | 10 | |
| Abutting nonresidential district | Nonresidential zoning district | 0 | |
| Abutting alley | Street-facing Entrance Required | Yes | |
| C Build-to-Zone (BTZ) (minimum/maximum in feet) | 0/10 | |
| Primary street BTZ (%) | 80 | |
| Secondary street BTZ (%) | 30 | |

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%)."

3.3 REVISED 5/8/2019
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
Subject Tract  
BOA-22619
19-13 08

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.
Looking east—towards subject site—on S. Lewis Ave.
PROPOSED GLAZING TO BE SPANDREL AS REPRESENTED BY RED ON THE ELEVATION.
ALL GLAZING TO TRANSPARENT IN ELEVATION.
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.
TULSA, OKLAHOMA

TOUCHSTONE IMAGING CENTER

DD REVIEW - IMAGING SUITE
MARCH 26, 2019

PROVIDING THIS T10 FLOOR PLAN FOR REFERENCE. ALSO ILLUSTRATED GLAZING ON THIS PLAN.
CWH @ E4H 02.20.19

3.14
CEILING HEIGHTS IN CLOUDED AREAS ABOVE, ARE AT MAXIMUM HEIGHT.
THAT MEDICAL EQUIPMENT WILL ALLOW DUE TO OVERHEAD EQUIPMENT
AND/OR RADIATION PROTECTION, REMAINDER OF MEDICAL IMAGING
CENTER TO BE 10’ TO ALIGN WITH EXTERIOR GLAZING MULLIONS,
ALSO ILLUSTRATED GLAZING ON THIS PLAN
©2019 Touchstone Imaging Center
CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

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

ZONING CLEARANCE PLAN REVIEW

March 19, 2019

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

APPLICATION NO: ZCO-025830-2019
(PLACE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 1121 S Lewis Ave
Description: Ceiling height & transparency in MX2

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. 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 ORIGINALY 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 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.).

(continued)
REVIEW COMMENTS

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

ZCO-025830-2019 1121 S Lewis Ave March 19, 2019

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

1. Sec.10.030-B3 Table 10-4: You are proposing exam rooms that have 9’ and 10’ ceilings. The minimum ground floor 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.
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BOARD OF ADJUSTMENT
CASE REPORT

STR: 9304
CZM: 37
CD: 4
A-P#:

HEARING DATE: 05/14/2019 1:00 PM

APPLICANT: Barbara Carson

ACTION REQUESTED: Variance to reduce the required street setback in an RS-3 District (Table 5-3)

LOCATION: 252 S QUEBEC AV E

PRESENT USE: residential

ZONED: RS-3

TRACT SIZE: 7501.06 SQ FT

LEGAL DESCRIPTION: LT 281 BK 1, RODGERS HGTS SUB

RELEVANT PREVIOUS ACTIONS:
None relevant.

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:

As shown on the attached exhibits, the existing building encroaches into the required 25 ft. building setback in an RS-3 district. Please see the attached statement provided by the applicant detailing the history of the request.

The applicant is requesting a Variance to reduce the front street setback from 25 ft. to approximately 9 ft. along S. Quebec Ave. Based on the submitted exhibits, S. Quebec Ave. is indicated as the front setback. The Major Street and Highway Plan considers this a non-arterial street and would therefore be required by code to maintain a building setback of 25 feet in an RS-3 zoned district (Table 5-3).

Sample Motion

Move to _______ (approve/deny) a Variance to reduce the required street setback (Table 5-3).

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

The Board finds that the requested Special Exceptions 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.

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-22626  

19-13 04

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 west—towards subject site— on S. Quebec Ave.

Looking west—towards subject site— on S. Quebec Ave.
Looking northwest—towards subject site—on S. Quebec Ave.

Looking west—towards subject site—on S. Quebec Ave.
Looking west—towards subject site—on S. Quebec Ave.
City of Tulsa Board of Adjustment
INCOG

ATTN: Amy Ulmer

Re: Case No. BOA-22626
Variance

To Whom It May Concern:

My clients, Dave Thompson and Stephanie Thompson, purchased the real property located at 252 S. Quebec Ave., Tulsa, Oklahoma on February 22, 2019. The property was vacant at the time, and after purchase my clients found a Zoning Notice of Violation posted on the property dated February 18, 2019. We were finally able to contact the Neighborhood Inspectors, who met with agents of my clients at the property to determine exactly what was needed to bring everything into compliance. It was then determined that the client would be able to satisfy the requirement of the structure in the 5-foot building set back line from the side by tearing down the structure. The issue remained with the addition built on the primary structure in the 25-foot building set back in the front of the house. There is no feasible way to tear down this addition without damaging the integrity of the house itself.

This home was built in 1928 according the records of the Tulsa Assessor. The home has had an addition built although we cannot determine exactly when. I have been informed from Shannon Perry at the Permits Library that the addition would have happened too long ago for the library to retain a copy of any permits potentially pulled.

My clients have spoken with some neighbors in the area and we can verify through one neighbor who moved into his residence in 1993 that the addition existed at that time. Therefore, because of the length of time the addition has been on this property and the hardship it would cause to tear it down, we are asking for a variance of the required 25 foot street setback in an RS-3 District.

Very truly yours,

Barbara L. Carson
Amy:

Attached is the information from the surveyor.

Let me know if you have any other questions.

Thank you.

Barbara,

Here is a pdf showing the distance from the front of the building to the front property line.

Thanks, John

Barbara L. Carson, Esq.
Carson Law Firm, PLLC
624 S. Denver, Suite 202
Tulsa, OK 74119
(918) 606-8862

On May 1, 2019, at 1:01 PM, Ulmer, Amy <aulmer@incog.org> wrote:

Hello,

Could you indicate on the attached site plan the distance from the front of the build to the front property line? I believe this information would make this more clear to the Board. Let me know if you have any questions.
ZONING NOTICE OF VIOLATION

The City of Tulsa To:

FNMA
PO BOX 650043
DALLAS TX 752650043

You are hereby notified that the violation(s) maintained, operated or permitted to exist by you at: LT 281 BK 1,RODGERS HGT'S SUB City of Tulsa, Tulsa County, State of Oklahoma;

And located at the address of: 252 S QUEBEC AVE E

Consisting of: (Official Ordinance Cited Information is included.)

Title 42, Chap. 5, Sect. 30

This Violation requires:

There is a 25- foot building set back starting at the end of the right of way. The addition built on to the primary structure in the front will have to be removed.

There is a 5-foot building set back from the side of the property line. The structure built to the fence line will have to be removed or cut back from the property line.

You may also seek a variance with the Board of Adjustment.

A final inspection is set for 04/12/2019.

To be in compliance with Municipal Codes, you will need to comply with this notice within 10 days business. FAILURE TO COMPLY MAY RESULT IN THE ISSUANCE OF A CITATION OR CIVIL REMEDIAL PENALTIES NOT TO EXCEED $1,000.00 PER DAY. You may appeal the administrative official's decision within 10 BUSINESS DAYS by filing a complete appeal application with the administrative official and INCOG located at Williams Tower II, 2 West 2nd Street, 8th Floor, Tulsa, Oklahoma, 74103. 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.

CASE NO. NUZO-010421-2019

Caleb Perkins
Neighborhood Inspector
918-596-2518

Meetings with inspectors require a scheduled appointment.

A copy of this notice has also been sent to (if applicable):
OCCUPANT
252 S QUEBEC AVE E
Tulsa OK 74112

BARBARA CARSON
624 S DENVER AVE W SUITE 202
TULSA OK 74119
Section 5.030 Lot and Building Regulations

5.030-A Table of Regulations

The lot and building regulations of Table 5-3 apply to all principal uses and structures in R districts, except as otherwise expressly stated in this zoning code. General exceptions to these regulations and rules for measuring compliance can be found in Chapter 90. Regulations governing accessory uses and structures can be found in Chapter 45.

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<th>Regulations</th>
<th>RE</th>
<th>RS-1</th>
<th>RS-2</th>
<th>RS-3</th>
<th>RS-4</th>
<th>RS-5</th>
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<td>Apartment/condo</td>
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<td>Other allowed buildings/uses</td>
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<td>Patio house</td>
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<td>6,000</td>
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<td>Cottage house dev†</td>
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<td>Minimum Lot Width (ft)</td>
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<td>Maximum Front Setback (ft)</td>
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<td>Minimum Street Frontage (ft)</td>
<td>150</td>
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<td>Maximum Street Frontage (ft)</td>
<td>300</td>
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</table>

5.29.8 Table Notes

The following notes refer to the brackets numbers (e.g., (1) in Table 5.3:

1. See Section 5.29.20 for detailed regulations governing mobile home parks.
2. Minimum street frontage requirements apply to townhouse developments, not to individual townhouses. Cogent house developments require minimum street setbacks at the lot line.
3. For detached houses and duplexes on corner lots, the minimum side street set back along a non-arterial street may be reduced to 15 feet, provided that the minimum setback for street being garage door is 20 feet or 20 feet from the property line, whichever is greater. The street setback specified in Table 5.2 applies along all other sides.
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: GoA-22626

[Signature]
Applicant's Signature

[Date]
Date

Approved by: ___________________________________________
BOARD OF ADJUSTMENT
CASE REPORT

Case Number: BOA-22627

STR: 9321
CZM: 47
CD: 9
A-P#: 

HEARING DATE: 05/14/2019 1:00 PM

APPLICANT: Amanda Prickett

ACTION REQUESTED: Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Sec. 40.225-D)

LOCATION: 3735 S HARVARD AV E (Unit A) ZONED: CS

PRESENT USE: commercial TRACT SIZE: 6869.44 SQ FT

LEGAL DESCRIPTION: LT 9 LESS BEG 69E SWC TH E8.8 N0.4 W8.8 S0.4 POB BLK 2, 36TH STREET SUBURB

RELEVANT PREVIOUS ACTIONS: None relevant.

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 abuts CS zoned commercial uses to the south and north; RM-2 zoned lots to the east; and S. Harvard Ave. is immediately to the west of the subject property.
The applicant is proposing to convert part of an existing storefront into a medical marijuana dispensary. To permit the dispensary the applicant is before the Board requesting a Spacing Verification for medical marijuana dispensary in a CS district from other medical marijuana dispensaries (Section 40.225-D).

Per the Code, a medical marijuana dispensary is permitted by right in the CH district as long as it meets the spacing requirement of 1,000 ft. from from other medical marijuana dispensaries (Section 40.225-D). The spacing requirement must be verified before the Board of Adjustment in a public hearing to distribute public notice to property owners within the required distance radius. Surrounding neighbors and property owners are provided the ability to notify the Board of any conflicting uses within the required spacing radius.

In Section 40.225-I, the separation distance required under Section 40.225-D must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensaries. The separation required under Section 40.225-D shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma State Department of Health prior to December 1, 2018 for the particular location.

The applicant submitted exhibits indicating a radius around the subject property that contains the proposed medical marijuana dispensary and has labeled the uses of commercial property within that radius.

It was brought to staff's attention by the applicant that there is a dispensary directly to the south; located at 3747 S. Harvard Ave. The City of Tulsa Permit Department confirmed that the dispensary to the south of the subject property applied for their Certificate of Occupancy on 4.8.19. As of the date this staff report was written, the dispensary located at 3747 S. Harvard Ave. has not submitted an application for a Spacing Verification to the Board of Adjustment.

The applicant in #BOA-22627, received their Zoning Clearance Review from the City of Tulsa Permit Department on 3.20.19. The Spacing Verification application for the Board of Adjustment was filed on 4.3.19.

Sample Motion:

I move that based upon the facts in this matter as they presently exist, we accept the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary.
Note: Graphic overlays may not precisely align with physical features on the ground.
3735 S Harvard Ave Tulsa, OK
Hi Amy,

I am filing for the spacing verification due to the Zoning requirements outlined by the city of Tulsa for all dispensaries licensed after December 2nd of 2018.

Per the zoning requirement and the City of Tulsa, all dispensaries must be located at least 1000 ft away from another dispensary.

When we filed for our permits, we received a deficiency letter stating we needed to obtain the spacing verification from the BOS.

When we filed for our license, there were no dispensaries that were permitted by the City of Tulsa, or licensed by the state of Oklahoma that fell within the 1000ft radius. As far as we are aware now, there are no dispensaries that are permitted by the City of Tulsa to operate located within the 1000ft Radius.

As we understand, in order to legally operate within the city of Tulsa, we must have our occupancy permit, and are unable to obtain the occupancy permit until the spacing requirement is verified by The BOA per our deficiency notice outlined in the Occupancy permit that is attached with our application.
ZONING CLEARANCE PLAN REVIEW

March 20, 2019

Phone: 918.724.0066

APPLICANT NO: COO-025263-2019

(Please reference this number when contacting our office)

Amanda Prickett
623 S 282nd Ave
Catoosa, OK 74015

Locatlon: 3735 S Harvard Ave

Description: Medical Marijuana Dispensary

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. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.
2. 
3. 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.
4. 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.
5. A COPY OF A “RECORD SEARCH” IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE “RECORD SEARCH” ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.)
REVIEW COMMENTS

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

COO-025263-2019  3735 S Harvard Ave  March 20, 2019

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

1. SEC.40.225-D: A medical marijuana dispensary may not be located within 1000 feet of another medical marijuana dispensary.

3. Sec.40.225-H: The separation distance required under Sec.40.225-D must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensary.

Review comment: Submit a copy of the BOA accepted separation distance of 1000' from other dispensaries.

Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code: http://www.tmapc.org/Documents/TulsaZoningCodeAdopted110515.pdf

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.
Selected Account: AP LLC

General Information

- Entity Name: YouTokem LLC
- License Type: Dispensary
- Trade Name: YouTokem
- Phone: 9187240066
- Fax: 9187240006
- Website:
- Operating Hours of Business Entity: Limited Liability Corporation (LLC)

Persons of Interest

- First Name: Amanda
- Middle Name: 
- Last Name: Prickett
- Suffix: 
- Phone: 9187240066
- Email: aprickett01@gmail.com
- Date of Birth: 04/05/1991
- Is this individual: Yes
- Role: Owner
Effective Ownership % in Applicant:
✓ ID: Drivers License

Ownership % in Associated Entity/Entities:
✓ ID: J08274715

Expiration Date:
✓ ID: 06/30/2023

Issuing State:
✓ Street: 623 S 282ND EAST AVE
✓ State: Oklahoma
✓ Zip Code: 74015
✓ Zip +4: 5556

Address:
✓ Street: 3735 S HARVARD AVE
✓ State: Oklahoma
✓ Zip Code: 74015

Facility Address:
✓ Street: 3735 S HARVARD AVE

Verified Location Information
✓ City: CATOOSA
✓ City: CATOOSA
✓ Unit No.:
City: TULSA
State: Oklahoma
Zip +4: 2265

Facility GPS Coordinates - Longitude:
Facility GPS Coordinates - Latitude:

Address Verified?: Yes

Facility Mailing Address
Street: 3735 S HARVARD AVE STE A
City: TULSA
State: Oklahoma
Zip Code: 74135
Zip +4: 2265
Address Verified?: Yes

Primary Contact
First Name: Amanda
Middle Name: 
Last Name: Prickett
Suffix: 
Title: Owner
Phone: 91872400 66
Email: aprickett01@gmail.com
Fax: 
Street: 623 S 282ND EAST AVE
City: CATOOSA
State: Oklahoma
Zip Code: 74015
Zip +4: 5556
Address Verified?: Yes
Do you attest that the commercial entity will not be located on tribal lands?: Yes

Do you pledge not to divert marijuana to any individual or entity that is not lawfully entitled to possess marijuana?: Yes

Do you attest you are authorized to make application on behalf of the applicant?: Yes

Do you attest that the information provided in this application is true and correct?: Yes

Do you attest that the dispensary is more than 1,000 feet from any entrance of any public or private school?: Yes

Do you understand the name, address, city, county, and phone number of the licensed establishment will be published on the department's website?: Yes

Documents

- Affidavit of Lawful Presence for Each Owner: 2 Document(s)
- Location Compliance Documentation: 3 Document(s)
- Owner Background Checks: 1 Document(s)
- Certificate of Good Standing: 1 Document(s)
- Drivers License/State ID/Tribal ID/Passport (for each Person of Interest): 2 Document(s)
- Proof of Residency (for each Person of Interest): 2 Document(s)
- List of persons and/or entities that have an ownership interest in the entity: 1 Document(s)

Payment 5.14
Payment Options: Credit Card
BOARD OF ADJUSTMENT
CASE REPORT

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

HEARING DATE: 05/14/2019 1:00 PM

APPLICANT: Meenakshi Krishnasamy

ACTION REQUESTED: Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Sec. 40.225-D)

LOCATION: 2811 E 15 ST S; 1442 S DELAWARE PL E ZONED: CH

PRESENT USE: medical office TRACT SIZE: ± 1.125 acres

LEGAL DESCRIPTION: LTS 18 & 19 & 30 & 31 BLK 5; LTS 20 THRU 29 BLK 5, ROSEMONT HGTS

RELEVANT PREVIOUS ACTIONS:
None relevant.

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.

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 E. 15th St. S. to the south; CH zoned lots to the east and west; OL zoned tracts are immediately to the north of the subject property.
STAFF COMMENTS:
The applicant is proposing to convert an existing building into a medical marijuana dispensary. To permit the dispensary the applicant is before the Board requesting a Spacing Verification for medical marijuana dispensary in a CH district from other medical marijuana dispensaries (Section 40.225-D).

Per the Code, a medical marijuana dispensary is permitted by right in the CH district as long as it meets the spacing requirement of 1,000 ft. from from other medical marijuana dispensaries (Section 40.225-D). The spacing requirement must be verified before the Board of Adjustment in a public hearing to distribute public notice to property owners within the required distance radius. Surrounding neighbors and property owners are provided the ability to notify the Board of any conflicting uses within the required spacing radius.

In Section 40.225-I, the separation distance required under Section 40.225-D must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensaries. The separation required under Section 40.225-D shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma State Department of Health prior to December 1, 2018 for the particular location.

The applicant submitted exhibits indicating a radius around the subject property that contains the proposed medical marijuana dispensary and has labeled the uses of property within that radius in support of the verification.

Sample Motion:

I move that based upon the facts in this matter as they presently exist, we accept the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary.
Tallgrass Dispensary
Business identification within 1,000 feet of the dispensary.
CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER
TEL (918)596-9688
clange@cityoftulsa.org

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

ZONING CLEARANCE PLAN REVIEW

March 20, 2019
Phone: 918-794-6616

Lydia Franklin
815 E 3 ST
Tulsa, OK 74120

APPLICATION NO: BLDC-023629-2019

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 2811 E 15 ST
Description: Med Marijuana Dispensary

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. 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 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.).

(continued)
REVIEW COMMENTS
SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT WWW.CITYOFTULSA-BOA.ORG
BLDC-023629-2019 2811 E 15 ST March 20, 2019

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

1. Sec.40.225-H: No medical marijuana grower operation, processing facility, dispensary or research facility shall be permitted or maintained unless there exists a valid license, issued by the Oklahoma Department of Health for the use at the location.
   Review comment: Submit evidence you have been granted a state license and the date it was approved.

2. Sec.40.225-D: A medical marijuana dispensary may not be located within 1000 feet of another medical marijuana dispensary.

3. Sec.40.225-H: The separation distance required under Sec.40.225-D must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensary.
   Review comment: Submit a copy of the BOA accepted separation distance of 1000’ from other dispensaries.

Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code: http://www.tmapc.org/Documents/TulsaZoningCodeAdopted110515.pdf

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.
State of Oklahoma

License Certificate

COMMERCIAL DISPENSARY LICENSE

HEREDITY GRANTED TO

TALLGRASS DISPENSARY, LLC

2811 E 15TH ST # 105, TULSA, OK, 74104

THE LICENSE IS ISSUED BY THE OKLAHOMA DEPARTMENT OF HEALTH, OKLAHOMA MEDICAL MARIJUANA AUTHORITY TO CERTIFY THE LICENSEE HAS SATISFIED THE REQUIREMENTS OF TITLE 15, 54 OF THE OKLAHOMA STATUTES AND THE OKLAHOMA ADMINISTRATION CODE AT TITLE 156, CHAPTER 4. THE LICENSE IS SUBJECT TO THE PROVISIONS MADE ON THE APPLICATION THEREFOR, AND MAY BE SUSPENDED OR REVOKED FOR CAUSE AS PROMULGATED BY LAW AND RULE. IT MUST BE KEPT CURRENT AND COMPLY WITH ALL APPLICABLE LAWS, ORDINANCES, RULES AND REGULATIONS OF THE STATE OF OKLAHOMA.

01/23/2020

LICENSE NUMBER:
DAAA-NKKB-AOSM

DO NOT COPY

[Signature]
TOM BATEL, J.D.
Oklahoma Commissioner of Health
Oklahoma State Department of Health
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9201
CZM: 36
CD: 4
A-P#: 

HEARING DATE: 05/14/2019 1:00 PM

APPLICANT: Brian Letzig

ACTION REQUESTED: Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Sec. 40.225-D)

LOCATION: 1212 E 1ST S; 1214 E 1ST S; 1214 E 1ST 
ZONED: IM

PRESENT USE: storage

TRACT SIZE: 15398.52 SQ FT

LEGAL DESCRIPTION: LT 12 & E10 LT 13 BLK 14; LT 11 BLK 14; LTS 9 10 BLK 14, BERRY ADDN

RELEVANT PREVIOUS ACTIONS: None relevant.

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

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

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

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the City where general agreement exists that development or redevelopment is beneficial.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by IM zoned lots to the south, east, and west; E. 1st St. S. is immediately to the north of the subject property.
STAFF COMMENTS:
The applicant is proposing to convert part of an existing storage building into a medical marijuana dispensary. To permit the dispensary the applicant is before the Board requesting a Spacing Verification for medical marijuana dispensary in an IM district from other medical marijuana dispensaries (Section 40.225-D).

Per the Code, a medical marijuana dispensary is permitted by right in the IM district as long as it meets the spacing requirement of 1,000 ft. from from other medical marijuana dispensaries (Section 40.225-D). The spacing requirement must be verified before the Board of Adjustment in a public hearing to distribute public notice to property owners within the required distance radius. Surrounding neighbors and property owners are provided the ability to notify the Board of any conflicting uses within the required spacing radius.

In Section 40.225-I, the separation distance required under Section 40.225-D must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensaries. The separation required under Section 40.225-D shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma State Department of Health prior to December 1, 2018 for the particular location.

The applicant submitted exhibits indicating a radius around the subject property that contains the proposed medical marijuana dispensary and has labeled the uses of property within that radius in support of the verification.

Sample Motion:

I move that based upon the facts in this matter as they presently exist, we accept the applicant’s verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary.
BOA-22629
19-12 01

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

Aerial Photo Date: February 2018
Robot Pharmers
1000 foot spacing verification exhibit.

Legend
- 1000 Spacing Verification
- Robot Pharmer
LOD Number: 1

Josh Wheat
1212 E 1st ST
Tulsa, OK 74120

APPLICATION NO: COO-25521-2019

Location: Medical Marijuana Dispensary

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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(continued)
REVIEW COMMENTS

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

COO-025521-2109 1212 E 1ST ST April 2, 2019

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

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1. Sec.40.225-D: A medical marijuana dispensary may not be located within 1000 feet of another medical marijuana dispensary.

2. Sec.40.225-H: The separation distance required under Sec.40.225-D must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensary.

Review comment: Submit a copy of the BOA accepted separation distance of 1000’ from another dispensary.

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 submission 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.
State of Oklahoma

License Certificate

COMMERICAL DISPENSARY LICENSE

HEREBY GRANTED TO

ROBOT PHARMER LLC

1212 E 1ST ST, TULSA, OK, 74120

12/22/2019

LICENSE NUMBER:

DAAA-VJHM-Y9EG

DO NOT COPY

TOM BATES, J.D.
Interim Commissioner
Oklahoma State Department of Health

TOM BATES, J.D.
Interim Commissioner
Oklahoma State Department of Health

THE LICENSE IS ISSUED BY THE OKLAHOMA STATE DEPARTMENT OF HEALTH, OKLAHOMA MEDICAL MARIJUANA AUTHORITY TO CERTIFY THE ABOVE HAS FULFILLED THE REQUIREMENTS OF TITLE 63 O.S. § 420A ET SEQ., AND THE OKLAHOMA ADMINISTRATIVE CODE AT TITLE 310 CHAPTER 981. THE LICENSE IS SUBJECT TO THE REPRESENTATIONS MADE ON THE APPLICATION THEREFOR, AND MAY BE SUSPENDED OR REVOKED FOR CAUSE AS PROVIDED BY LAW AND RULE. LICENSEE SHALL OBSERVE AND COMPLY WITH ALL APPLICABLE LAWS, ORDINANCES, RULES AND REGULATIONS OF THE STATE OF OKLAHOMA.

NON-TRANSFERABLE
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9306
CZM: 37
CD: 4
A-P#: 

HEARING DATE: 05/14/2019 1:00 PM

APPLICANT: Bonnie Caldwell

ACTION REQUESTED: Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Sec. 40.225-D)

LOCATION: 623 S PEORIA AV E (Suite B) ZONED: CH

PRESENT USE: vacant/commercial TRACT SIZE: 12815.4 SQ FT

LEGAL DESCRIPTION: LT 17 BLK 1; LT 18 BLK 1 & STRIP 8 WIDE & 130 LONG ABUT NL RETAINED BY CITY, EAST LYNN ADDN

RELEVANT PREVIOUS ACTIONS: None relevant.

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

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the City where general agreement exists that development or redevelopment is beneficial.

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

ANALYSIS OF SURROUNDING AREA: The subject tract abuts CH zoned commercial uses to the north and south; RS-4 zoned lots the east; and S. Peoria Ave. is immediately to the west of the subject site.
STAFF COMMENTS:
The applicant is proposing to convert an existing building into a medical marijuana dispensary. To permit the dispensary, the applicant is before the Board requesting a Spacing Verification for a medical marijuana dispensary in a CH district from other medical marijuana dispensaries (Section 40.225-D).

Per the Code, a medical marijuana dispensary is permitted by right in the CH district as long as it meets the spacing requirement of 1,000 ft. from other medical marijuana dispensaries (Section 40.225-D). The spacing requirement must be verified before the Board of Adjustment in a public hearing to distribute public notice to property owners within the required distance radius. Surrounding neighbors and property owners are provided the ability to notify the Board of any conflicting uses within the required spacing radius.

In Section 40.225-I, the separation distance required under Section 40.225-D must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensaries. The separation required under Section 40.225-D shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma State Department of Health prior to December 1, 2018 for the particular location.

The applicant submitted exhibits indicating a radius around the subject property that contains the proposed medical marijuana dispensary and has labeled the uses of commercial property within that radius in support of the verification.

Sample Motion:

I move that based upon the facts in this matter as they presently exist, we accept the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary.
BOA-22630

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

Aerial Photo Date: February 2018
623 S Peoria Ave Spacing Verification – 04/09/2019 (Seed Cannabis Co.)

1,000 ft radius from the center of 623 S Peoria Ave Tulsa, OK 74120

MAP RADIUS CALCULATOR

623 S Peoria Ave Tulsa, OK 74120

Search

Radius: 304.94 Meters | 0.30 Km | 0.19 Miles (1000 Feet)
List of businesses within 1000 foot radius of Seed Cannabis Co. - NO DISPESARIES WITHIN 1,000 ft
623 S. Peoria Tulsa, OK 74120

- Family and Children Services
- Indian Healthcare Resources
- Savoy
- J.J.'s gourmet burgers
- Center for career opportunities
- American Legion Post 1
- VFW Post 577
- Smile Family Dentistry
- Paws on Pearl
- The Bramble
- Be Love Yoga Studio
- LivyLu
- Wonderland Shopwerks
- Cirque Coffee Roasters
- Lot No.6 Art bar
- June Beauty Parlor
- Eleventh Hour Enigma
- Blackbird on Pearl
- The Engine Room
- O'Brien Auto Performance
- Finish Line Motors
- The Rule Company
- US Safety Sign
- Angel Ornamental Ironworks
- Brown & Hartman Engraving
- Skinner Brothers Company, inc.
- Sherrell Paint and Body
- BK Electric
ZONING CLEARANCE PLAN REVIEW

April 4, 2019
Phone: 918-282-1691

Carla Gregory
623 S Peoria Ave
Tulsa, OK 74120

APPLICATION NO: BLDC-026137-2019

Location: 623 S Peoria Ave, Ste B
Description: Medical Marijuana Dispensary

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.

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(continued)
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2. **Sec.40.225-H:** The separation distance required under Sec.40.225-D must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensary.

   **Review comment:** Submit a copy of the BOA accepted separation distance of 1000’ from another dispensary.

   **Note:** All references are to the City of Tulsa Zoning Code. Link to Zoning Code: [http://www.tmapc.org/Documents/TulsaZoningCodeAdopted110515.pdf](http://www.tmapc.org/Documents/TulsaZoningCodeAdopted110515.pdf)

   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.
BOARD OF ADJUSTMENT
CASE REPORT

STR: 8334
CZM: 57
CD: 8
A-P#: 

HEARING DATE: 05/14/2019 1:00 PM

APPLICANT: Steve Wright

ACTION REQUESTED: Variance of the required minimum lot width in an AG District (Table 25-2) to permit a lot split.

LOCATION: 11840 S SHERIDAN RD E

ZONED: AG

PRESENT USE: Residential

TRACT SIZE: ±7.469 acres

LEGAL DESCRIPTION: N/2 NE SE SE & BEG 1322.16N & 659.85W SECR SE TH W495.49 S221.73 E494.84 N221.73 TO POB SEC 34 18 13 7.469ACS,

RELEVANT PREVIOUS ACTIONS:

Surrounding Property:
BOA-18884; on 10.24.00, the Board approved a variance of the required street frontage from 30' to 0'. located at 11814 South Sheridan Road.

BOA-16649; on 4.12.94, the Board approved a variance of the required 30' of frontage on a public street per survey and mutual access easement. located at 11818 South Sheridan Road.

BOA-15891; on 12.27.91, the Board approved a variance of the required 200 feet lot width in an AG zoned district to 155 feet; a variance of the required 30 feet of frontage on a public street to permit Lot Split number 17476. located west of the southwest corner of S. Sheridan Rd. & E. 116th 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”.

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 property abuts AG zoned residences to the north; and PUD zoned residences to the east, west, and south.

STAFF COMMENTS:
As shown on the attached site plans the applicant is proposing to split the subject lot into two tracts; the proposed “Tract 1” will be 2.77 acres and contain a lot width of \(\pm 104.5\) ft; the proposed “Tract 2” will be 4.77 acres and contain a lot-width of \(\pm 295.95\) ft.

The Code requires that an AG zoned lot maintain a lot area and lot area per unit of 2 acres and a lot width of 200 ft. To permit “Tract 1” as proposed the applicant has requested a Variance to reduce the permitted lot width from 200 ft. to approximately 104.5 ft.

Development Services is requiring the applicant to dedicate 25 ft. of Right-of-way (ROW) before the lot-split will be approved. Also, Development Services noted that portions of both proposed split properties are in the City of Tulsa Regulatory Floodplain for Fry Ditch No. 2.

Sample Motion

Move to ________ (approve/deny) a Variance of the required minimum lot width in an AG District (Table 25-2) to permit a lot split.

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

The Board finds that the following facts, favorable to the property owner, have been established:

“a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

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

c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;

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

e. That the variance to be granted is the minimum variance that will afford relief;
f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."
Case No. 18883 (continued)


***********

Case No. 18884

Action Requested:
Variance of required street frontage from 30' to 0. SECTION 206. STREET FRONTAGE REQUIRED – Use Unit 6, located 11814 S. Sheridan Rd.

Presentation:
Roy Johnsen, 201 W. 5th, Ste. 501, stated he was representing Mr. and Mrs. Antry, the owners of the subject property. The attorney who did the title examination check determined that the subject property was the lot of record, prior to the operative dates. If the tract is 2.5 acres or greater and of record prior to 1992, then it did not require a lot split approval of the TMAPC. They plan to build a 6,000 square foot home. They were denied a building permit for a single-family dwelling because the lot did not have access to a public street. Mr. Johnsen provided photographs and a map (Exhibit D-2). He could not find any record of variances for access to Sheridan for four other homes on connecting tracts.

Comments and Questions:
Mr. Dunham asked if all five tracts were made at the same time, and if easements were not filed at the same time. Mr. Johnsen replied that they already have access to the south, but they would like to avoid cutting down trees. Mr. Johnsen pointed out an area on the north of the property where they would like to connect to the surfaced area of road, which requires an easement. Mr. Stump asked if the lot was created in the early 1990's. Mr. Johnsen replied, no the late 70's, but if it was created before 1992 and it was over 2 1/2 acres, it would not require a lot split. Mr. Stump added that the provision prohibiting building a residence on the property was in effect at the time this lot was created. Mr. Johnsen responded that was correct since 1978. Mr. Stump surmised that they knew when the lot was created that it was not for residential purposes, and they would be violating the Code if they did try to use it for residential purposes. Mr. Johnsen agreed with his statement but disagreed that the process works that way. Mr. Stump asked how it was going to be served by fire protection and water. Mr. Johnsen stated that there is a physical road in place. Mr. Stump asked if there was a fire hydrant. Mr. Johnsen replied that he did not know. Mr. Stump asked if it has a public water supply. Mr. Johnsen replied that he was sure it would or if not, that the applicant would meet whatever requirements are imposed. The applicant informed Mr. Johnsen that she has access to public water supply. Mr. Stump stated that one of the reasons for these regulations is because a fire on a house that size probably could not be put out with the water that a fire truck carries, and it is probably too far from a fire hydrant. Mr. Stump added that the level of fire protection would be far lower than
Case No. 18884 (continued)

the rest of the city and that can affect the city's total fire protection ratings. Mr. Cooper asked Mr. Johnsen how he would define the hardship. Mr. Johnsen responded that in this situation the Zoning Code is not intended to deny all use of the property.

Ms. Turnbo left the hearing.

Protestants:
None.

Board Action:
On MOTION of Dunham, the Board voted 4-0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to APPROVE a Variance of required street frontage from 30' to 0', finding there is an existing street with access to the lot, if access is established to this lot anywhere other than the south property line that an easement of record will be required granting easement to the existing roadway, and there are four other lots adjacent in the general area, per plan, for the following described property:

A part of the NE/4 of the SE/4 of Section 34, T-18-N, R-13-E, of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, described as follows: Beg at the SE/c of the E/2 of the SW/4 of the NE/4 of the SE/4, Section 34; thence N 0°00'19" W, 356.62'; thence S 69°24'12" E, 392.28'; thence S 2°01'17" E, 85.05'; thence S 17°31'32" E, 79.70'; thence S 38°22'01" E, 70.89'; thence S 89°43'58" W, 437.77; to the POB.

* * * * * * * * * *

Case No. 18885

Action Requested:
Variance of average lot width from 200' to 165; to permit splitting a five-acre tract.
SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT - Use Unit 6, located 17501 E. 11th St.

Presentation:
Burt Kelso, Jr., 17270 E. 11th St., stated that they have been at this address for a little over 18 years. He planned to build two dwellings on the subject property and found that it does not have 200' frontage.

Comments and Questions:
Mr. White stated that they received a letter of support for this application.

Protestants:
None.
Case No. 16640 (continued)

**Board Action:**

On MOTION of BOLZLE, the Board voted 3-0-0 (Bolzle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, S. White, "absent") to APPROVE a Minor Special Exception to permit an accessory building on an abutting lot under common ownership, and a variance of the required setback from the centerline of East 76th Street South - SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6; per plan submitted; subject to the execution of a tie contract tying the lots containing the principal use and the accessory building; finding a hardship demonstrated by the severe slope of the land; on the following described property:

Lot 16, Block 3, Timbercrest Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16649

**Action Requested:**

Variance of the required 30' of frontage on a public street - SECTION 206. STREET FRONTAGE REQUIRED - Use Unit 6, located 11818 South Sheridan Road.

**Presentation:**

The applicant, Paul Lopez, 6738 East 91st Street, #1, stated that he purchased a tract of land and is proposing to construct a single-family dwelling. He explained that the tract does not have 30' of frontage on a public street, but he has acquired a mutual access easement from his property to Sheridan Road. A plat of survey (Exhibit N-1) was submitted.

**Comments and Questions:**

Mr. Bolzle asked if the mutual access easement has been filed of record and is perpetual, and the applicant answered in the affirmative.

**Protestants:**

None.

**Board Action:**

On MOTION of T. WHITE, the Board voted 3-0-0 (Bolzle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, S. White, "absent") to APPROVE a Variance of the required 30' of frontage on a public street - SECTION 206. STREET FRONTAGE REQUIRED - Use Unit 6; per survey submitted; subject to a mutual access easement being filed of record; finding a hardship imposed on the applicant by the fact that the property is landlocked and inaccessible without Board relief; on the following described property:
Case No. 16649 (continued)

Tract B, part of the NE/4, SE/4, Beginning 302' west SEC, SE/4, NE/4, SE/4, thence west 250', northwest 70.89', northwest 79.70', northwest 85.05', northeast 123.1', northwest 31.08', east 336.91', south 361.41', POB, Section 34, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 4:24 p.m.

Date Approved  

[Signature]

Chairman
CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 600
Tuesday, December 27, 1991, 1:00 p.m.
County Commission Room, Room 119
County Administration Building

MEMBERS PRESENT: Bolzle, Chairman; Doverspike; Fuller; White
MEMBERS ABSENT: Chappelle
STAFF PRESENT: Gardner; Hester; Jones
OTHERS PRESENT: Jackere, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, December 20, 1991, at 1:20 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Bolzle called the meeting to order at 9:00 a.m.

MINUTES:
On MOTION of WHITE, the Board voted 4-0-0 (Bolzle, Doverspike, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to APPROVE the Minutes of December 10, 1991.

UNFINISHED BUSINESS

Case No. 15870

Action Requested:
Special Exception to permit Use Unit 5 uses in an RM-3 zoned district - Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 5, located 6202 East 61st Street.

Presentation:
The applicant, Skyline Terrace, was not represented.

Board Action:
On MOTION of FULLER, the Board voted 3-0-0 (Bolzle, Fuller, Doverspike, "aye"; no "nays"; no "abstentions"; Chappelle, White, "absent") to CONTINUE Case No. 15870 to January 14, 1992.

Case No. 15891

Action Requested:
Variance of the required lot width in an AG District from 200' to 155' - Section 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT - Use Unit 6, located 6246 East 116th Street.
Case No. 15891 (continued)

Presentation:
The applicant, Thomas Kivell, was represented by Roger Burgess, 6246 East 116th Street, Tulsa, Oklahoma, who submitted a plat of survey (Exhibit A-1) and informed that he is proposing to split a long narrow tract of land into two lots.

Comments and Questions:
In response to Mr. Bolzle, Mr. Burgess stated that the southern portion of the property will be adjacent to a three-acre tract owned by Mr. Davis. He informed that the proposal has been heard by the Technical Advisory Committee, and all requirements will be met. Mr. Burgess explained that the south lot has a 10' utility easement from 116th Street along the west side of the north lot, and a road easement to Sheridan through tracts A, B and C.

Mr. Bolzle asked if there is an existing residence on the north portion of the tract, and he replied that his residence is on the north lot, and a dwelling is proposed for the south lot.

There was discussion concerning the 165' lot width, and Mr. Gardner informed that the lot is probably nonconforming in regard to the width.

Protestants: None.

Board Action:
On MOTION of DOVERSPIKE, the Board voted 4-0-0 (Bolzle, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to APPROVE a Variance of the required lot width in an AG District from 200' to 155' - Section 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT - Use Unit 6; per plat of survey submitted; finding that the street frontage on the north lot will be reduced to 155', leaving 10' of street frontage on a dedicated street for the south lot for utility purposes; on the following described property:

E/2, W/2, W/2, NE/4, SE/4, Section 34, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 15893

Action Requested:
Appeal of the decision of an administrative official that industrial equipment and vehicles are being stored on subject property - Section 1605 APPEALS FROM AN ADMINISTRATIVE OFFICIAL - Use Unit 13.

Special Exception to allow Use Units 2, 5, 6, 7, 7a, 8, 15, 17, 18 and 20 in a CS District - Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 13.

Variance of the screening requirement between property zoned commercial and property zoned residential - Section 1213.C.2. USE CONDITIONS - Use Unit 13, located 6255 and 6405 East 36th Street North.
RECORD OF INSTRUMENTS FILED IN THE TULSA COUNTY COURTHOUSE, TULSA OKLAHOMA FOR ALL PROPERTIES COMPRISING THE ORIGINAL COMBINED PARCEL;
(1) REFERENCE DOCUMENT # 2011059206 DATED 04-01-2011
(2) REFERENCE DOCUMENT # 20100288638 DATED 04-01-2010
(3) DWG BOOK 08301, PAGE 0264 DATED 12-02-99

DIVISION OF PROPOSED TRACTS

A SURVEY FOR TWO TRACTS OF LAND SITUATED IN PART OF THE EAST HALF (E/2) OF THE SOUTHEAST QUARTER (SE/4) OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 13 EAST, INDIAN MERIDIAN, ALL IN TULSA COUNTY, OKLAHOMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT I: BEGINNING AT A POINT, SAID POINT BEING N 00°51'02" W A DISTANCE OF 1273.20 FEET FROM MAG NAIL FOUND FOR THE SOUTHEAST SECTION CORNER OF SAID SECTION 34;

THENCE N 00°51'02" W A DISTANCE OF 49.08 FEET;
THENCE S 00°58'24" E A DISTANCE OF 221.73 FEET;
THENCE N 00°58'35" W A DISTANCE OF 70.86 FEET;
THENCE N 57°18'19" E A DISTANCE OF 80.97 FEET;
THENCE N 88°46'41" E A DISTANCE OF 701.46 FEET,
TO THE POINT OF BEGINNING, AND BEING IN ALL A TOTAL AREA OF 120,608.49 SQUARE FEET OR 2.77 ACRES, MORE OR LESS.

TRACT II: BEGINNING AT A POINT, SAID POINT BEING N 00°51'02" W A DISTANCE OF 991.69 FEET FROM MAG NAIL FOUND FOR THE SOUTHEAST SECTION CORNER OF SAID SECTION 34;

THENCE S 88°51'46" W A DISTANCE OF 659.47 FEET;
THENCE N 00°55'25" W A DISTANCE OF 107.88 FEET;
THENCE S 89°01'27" W A DISTANCE OF 156.50 FEET;
THENCE N 37°02'34" E A DISTANCE OF 74.94 FEET;
THENCE N 88°46'41" E A DISTANCE OF 701.46 FEET;
THENCE S 00°51'02" E A DISTANCE OF 281.51 FEET,
TO THE POINT OF BEGINNING, AND BEING IN ALL A TOTAL AREA OF 207,594.94 SQUARE FEET OR 4.77 ACRES, MORE OR LESS.

NOTE: BEARINGS BASED UPON THE STATE PLANE COORDINATE SYSTEM, OKLAHOMA NORTH, NAD 83, U.S. FOOT, AS DERIVED FROM A GLOBAL POSITIONING SYSTEM (GPS)

EXISTING STRUCTURES ON PROPERTY

TULSA COUNTY, OKLAHOMA

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Prepared by LT Mapping Services Inc., Tulsa, Ok
EXHIBIT "A"
PART OF E/2 SE/4 OF SECTION 34, T18N-R13E,
TULSA COUNTY, OKLAHOMA

LEGAL DESCRIPTION

A SURVEY FOR A TRACT OF LAND SITUATED IN PART OF THE EAST HALF (E/2) OF THE SOUTHEAST QUARTER (SE/4) OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 13 EAST, INDIAN MERIDIAN, ALL IN TULSA COUNTY, OKLAHOMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT, SAID POINT N 00°51'02" W A DISTANCE OF 991.69 FEET FROM MAG NAIL FOUND FOR THE SOUTHEAST SECTION CORNER OF SAID SECTION 34;

THENCE S 88°51'46" W A DISTANCE OF 659.47 FEET;

THENCE N 00°55'25" W A DISTANCE OF 107.88 FEET;

THENCE S 89°01'27" W A DISTANCE OF 221.73 FEET;

THENCE N 88°53'00" E A DISTANCE OF 1154.92 FEET;

THENCE N 00°51'02" E A DISTANCE OF 330.58 FEET,

TO THE POINT OF BEGINNING, AND BEING IN ALL A TOTAL AREA OF 328,192.60 SQUARE FEET OR 7.53 ACRES,

MORE OR LESS.

THIS NEW LEGAL DESCRIPTION HEREBY ENCOMPASSING THE TWO ORIGINAL TRACTS INTO A SINGLE OWNERSHIP TRACT BEING DESCRIBED AND SHOWN AS EXHIBIT "A"

PREPARED BY:
LT MAPPING SERVICES, INC.
P.O. BOX 472168 TULSA OK, 74147
PH. NO. 918-249-0422
CA# 7042 EXP: 06/19

NOTE: BEARINGS BASED UPON THE STATE PLANE COORDINATE SYSTEM, OKLAHOMA NORTH, NAD 83, U.S. FOOT, AS DERIVED FROM A GLOBAL POSITIONING SYSTEM (GPS)

PLAT OF SURVEY
ORIGINAL COMBINED PARCEL
OWNERSHIP DESCRIBED AND SHOWN HEREON

TULSA COUNTY, OKLAHOMA

REV. DESCRIPTION DINN. ENGR. DATE APPD.

PREPARED BY LT MAPPING SERVICES INC., TULSA, OK
Summary of Comments on LS-21212 COT Comments.pdf

Number: 1  Author: negan  Subject: Note  Date: 4/25/2019 1:32:17 PM
Sanitary Sewer 4/25/2019 No comments NQE

Number: 2  Author: aholdman  Subject: Note  Date: 4/22/2019 10:53:09 AM
LS-21212

Water - OK - 4/15/2019

Each lot has access to a public water main line on Sheridan Rd.

AHoldman

Number: 3  Author: AMurray  Subject: Note  Date: 4/18/2019 7:06:33 PM
April 18, 2019 AR

LS 21212

11840 S Sheridan RD E

Okay.

A Murray

Number: 4  Author: ssilman  Subject: Note  Date: 4/22/2019 11:10:46 AM
Stormwater 4/22/2019

SSilman

No known stormwater issues.

Applicant needs to be aware that portions of both split properties are in the City of Tulsa Regulatory Floodplain for Fry Ditch No. 2

Number: 5  Author: rrender  Subject: Note  Date: 4/25/2019 11:02:25 AM
Transportation - 4/17/2019

RRRender

Both lots will have access to ROW. A 25' ROW dedication will be required.
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HEARING DATE: 05/14/2019 1:00 PM

APPLICANT: Michael Kneafsey

ACTION REQUESTED: Special Exception to exceed the allowable driveway width within the street setback (Sec. 55.090-F.3); Variance to allow for an accessory building to exceed one story in height (Sec. 90.090-C.2)

LOCATION: 1868 E 16 PL S

PRESENT USE: vacant lot

ZONED: RS-3

TRACT SIZE: 13564.64 SQ FT

LEGAL DESCRIPTION: LT 17 BLK 1, BUNGALOW COURT

RELEVANT PREVIOUS ACTIONS:

Surrounding Property:

BOA-22561; on 2.5.19 (special meeting), the Board approved a Variance to reduce the required side setback in an RS-3 district. Located at 1535 S. Yorktown Ave. E.

BOA-22063; on 4.26.16, the Board approved a Variance of the required front yard in the RS-3 district from 25' to 15' 6"; a Variance of the required rear yard in the RS-3 district from 20' to 10' 6" to permit construction of a new home. Located at 1856 E. 16th St. S.

BOA 20709; on 06.24.08, the Board approved a Special Exception to permit the construction and restoration of a legal non-conforming structure in the RS-3/HP district. Located at 1807 E. 16th St. S.

BOA 17600; on 01.14.97 the Board approved a Variance to of the required rear yard to 15 ft; a Variance of the required side yard to 0 ft on the east side and 2 ft on the west side; a Variance of the required front yard to 16.5 ft to permit an addition to the existing non-conforming structure. Located at 1811 E. 16th Pl. S.

BOA-11891; on 4.1.82, the Board approved a Variance of the required 20 feet rear yard in a RS-3 zoned district to allow for an addition to an existing dwelling. Located at 1860 East 16th Place South.

BOA-11781; on 1.21.82, the Board approved a Variance to allow two dwelling units on one lot of record, a Special Exception to allow a duplex in a RS-3 zoned district and a variance of the frontage requirement to permit lot split number 15372. Located at 1864 E. 16th Pl.

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

10 2
REVISED5/6/2019
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 RS-3 zoned residences on all sides.

**STAFF COMMENTS:**

As shown on the attached exhibits, the applicant is proposing to construct a new single-family residence with a detached accessory garage and driveway on the subject lot.

Per the code, the below table shows the maximum driveway width requirements:

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>
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<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>
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<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>
</tr>
<tr>
<td>Driveway Within Street Setback (feet)</td>
<td>30'</td>
<td>30'</td>
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[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 43.78 ft. of frontage on E. 16th Pl. The applicant is allowed by right a driveway width of 21.89 ft (50% of lot frontage) within the street setback and 20 ft. within the right-of-way. As shown on the attached exhibit, the applicant is proposing a driveway width of approximately 12 ft. in the right-of-way and approximately 30 ft. in the street setback, including the parking area.

The applicant is before the Board requesting a **Special Exception** to allow a 30 ft. driveway with parking area within the 25 ft. street setback along E. 16th Pl.
As shown on the attached exhibits, the applicant is also proposing to construct a 3-car garage in the rear setback. 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).

The applicant has stated that the proposed garage will be 10 ft in height at the top of the top plate and 18 ft in height overall. However, the attached plan shows that the proposed garage will be 2-stories. The applicant has requested a Variance to allow for an accessory building to exceed one story in height (Sec. 90.090-C.2).

The applicant has provided the following hardship statement: "Due to small lot and irregular shape, if we made the house larger, we would have no backyard. Historical Preservation did not want a larger 2nd floor, so moving the home office to the garage was the best solution."

**Sample Motion**

Move to ________ (approve/deny) a Special Exception to exceed the allowable driveway width within the street setback (Sec. 55.090-F.3); a Variance to allow for an accessory building to exceed one story in height (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 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.

The Board finds that the following facts, favorable to the property owner, have been established:

"a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

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

c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;

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

f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”
Action Requested:
Variances to reduce the required side (interior) setback in an RS-3 District (Section 5.030-A). LOCATION: 1535 South Yorktown Avenue East (CD 4)

Presentation:
George Anding, 2189 North 138th West Avenue, Sand Springs, OK; stated there is nothing new to add and there are no changes since the last meeting.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of BACK, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; "nay"; no "abstentions"; none absent) to APPROVE the request for a Variance to reduce the required side (interior) setback from five feet to three feet in an RS-3 District (Section 5.030-A), subject to conceptual plans 4.16, 4.17 and 4.18 of the agenda packet. The Board finds the hardship to be the narrow lot width. The approval is subject to the following conditions: the side setback shown is approximately three feet. 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; for the following property:

LT 10 BLK 1, MAYWOOD ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22562—918 MVP

Action Requested:
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); Variance to allow stairs to be located in the required side (interior) setback (Section 90.090-C); 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 a detached accessory structure to exceed 18 feet in height and exceed 1-story in the rear setback in an RS-3 District (Section 90.090-C). LOCATION: 3403 East 8th Street South (CD 4)

Presentation:
Izael Quezda, 8107 East Admiral Place, Tulsa, OK; stated that the only new information he has is that the appearance of the structure to keep in character with the neighborhood.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of BOND, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele “aye”; “nay”; no “abstentions”; none absent) to APPROVE the request for a Variance to allow a detached accessory structure to exceed 500 square feet or 40% of the floor area of the principal structure, to be increased from 500 square feet to 1,152 square feet (Section 45.030-B); Variance to allow stairs to be located in the required side (interior) setback (Section 90.090-C); Variance to permit a detached accessory building to exceed 30% coverage of the floor area in the rear setback (Section 90.090-C-2) to be increased from 300 square feet to 360 square feet; Variance to allow a detached accessory structure to exceed 18 feet in height to 22'-0" in height, and exceed 1-story to 2-story in the rear setback in an RS-3 District (Section 90.090-C), subject to conceptual plans 5.8 and 5.19 of the agenda packet and the new conceptual plans submitted today. The Board has found the hardship to be a house that predates the Comprehensive Zoning Code. The accessory building is not to be used as a rental for short term or long-term occupancy as defined by the City Code. 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;

for the following property:

PRT NW BEG 1320W & 50S NEC NW TH S180 E156 N180 W156 POB SEC 22 18 13 .644ACS, City of Tulsa, Tulsa County, State of Oklahoma

Subsequent to the January 8 meeting, it was discovered that notice of the New Applications was not published as required. Consequently, the Board did not have jurisdiction to make a decision on each New Application at its January 8, 2019 meeting. The Board will make its decision on each New Application at a future meeting upon compliance with notice requirements.

BOA-22561 – George Anding

Action Requested:
Variance to reduce the required side (interior) setback in an RS-3 District (Section 5.030-A). LOCATION: 1535 South Yorktown Avenue East (CD 4)

Presentation:
Jim Brackett, 1203 East 25th Street, Tulsa, OK; stated his wife has had the subject property in the family for about 60 years. Last spring, they decided to update and remodel the house. This Variance will enable the house to have more bathrooms. The hardship for the request is that the lot is a 50-foot lot which will not accommodate a modern house. The added garage will allow for two cars, and two bathrooms will allow make the living conditions a modern house in a neighborhood that has come a long way in the last 30 years.
Interested Parties:
George Anding, 2189 North 138th West Avenue, Sand Springs, OK; came forward and waited for questions from the Board.

Mr. Van De Wiele asked Mr. Anding if one of the two over-sized documents the Board has is an existing site structure plan, and if the other one is a proposed site plan. Mr. Anding answered affirmatively.

Mr. Bond asked Mr. Anding what year the house was built. Mr. Anding stated that he thinks it was built in the early 1920s or the late teens.

Comments and Questions:
None.

Board Action:
On MOTION of BACK, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to APPROVE the Variance to reduce the required side (interior) setback from 5'-0" to 3'-0" in an RS-3 District (Section 5.030-A), subject to conceptual plans 7.16 and 7.18 of the agenda packet. The Board finds the hardship to be the narrow lot width. The approval is subject to the following conditions: the side setback shown is approximately three feet. 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; for the following property:

LT 10 BLK 1, MAYWOOD ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Subsequent to the January 8 meeting, it was discovered that notice of the New Applications was not published as required. Consequently, the Board did not
have jurisdiction to make a decision on each New Application at its January 8, 2019 meeting. The Board will make its decision on each New Application at a future meeting upon compliance with notice requirements.

**BOA-22562 – 918 MVP**

**Action Requested:**

Variance to allow a detached accessory structure to exceed 500 square feet or 40% of the floor area of the principal structure to be increased from 500 square feet to 1,152 square feet (Section 45.030-B); Variance to allow stairs to be located in the required side (interior) setback (Section 90.090-C); Variance to allow a detached accessory building to exceed 30% coverage of the floor area in the rear setback to be increased from 300 square feet to 360 square feet (Section 90.090-C); Variance to allow a detached accessory building to exceed 18 feet in height to 22 feet and to exceed 1-story to 2-stories in the rear setback in an RS-3 District (Section 90.090-C). **LOCATION:** 816 South Jamestown East (CD 4)

**Presentation:**

Izael Quezada, 8107 East Admiral Place, Tulsa, OK; stated he represents 918 MVP. There was a one-story garage structure on the property which a tree fell onto. The homeowner would like to have a two-story garage which exceeds the allowable 500 square feet.

Mr. Van De Wiele asked Mr. Quezada how many of the garages between 7th and 8th Streets, and between Jamestown and Harvard are two-story? Mr. Quezada stated that the only one he is familiar with is located on 7th Street, which is two houses east of the subject property.

Mr. Van De Wiele asked Mr. Quezada who would be living in the two bedrooms that are shown on the proposed garage site plan. Mr. Quezada stated the client uses one of the two bedrooms within the existing house as his office, and he would like to have the additional two rooms above the garage for family.

Mr. Van De Wiele asked Mr. Quezada if there were any intentions on the proposed living area to become a stand-alone rental or a VRBO. Mr. Quezada stated that he is not aware of any plans like that.

Ms. Back stated that the design of the garage is not in keeping with the design of the houses in the neighborhood and she asked Mr. Quezada if he had thought about that. Mr. Quezada stated that none of the garages actually have brick. Ms. Back stated she is referring to the style. Mr. Quezada stated that the garage he referred to on 7th Street has hardy plank. Ms. Back stated that she wishes that the design had gone more in keeping with the style of the neighborhood as opposed to just designing something that
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:

PRT LT 1 BEG MOST ELY NEC TH S510 W337.40 N63.32 E33.62 N218.57 W93.57 N328.11 NL LT 1 E172.35 NWC LT 2 BRIAR VILLAGE S100 E225 POB BLK 1, BRIAR VILLAGE RESUB BRIARWOOD CTR SECOND AMD, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

ACTION REQUESTED:
Variance of the required front yard in the RS-3 District from 25'-0" to 15'-6";
Variance of the required rear yard in the RS-3 District from 20'-0" to 10'-6" to permit construction of a new home (Section 5.030). LOCATION: 1856 East 16th Street South (CD 4)

PRESENTATION:
Brad Lewis, 907 South Detroit, Tulsa, OK; stated that he has gone through the Preservation Commission process and they were very happy with the project and they gave their approval.

Mr. Van De Wiele asked Mr. Lewis if the plans allowed him to align the proposed house with the neighboring properties. Mr. Lewis answered affirmatively.

INTERESTED PARTIES:
There were no interested parties present.

COMMENTS AND QUESTIONS:
None.

BOARD ACTION:
On MOTION of SNYDER, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Flanagan absent) to APPROVE the request for a Variance of the required front yard in the RS-3 District from 25'-0" to 15'-6"; Variance of the required rear yard in the RS-3 District from 20'-0" to 10'-6" to permit construction of a new home (Section 5.030), subject to conceptual plan 6.11 and 6.12. The Board has found that the neighborhood lots are very small and this new house will generally align with all the other properties in the neighborhood and that it is a historic neighborhood. This whole plan has already been reviewed by the Preservation Commission and approved. 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 5 LESS N5 THEREOF FOR SIDEWALK BLK 2, BELL-MCNEAL ADDN RESUB L14-31 TERRACE PARK ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

************
OTHER BUSINESS

Items to Consider, Discuss and/or Take Action On:


The Board chose to table this discussion until the next Board of Adjustment meeting on May 10, 2016.

************
NEW BUSINESS
None.

************
BOARD MEMBER COMMENTS
None.

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

There being no further business, the meeting adjourned at 1:32 p.m.

Date approved: 5/10/16

Chair
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; with the provision that the completed second story will never be used for commercial rental property, per the site plan and elevation as shown on pages 14.6 and 14.17 in the agenda packet, on the following described property:

ALL OF LT 16 & W1/2 OF LT 17 BLK 4, BRENTWOOD HGTS, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20709

Action Requested:
Special Exception to permit the restoration of a legal non-conforming structure (non-conforming as to front, side, and rear yards, and livability space) in the RS-3 district (Section 1405.8), located: 1807 East 16th Street South.

Presentation:
Dave Dankard, 2425 South Dogwood, Broken Arrow, Oklahoma, stated he has a Certificate of Appropriateness from the Historical Society (Exhibit G-2). This house was burned down during the ice storm, which they plan to rebuild where the structure was located (Exhibit G-1).

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 Special Exception to permit the restoration of a legal non-conforming structure (non-conforming as to front, side, and rear yards, and livability space) in the RS-3 district (Section 1405.8), per plan submitted as shown on page 15.9 in the agenda packet; finding the special exception will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare; noting the applicant has provided an approved Certificate of Appropriateness from the TPC,

On Amended Motion of White, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Special Exception to permit the restoration of a legal non-conforming structure (non-conforming as to front, side, and rear yards, and livability space) in the RS-3 district (Section 1405.8), per plans submitted as shown on pages 15.9 and 15.11 in the agenda packet; finding the special exception will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare; noting the applicant has provided an approved Certificate of Appropriateness from the TPC, on the following described property:
**FILE COPY**

E45 LT 17 LESS S5 THEREOF FOR SIDEWALK BLK 1, BELL-MCNEAL ADDN
RESUB L14-31 TERRACE PARK ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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

**Case No. 20710**

**Action Requested:**

Variance of the maximum floor area permitted for a detached accessory building in the RS-3 district from 500 sq. ft. to 696 sq. ft. (Section 402.B.1.d), located: 148 South 36\(^{th}\) Place West.

**Presentation:**

Wayne Luellen, 148 South 36\(^{th}\) West Place, stated he has a garage in the back of the house. The site plan is Exhibit H-1.

**Comments and Questions:**

Ms. Stead asked when the house was built. He replied that it was built before his family bought it in 1941.

Mr. Henke out at 2:27 p.m.

She informed him that he would have to pave a driveway to the new garage, with concrete or asphalt.

Mr. Henke returned at 2:28 p.m.

**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 maximum floor area permitted for a detached accessory buildings in the RS-3 district from 500 sq. ft. to 696 sq. ft. (Section 402.B.1.d), finding the location of the existing house on the lot makes it difficult, if not impossible, to construct an attached garage; and that in granting the variance, the Board finds that 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, per site plan as shown on page 16.6 as shown in the agenda packet; and noting that the extension of the current gravel driveway to the two-car garage will be hard surface, either asphalt or concrete, on the following described property:

LT 16 BLK A, JOE SUB, City of Tulsa, Tulsa County, State of Oklahoma
**Action Requested:**
Variance of the required rear yard from 20' to 15', a Variance of the required side yard from 5' to 0' on east side and 2' on west side; and a Variance of the required front yard from 25' to 16'-5" for an addition to existing non-conforming structure. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1811 East 16th Place South.

Mr. Bolzle informed the applicants that he represents the owners of an adjacent property and he does not feel that it will affect his vote on this application, but if they would like him to abstain from the application, the application can be continued since they would need all three votes for approval.

Ms. Henshaw stated the application is correct and requested to be heard today.

**Presentation:**
The applicant, Denise Henshaw, 1803 East 16th Place, submitted a plat of survey (Exhibit D-1) and stated the request is to make the subject property more livable. The master bedroom is currently 8 1/2' x 10' with a 2' closet. She explained that they would like to expand the bedroom, add a bathroom and a walk-in closet. Ms. Henshaw stated she owns three (3) other homes along this street. The Historical Preservation Commission has approved the proposed addition.

Edward Lange, 1803 East 16th Place, stated that he had looked at other options regarding expanding this bedroom and there was no other feasible alternative. He explained that if the proposed plans came further from the side yard setback, then you would have a very odd shaped room. He stated it would be difficult to add a closet or bathroom without the variance requested. Mr. Lange commented that if they are not allowed to go with the proposed improvements, there is no other way to improve the property and bring it up to date.

**Comments and Questions:**
Mr. Bolzle asked the applicant if he knew how close the improvements will be to the rear property line? Mr. Lange stated it would be approximately 18' from the rear property line.
Case No. 17600 (continued)

**Board Action:**
On MOTION of BOLZLE, the Board voted 3-0-0 (Bolzle, Dunham, White, "aye"; no "nays" no "abstentions"; Abbott, Turnbo "absent") to **APPROVE** a Variance of the required rear yard from 20' to 15', a Variance of the required side yard from 5' to 0' on east side and 2' on west side; and a Variance of the required front yard from 25' to 16'-5" for an addition to existing non-conforming structure. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the lot size causes a hardship to make improvements; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Lot 16, Block 1, Bell-McNeal Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17601

**Action Requested:**
Special Exception to permit used car sales in an CS district (to allow temporary storage & sale of cars purchased as part of estate). **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located 1531 South Harvard.

**Presentation:**
The applicant, Joe Gates, 1537 South Harvard, submitted a boundary survey (Exhibit E-1) and stated that he owns Estate Furniture, Inc., located on the subject property. He explained that in the past year he has started selling the entire estate at the estate itself, which usually includes automobiles. Mr. Gates indicated that sometimes he may have some furniture and cars that will not sell on the estate sale day and so he will bring those items to his store, which is why he needs the special exception to permit used car sales at the subject property. He stated he had plenty of room behind his store to park the cars that are not sold at the estate sale. He further stated that in the State of Oklahoma if you sell more than three cars a year then you have to have a used car sales license. He indicated that he is currently selling one to three cars a month from the estate sales. Mr. Gates explained that if he can park the cars behind his store when needed, he can continue to sign contracts to sell the whole estate, rather than piece out the sales and possibly lose opportunities to sell the whole estate. The applicant stated he owns the store property and plans to keep the neighborhood up. He does not intend to have a used car lot, but he does plan to park the cars behind the store. He indicated he will advertise the cars in the newspaper.
Case No. 11890

Action Requested:
Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Request to operate a car wash in a CS District located at the NW corner of 61st Street and Yale Avenue.

Presentation:
Pete Price, representing J. J. Brunoldi, P. O. Box 2420, the applicant, was present to address the Board requesting permission to place a car wash facility at the subject location. Mr. Price submitted a plot plan (Exhibit "U-1").

Protestants: None.

Board Comments:
Mr. Lewis asked if the operation would have an attendant there and Mr. Price advised that the car wash is coin operated.

Mr. Lewis inquired as to the structure and Mr. Price advised that the car wash is totally enclosed.

Board Action:
On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-1 (Lewis, Victor, Wait, "aye"; no "nays"; Smith, "abstaining"; Purser, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts) to operate a car wash in a CS District, as per plot plan submitted, on the following described property:
Lot 2, Block 1, Holiday Hills Center Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11891

Action Requested:
Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance of the rear yard setback of 20' to add onto an existing structure located at 1860 East 16th Place.

Presentation:
Linda Martin, attorney, 1000 Atlas Life Building, was present to address the Board representing Mr. and Mrs. Robert Mercer. She submitted a floor plan and elevation plan (Exhibit "V-1"), a plat of survey (Exhibit "V-2"), four (4) pictures of the home (Exhibit "V-3"), and a letter from Mr. and Mrs. Edward Slier, one of the neighbors, who is in favor of the proposal (Exhibit "V-4"). The Mercers are seeking a variance from 20' to 9' & 4" of the rear yard setback to build an addition to their existing house. The proposed addition will conform to the exterior of the existing house. She advised that they have had no objections from their neighbors.

Protestants: None.

Board Action:
On MOTION of VICTOR and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts) of the rear yard setback of 20' to add
4.1.82.359(24)
Case No. 11891 (continued)

onto an existing structure, per drawings submitted, on the following described property:

Lot 19, Block 1, Bungalow Court Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11892

Action Requested:
Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Request for a variance of the setback from an abutting street (Maybelle Avenue) located at 908 West 4th Street.

Presentation:
Darrell Williams, 5416 South Yale Avenue, was present to address the Board representing JEM Engineering and Manufacturing Company and submitted a plot plan (Exhibit "W-1"). The applicant is adding to the existing structure and is requesting a variance from 50' to 43' from Maybelle Avenue. The proposed building is 99' x 95'.

Protestants: None.

Board Action:
On MOTION of VICTOR and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts) of the setback from an abutting street (Maybelle Avenue) per plot plan submitted, on the following described property:

The East 140' of the North 448.4' of the E/2 of the NW/4 of Section 26, Township 19 North, Range 12 East, Tulsa County, Okla.

Case No. 11893

Action Requested:
Variance - Section 240.2 (c) - Permitted Yard Obstructions - Request for a variance of the 20% or 750 square feet of the rear yard for accessory buildings located at 2816 South Cincinnati Avenue.

Presentation:
Kelly Carter, 2816 South Cincinnati Avenue, was present to address the Board and submitted a floor plan (Exhibit "X-1") and an elevation plan (Exhibit "X-2") and a plot plan (Exhibit "X-3"). Ms. Carter stated that she plans to have the existing garage torn down and build a new one on the existing property line. Ms. Carter advised that the surrounding neighbors are in favor of the proposal because it will increase the property value.

Protestants: None.

Board Comments:
Mr. Lewis inquired about the hardship involved and Ms. Carter stated that the hardship is based on the proximity of the City right-of-way to the west.

4.1.82:359(25)
Case No. 11779 (continued)

client owns a home on the tangent lot which will be removed by the end of this year.

Protestants: None.

Board Comments:

Mr. Jackere asked about the purpose of the sign and Mr. Nichol stated that it would be a temporary sign announcing the ownership of the property by his client.

Mr. Gardner stated that the property in question is zoned office and has never been zoned commercial. The applicant is asking to place a commercial sign on the property. The subject property is vacant presently and in order to have a sign for an office you must have an office.

Mr. Jackere advised that during the construction of the building a sign not exceeding 160 square feet is permitted for advertising according to the Ordinances.

Discussion ensued as to the size of the sign. Mr. Victor expressed that he had a great deal of concern with the mass of the sign since it is approximately 512 square feet.

Mr. Smith asked about the wording of the sign and Mr. Nichol stated that it would have "Future Home of First (1st) Oklahoma Savings and Loan."

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Purser, "absent") to approve a Variance (Section 620.2 (d) (1) Accessory Use Conditions in the Office Districts - Under the Provisions of Section 1670 - Variances) of the size of a sign from 32 square feet to 256 square feet in an OM District; to be permitted at the subject location until January 1983, that the use of the copy of the sign be limited to future locations of the owner, that it bear the wording "Future Home of First (1st) Oklahoma Savings and Loan" on the sign, on the following described property:

Lot 1, Muzingo Hill Addition to the City of Tulsa, Oklahoma.

Case No. 11781

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot Of Record - Under the Provisions of Section 1670 - Variances - Request for a variance to permit two dwellings on one lot; and, an Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplexes - Request for an exception to permit a duplex in an RS-3 District; and, a Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances - Request for a variance of the frontage requirements to permit a lot-split at 1864 East 16th Place.
Case No. 11781 (continued)

Presentation:

Charles Whitebook, attorney, 1700 Fourth National Bank Building, was present to address the Board representing the owners of the subject property, Edward and Emily Slier. Mr. Whitebook submitted a copy of the plat (Exhibit "C-1"), three pictures of homes in the immediate area (Exhibit "C-2"), a letter from a neighbor, Robert Mercer, asking that the request be granted (Exhibit "C-3"), and a petition (Exhibit "C-4") bearing 83 signatures of owners and residents requesting approval.

Mr. Whitebook advised that this stately mansion-type home was built many years ago with a small cottage or bungalow at the rear of the house. The applicant is proposing to add a 248 square-foot room to the rear of the cottage with the addition of a modern entrance and two porches to accommodate Mr. Slier's elderly parents.

Mr. Whitebook referred to the letter voluntarily written by Mr. and Mrs. Mercer, who share a common driveway with the Sliers and stated that they were in favor of the request.

Mr. Whitebook stated that the Planning Commission had granted the lot-split, subject to this Board's approval. He advised that if the lot-split were approved, there would have to be separate water and utilities incurring considerable expenses which would not be necessary. Mr. Whitebook advised that Mr. and Mrs. Slier would prefer the alternative of just being granted the first variance.

Mrs. Emily Slier, 1864 East 16th Place, the owner, was present to address the Board stating that the plans have been approved. She advised that they were granted a temporary building permit.

Protestants: None.

Board Comments:

Mr. Gardner advised that the Board is dealing with two detached single-family units on one lot.

The Board asked if the two residences would be connected and Mr. Whitebook answered no.

Mr. Jackere stated that the applicant would have to maintain the front and rear yard setbacks on the lot. He advised that if the lot-split were filed of record the applicant could make the additions to the lot provided he stays within the setbacks.

Applicant's Comments:

Mr. Whitebook advised that he would withdraw the Exception and the second Variance if the Board was inclined to favor the 1st Variance.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, "absent") to approve a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record - Under the Provisions of Section 1670) to permit two dwellings on one lot, on the following described property:

Lot 18, Bungalow Court Addition to the City of Tulsa, Oklahoma.

1.21.82:354(8)
Subject Tract

BOA-22632

19-13 07

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
HISTORIC PRESERVATION PERMIT

An Historic Preservation Permit for work described below has been issued under the Zoning Ordinance of the City of Tulsa (Section 70.070) to Michael J. and Jennifer L. Kneafsey for the address of 1868 East 16th Place, Tulsa, Oklahoma, located in the Yorktown Historic Preservation Overlay District. This proposal has been approved by the Tulsa Preservation Commission.

Any changes to the Approved Proposal require further review and approval by the Tulsa Preservation Commission prior to work being done. Unapproved changes to the Approved Proposal are a violation of the Zoning Ordinance and may result in revocation of a building permit and/or code enforcement.

This Historic Preservation Permit is not a building permit for residential or commercial zoning. A copy of this permit and approved project plans should be provided to the Permit Office for the completion of the building permit process, if applicable.

APPROVED PROPOSAL
Construction of new residence

Roy Malcolm Porter, Jr.
Roy Malcolm Porter, Jr.
Historic Preservation Officer, City of Tulsa

Date issued: November 8, 2018
Expiration: November 9, 2020
Number: HP-0049-2018
APPLICATION NO: BLDR-027348-2019 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 1668 E 16th PL S

Description: New Single Family House

**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" [118 [118 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 INCOG representative at 918-576-5687. 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. 70.070-A Applicability. Within any HP zoning district, an HP permit must be obtained in accordance with the procedures of this section before any work is performed on or changes are made to any existing building, structure or lot unless expressly exempted under §70.070-B. Examples of changes and work that require an HP permit include the erection, construction, reconstruction, renovation, alteration, painting, removal, or demolition of a building, structure, or lot, regardless of whether or not a building permit is required.

70.070-B Exemptions The applicability provisions of §70.070-A notwithstanding, none of the following changes or work require an HP permit:

1. Ordinary maintenance and repair including the removal, installation, or replacement of guttering; the removal or replacement of roof covering with like material; and the application of any paint color to non-masonry surfaces;

2. The interior of buildings or structures;

3. Portions of buildings, structures, or sites not visible from adjoining streets;

4. Accessory structures or buildings, such as storage sheds, garages, decks, patios, fencing, swimming pools and pool houses that are not part of the primary structure, provided that the structures or buildings are not located in street yards.

5. Installation of radio or television antennas that are not visible from abutting streets;

6. General landscape maintenance and planting of new organic materials; and

7. Work required for temporary stabilization of a building or structure due to damage.

Review Comments: Your property is zoned RS-3 in a Historic Preservation area. Contact Tulsa Preservation Commission at 918-576-5687 to apply for an HP permit. Once you have HP approval submit the stamped, approved HP plans to this office as a revision.
2. **55.090-F Surfacing.** 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 70.120, or, if in a PUD, in accordance with the amendment procedures of Section 30.010-1.2. (Refer to the City of Tulsa Standard Specifications and Details for Residential Driveways #701-704).

<table>
<thead>
<tr>
<th>Maximum Driveway Width</th>
</tr>
</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.

**Review Comments:** Maximum driveway width allowed on this lot base on a lot width of 43.78' is 21.89' and 20' in the Right-Of-Way. Revise plans to show that the driveway with parking area will not exceed 21.89' in width or apply to BOA for a special exception to allow a driveway width to exceed the maximum width.

**NOTE:**

a. Accessory building will require a separate permit.

b. If accessory building will be 2 story in height, a variance will be required for exceeding 1 story in height.

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. If you originally submit paper plans, revisions must be submitted as paper plans. If you submit online, revisions must be submitted online.

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**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.

10.29
Amy I have walked the neighborhood and here is a collage and a map of 2 story garages, it is not all inclusive as I keep finding more in the Yorktown Historic District. Again, not sure why we are having to have a hearing since we are inside of height.

Mike
2 story garages

Legend

1868 E 16th Pl

1521 Yorktown
1526 Yorktown
1524 S Gillette
1521 Yorktown
1546 S Yorktown Pl
1554 S Yorktown
1568

1868 E 16th Pl
1828 E 17th
2003 17th Pl
1756 S Yorktown

Google Earth

10.32

600 ft
Amy, in the front yard we are wanting to do Permeable Pavestone. I have them in my backyard now and park on them daily, so it doesn’t look as good as if it were just guest parking. We want to have guest parking as there is no street parking at that end of the street.

Attached is a photo from my house as well as the technical info. HP approved doing it.

Mike

On Monday, April 29, 2019, 10:53:54 AM CDT, Ulmer, Amy <aulmer@incog.org> wrote:

Mike,

Great, I will add this information to your application.

Amy Ulmer
Planner | Current Planning
Tulsa Planning Office
2 W. 2nd St., 8th Floor | Tulsa, OK 74103
918.579.9437
aulmer@incog.org
The unique design of Turfstone™ allows rainwater to be gradually filtered back into the soil naturally, resulting in the control and stabilization of soil erosion. Its eco-friendly design reduces run-off and allows greenery to grow right through it, creating a highly unique hardscape design that works in harmony with nature.

Special Order Item

Find Contractors and Dealers
https://www.belgard.com/products/permeable-pavers/turfstone
April 11, 2019

INCOG
BOA Hearing 22632
2 W. 2nd Ste 800
Tulsa OK 74103

RE: 1868 E. 16th Place

To Whom it May Concern:

Mike and Jennifer Kneafsey have been our neighbors on 16th Place since 1995 and have done nothing but help improve the property values.

We have no issue with the second floor over the garage or the amount of driveway. With no parking available at the East of the street sometimes unique solutions need to be done.

Feel free to contact us with any questions. 918-352-1494

Thanks

Tom and Francie Hinds
1826 E 16th Place
Tulsa OK 74104
Tom and Penny Crofford  
1850 East 16th Place  
Tulsa, Oklahoma 74104  

April 10, 2019  

INCOG Board of Adjustment  
Two West Second Street, #800  
Tulsa, Oklahoma 74103  

Subject: New home, 1868 East 16th Place, BOA case 22632  

Dear Sirs:  

We fully support the design of the new home for 1868 East 16th Place, including the garage, second floor, and the planned landscaping. We believe this home will be a positive addition to the neighborhood.  

Sincerely,  

[Signature]  

Tom Crofford  

[Signature]  

Penny Crofford
letter re: 1868 East 16th Place 2nd floor above garage

From: Rachel Gold (rachels.gold@gmail.com)
To: kneafseym@gmail.com
Date: Tuesday, April 9, 2019, 12:16 PM CDT

Dear Mike and Jennifer,
A quick note to let you know that we have absolutely no objection to the second floor that you are building above the garage at your home at 1868 East 16th Place. All the best,
Rachel Gold
1832 East 16th Place
Tulsa OK 74104
(918) 728 1652
1868 e. 16th place letter

From: Peter Navarre (peter.j.navarre@gmail.com)
To: kneafsey@gmail.com
Date: Tuesday, April 9, 2019, 9:28 AM CDT

City of Tulsa Board of Adjustment,

My name is Peter J Navarre, I live at 1836 e. 16th place and I am writing in regards to the new home being built at 1868 e. 16th place by Mike and Jennifer Kneafsey. I have reviewed the blueprints with them and I have no objection to the proposed finished office space above the garage in the plans. Furthermore, the design of the home is in keeping with the bungalow style homes throughout the block and would fit the neighborhood well.

Thank you,

Peter J Navarre
Concerning Mike and Jennifer Kneafsey, and the building of their new home at 1868 E. 16th Pl, we, as their neighbors, have no objection to what that entails.

We are certain that it will be only an asset to this community.

Bob & Juli Daniel
1815 E 16th Pl
Tuscaloosa, Alabama
April 15, 2019

INCOG
BOA Hearing 22632
2 W. 2nd Ste 800
Tulsa OK 74103

RE: 1868 E. 16th Place

BOA:

I am in support of Michael and Jennifer’s home project at 1868 E. 16th Place. I am the neighbor to the immediate South and have no issues with the pavestone in the front yard or the second floor on the garage. This home will be a huge improvement to our neighborhood.

Sincerely,

Ed Slier

Resident since 1978

918-749-2487

ewslier@gmail.com
Board of Adjustment Letter...

From: Julie Treat (julietreat@att.net)
To: kneafseym@gmail.com
Date: Sunday, April 14, 2019, 1:40 PM CDT

Dear Board of Adjustment,

We have been neighbors of Mike and Jennifer Kneafsey for 24 years. They are outstanding neighbors that work hard to contribute to the quality and charm of our block. They are requesting a variance for a new home they are building at 1868 E. 16th Place. We completely support their request. The neighbors are looking forward to an improved and beautiful addition of our cul-de-sac. Please feel free to contact us with any questions.

Sincerely,

Julie and Rod Treat
1843 E. 16th Place
Tulsa, Oklahoma
918-744-0142
Dear Ms. Ulmer,

I have lived at 1552 S, Yorktown Ave. since 1976. My property on Yorktown Ave. backs up to Mr. Kneafsey’s property at 1868 E. 16th Place. I am in full support of the Special Exceptions requested in BOA Case Number 22632. We are looking forward to this construction and having the Keafsey’s as our neighbors. I have no objections.

Mark Radzinski  
1552 S. Yorktown Ave.  
Tulsa, Oklahoma 74104  
U.S.A.  
918-744-5209 home  
918-232-6853 cell  
mradzinski_98@yahoo.com  
www.kandyradzinski.com
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10.44
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9201
CZM: 36
CD: 4
A-P#: 

HEARING DATE: 05/14/2019 1:00 PM

APPLICANT: Randy Hendrix

ACTION REQUESTED: Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Sec. 40.225-D)

LOCATION: 302 S FRANKFORT AV E
ZONED: CBD

PRESENT USE: Unfinished Commercial Retail
TRACT SIZE: ±1.102 acres

LEGAL DESCRIPTION: LTS 1 THRU 12 & N10 VAC ALLEY ADJ ON S BLK 115, TULSA-ORIGINAL TOWN

RELEVANT PREVIOUS ACTIONS:
None relevant.

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

Downtown Core is Tulsa’s most intense regional center of commerce, housing, culture, and entertainment. It is an urban environment of primarily high-density employment and mixed-use residential uses, complemented by regional-scale entertainment, conference, tourism, and educational institutions. Downtown Core is primarily a pedestrian-oriented area with generous sidewalks shaded by trees, in-town parks, open space, and plazas. The area is a regional transit hub. New and refurbished buildings enhance the pedestrian realm with ground-floor windows and storefronts that enliven the street. To support downtown’s lively and walkable urban character, automobile parking ideally is located on-street and in structured garages, rather than in surface parking lots.

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the City where general agreement exists that development or redevelopment is beneficial.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by CBD zoned lots with a mixture of commercial, retail, office, and restaurant uses.

STAFF COMMENTS:
The applicant is proposing to convert an existing building into a medical marijuana dispensary. To permit the dispensary the applicant is before the Board requesting a Spacing Verification for medical marijuana dispensary in a CBD district from other medical marijuana dispensaries (Section 40.225-D).
Per the Code, a medical marijuana dispensary is permitted by right in the CBD district as long as it meets the spacing requirement of 1,000 ft. from other medical marijuana dispensaries (Section 40.225-D). The spacing requirement must be verified before the Board of Adjustment in a public hearing to distribute public notice to property owners within the required distance radius. Surrounding neighbors and property owners are provided the ability to notify the Board of any conflicting uses within the required spacing radius.

In Section 40.225-I, the separation distance required under Section 40.225-D must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensaries. The separation required under Section 40.225-D shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma State Department of Health prior to December 1, 2018 for the particular location.

The applicant submitted exhibits indicating a radius around the subject property that contains the proposed medical marijuana dispensary and has labeled the uses of property within that radius in support of the verification.

Sample Motion:

I move that based upon the facts in this matter as they presently exist, we accept the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary.
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018
Feature 1
1. James E. McNellie’s Public House
2. The Max Retropub
3. Woody’s Corner Bar

Feature 2
1. Fleet Feet Sports Tulsa Blue Dome
2. EngATech
5. Fassler Hall
6. Greyhound Lines
7. Triarch
8. Tulsa Development Authority

Feature 3
1. S & J Oyster Bar

Feature 4
1. Newfield Exploration Company

Feature 5
1. Lyon’s Indian Store

Feature 6
1. Dwelling Spaces

Feature 7
1. City of Tulsa, City Hall
2. Tulsa Industrial Authority
ZONING CLEARANCE PLAN REVIEW

March 27, 2019

Robert Scott
112 NW 51 ST
OKC, OK 73118

APPLICATION NO: BLDC-024519-2019

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 302 S Frankfort
Description: Medical Marijuana Dispensary

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.

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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. 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 OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.

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REVIEW COMMENTS

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

BLDC-024519-2019 302 S Frankfort March 27, 2019

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

1. Sec.40.225-D: A medical marijuana dispensary may not be located within 1000 feet of another medical marijuana dispensary.

2. Sec.40.225-H: The separation distance required under Sec.40.225-D must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensary.

Review comment: Submit a copy of the BOA accepted separation distance of 1000' from other dispensaries.

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.
BOARD OF ADJUSTMENT
CASE REPORT

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

HEARING DATE: 05/14/2019 1:00 PM

APPLICANT: Gregory Helms

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

LOCATION: 3509 S PEORIA AV E ZONED: CH

PRESENT USE: Retail and Restaurant TRACT SIZE: 51431.5 SQ FT

LEGAL DESCRIPTION: LTS 3 - 6 & N 2' OF LT 2 BLK 3, OLIVERS ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property:
BOA-17090; on 6.27.95, the Board approved a Variance of the required number of parking spaces from 20 to 11 to permit additional parking for a new tenant, and to correct a deficit of 5 spaces on a previously approved site plan (Boa 16244) per plan.

BOA-16244; on 1.12.93, the Board approved a Variance of the required number of off-street parking spaces in a CH and OL zoned district to permit the addition of a covered outdoor eating area at an existing restaurant.

BOA-14734; on 2.04.88, the Board approved a Variance, per conditions, of building setback from the centerline of Peoria Avenue from 50' to 42.5'.

BOA-14129; on 7.10.86, the Board approved a Variance of setback from the centerline 35th Place for parking from 50' to 25'; a Variance of setback from the centerline of 35th Street from 25' to 24.6' varying to 24.8'; a Special Exception to waive conventional screening fencing requirements.

Surrounding Property:
BOA-21963; on 10.13.15, the Board approved a Variance to allow a 60 SF wall sign in the RS-3 district. Located at 1120 E. 34th St. S (Southminster Presbyterian Church).

BOA-15485; on 7.19.90, the Board approved, per plans, a Minor Variance of the required 50 feet setback from the centerline of South Peoria Avenue to 48 feet to permit a projecting sign. Located immediately south of the subject property.

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

12.2

REVISED5/7/2019
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.

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by CH zoned commercial uses lots to the north and south; RS-3 zoned residences to the east; S. Peoria Ave is immediately to the west of the subject property.

STAFF COMMENTS:
The applicant is before the Board requesting a Special Exception to permit a freestanding sign to be located in the City of Tulsa street right-of-way along E. 35th St. S. (Sec.60.020-E). The applicant has stated, "the special exception requested for sign in ROW for businesses located in retail center that are not visible from Peoria".

The ROW width along E. 35th St. is 50 feet total. The minimum setback for the proposed ground sign is 25 feet from the centerline of E. 35th St. The submitted site plan indicates that the proposed Oren freestanding sign extends into the street right-of-way along E. 35th 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, unless 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 right-of-way to enable adequate provision of public services along a right-of-way. The required license agreement will enable the City to ensure that the proposed sign does not conflict with provision of public services. The City will also ensure the proposed sign does not obstruct existing sidewalks and streets.

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 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.
and west. The existing sign is on a surface street that is not related to the expressway and is heavily shielded from view of the expressway by virtue of the green belt. This approval is subject to per plan 3.9. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

N75 LT 4 & ALL LT 5 BLK 3, SANTA FE INDUSTRIAL DISTRICT, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

* * * * * * *

NEW APPLICATIONS

21963—A-MAX Sign Company – Lori Worthington

Action Requested:
Variance to allow a 60 square foot wall sign in the RS-3 District (Section 402.B.4).

LOCATION: 1120 East 34th Street South (CD 9)

Presentation:
Doug Dodd, 3215 East 57th Street, Tulsa, OK; stated that he represents Southminster Presbyterian Church and that is on the Board of Elders and Chairman of the Church’s Administration property. This church has been a part of Brookside before the area was truly Brookside, since 1945 and has been in the same location all of those years. The address of 34th Street was the original street address of the church when it was first founded in 1945. In the 1980s the church acquired more property to the east to keep the parking lot and at the time the pastor at the time requested the post office to change the street address to 3500 South Peoria Avenue. Mr. Dodd had an aerial placed on the overhead projector to show the orientation of the church sanctuary on the church property. East of the sanctuary is the remains of two-story educational building that had been demolished as part of the expansion in 2006. Although the church is part of Brookside it is not on Peoria, so visibility for any sign the church has had over the years has been a challenge. The proposed sign would be illuminated but it is not lit. There is lighting behind it so that at night it can be seen, and there is no neon on the sign. The lettering will be a traditional Times New Roman with a denominational logo to the side. The hardship is the location of the church in the neighborhood which creates a hardship in the ability to post any kind of sign. The church is the farthest east of any structure within the neighborhood before getting to Peoria. No residential units will be able to see the sign because they are farther west on 34th Street. To the east and to the south of the subject wall there is a parking lot, and to the north of the wall is a parking lot that
serves several properties, including Senior Tequilas and other businesses in Brookside, but are not owned by the church and have no connection to the church. The residential portion of Brookside starts west of the church. The proposed sign will be the only signage on that side of the church, and the existing sign on Cottrell Hall will be removed.

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

**Comments and Questions:**
None.

**Board Action:**
On **MOTION of WHITE**, the Board voted 4-0-0 (Henke, Flanagan, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Snyder absent) to **APPROVE** the request for a **Variance** to allow a 60 square foot wall sign in the RS-3 District (Section 402.B.4), subject to conceptual plan 4.15 and 4.16. Finding that the location of the wall in question where the sign will be mounted is the only visible aspect to be seen from Peoria Avenue and the sign is also totally not visible from the residential area to the west. The existing wall sign as shown on 4.12 is to be removed, which is south of the proposed sign. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, for the following property:

LOT 1 BLOCK 1, SOUTHMINSTER PRESBYTERIAN CHURCH OF TULSA REPLAT PRT BURGESS AC & PRT PEORIA GARDENS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

**21964—A-MAX Sign Company – Lori Worthington**

**Action Requested:**
**Variance** to allow a digital sign within 200 feet of an R District (Section 1221.C.2).

**LOCATION:** 801 East 91st Street South (CD 2)

**Presentation:**
**Bruce Anderson**, 9520 East 55th Place, Tulsa, OK; stated he represents Tulsa Technology. Mr. Anderson stated this is a sign that meets Tulsa City Code and will be directly across the street from Jenks. There is about 100 foot separation from the proposed sign site to the residential area to the south. The sign is one that is being used on all Tulsa Technology campuses and the school is in the process of getting all the signs standardized. It is currently being utilized in Broken Arrow, Owasso, and
Action Requested:
Special Exception to permit two identification signs on Riverchase Apartments and two identification signs for Riverpark at Kensington - SECTION 402.B.4.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS - Use Unit 8, located 7910 South Victor and 7903 South Wheeling.

Presentation:
The applicant, Jack Easley, 5588 South Garnett Road, was represented by Monte Morgan, who submitted a plot plan (Exhibit J-1) and requested that two signs be approved for each site.

Comments and Questions:
Mr. Gardner advised that a two-sided sign would be permitted by right; however, one entrance sign is located on each end of the entrance wall, which would result in the same amount of signage.

Mr. White noted that the signs have been installed.

Protestants:
None.

Board Action:
On MOTION of WHITE, the Board voted 4-1-0 (Abbott, Boizle, Turnbo, White, "aye"; Doverspike, "nay"; no "abstentions"; none "absent") to APPROVE a Special Exception to permit two identification signs on Riverchase Apartments and two identification signs for Riverpark at Kensington - SECTION 402.B.4.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS - Use Unit 8, per plan submitted; finding that approval of the request would not result in more display surface area than a double-faced sign, which is permitted by right; on the following described property:

Blocks 16 and 17 Kensington Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 17090

Action Requested:
Variance of the required number of parking spaces from 20 to 11 to permit additional parking for a new tenant, and to correct a deficit of 5 spaces on a previously approved site plan (BOA 16244) - SECTION 1211.D. Off-Street Parking and Loading Requirements - Use Unit 11, located SE/c 35th Street and South Peoria Avenue.
Case No. 17090 (continued)

Presentation:
The applicant, Scott Coulson, 502 West 6th Street, was represented by Jim Stephens, who submitted a plot plan (Exhibit K-1) and requested that the number of required parking spaces be reduced to allow the warehouse area on the second floor to be converted to office space. Mr. Stephens informed that he has purchased all available property (35' by 145' strip) and added 12 spaces to the existing parking lot. He informed that the proposed tenant operates a radio station that has regular business hours of 9 a.m. to 5 p.m., with a skeleton crew operating during the evening hours.

Interested Parties:
Ms. Turnbo advised that several letters of support (Exhibit K-2) were received.

Comments and Questions:
In reply to Ms. Abbott, Mr. Stephens clarified that there was a total of 77 spaces at the time he purchased the property, and not a total of 82 as was approved in a previous Board case (BOA-16224). He informed that twelve spaces were added to this number when the additional land was purchased.

Mr. Gardner advised that, if approved, the use should be limited to office use, since nighttime activities create a parking problem in the area.

Protestants:
None.

Board Action:
On MOTION of DOVERSPIKE, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Variance of the required number of parking spaces from 20 to 11 to permit additional parking for a new tenant, and to correct a deficit of 5 spaces on a previously approved site plan (BOA 16244) - SECTION 1211.D. Off-Street Parking and Loading Requirements - Use Unit 11; per plan submitted; finding that the use (radio station) is primarily a daytime operation with a limited nighttime crew; 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:

North 2’ Lot 2, all Lots 3, 4, 5 and 6, west 35’ Lot 11 and east 50’ Lot 12, Block 3, Oliver’s Addition, City of Tulsa, Tulsa County, Oklahoma.
Case No. 16244

Action Requested:
Variance of the required number of off-street parking spaces and an amended site plan approval - Section 1213.D - Off-Street Parking and Loading Requirements - Use Unit 13, located 3509 South Peoria.

Presentation:
The applicant, Montrachet, Inc., 3509 South Peoria, was represented by David Loeffler, 4150 South Harvard, who informed that his client is currently operating a restaurant at the above stated location, and is proposing to construct an awning cover for an outdoor dining area. He submitted a plot plan (Exhibit L-2) and a petition of support (Exhibit L-1). Mr. Loeffler read a letter of support from Karen Keith, Channel 2. He informed that the seating capacity will not be increased, and the sides of the eating area will not be enclosed.

Protestants:
None.

Board Action:
On MOTION of DOVERSPIKE, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Variance of the required number of off-street parking spaces and an amended site plan approval - Section 1213.D - Off-Street Parking and Loading Requirements - Use Unit 13; per amended plan submitted; finding that the approval of the request will not be detrimental to the area; on the following described property:

N/2, Lot 2, and all of Lots 3, 4, 5, and 6 and the east 50' of Lot 12, Block 3, Oliver's Addition in the City and County of Tulsa, Oklahoma.
MINOR VARIANCES AND EXCEPTIONS

Case No. 15485

Action Requested:
Minor Variance of the minimum required setback measured from the centerline of Peoria from 50' to 48' to permit a projecting sign - Section 215. STRUCTURE SETBACK FROM ABUTTING STREETS - Use Unit 21, located 3509 South Peoria.

Presentation:
The applicant, Barry R. Moydell, 1221 Charles Page Boulevard, Tulsa, Oklahoma, submitted a sign plan (Exhibit C-2) and requested permission to install a wall mounted sign at the above stated location. He pointed out that the building itself does not meet the current setback requirement, and that there are numerous building and sign encroachments in the older area. Mr. Moydell stated that the sign projects 4' 6" from the building wall toward the street, and the canopy below the sign is closer to the street than the proposed sign. A site plan (Exhibit C-1) was submitted.

Protestants: None.

Board Action:
On MOTION of BRADLEY, the Board voted 5-0-0 (Bozle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Minor Variance of the minimum required setback measured from the centerline of Peoria from 50' to 48' to permit a projecting sign - Section 215. STRUCTURE SETBACK FROM ABUTTING STREETS - Use Unit 21; per sign plan submitted; finding that many buildings in the older area are closer to the street than the current Code permits, and the installation of the sign at the proposed location will not be detrimental to the area or violate the spirit and intent of the Code; on the following described property:

The north 2' of Lot 2, and all of Lots 3, 4, 5 and 6, and the east 50' of Lot 12, Block 3, Olivers Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15471

NEW APPLICATIONS

ACTION REQUESTED:
Special Exception to permit expansion of an existing school - Section 1402. NONCONFORMING USE OF BUILDINGS OR BUILDINGS AND LAND IN COMBINATION - Use Unit 5.

Presentation:
The applicant, Tom Williamson, 3104 South Elm Place, Broken Arrow, Oklahoma, submitted a plot plan (Exhibit D-1) and stated that a classroom and locker addition, totaling 4400 sq ft, will be added to the existing school.

7.19.90:567(6)
Case No. 14733

Action Requested:
Variance - Section 208 - One Single Family Dwelling per Lot of
Record - Use Unit 1206 - Request a variance to allow for two
dwelling units on one lot of record, located 7405 South Elwood
Avenue.

Presentation:
The applicant, Steve Lauterwasser, 6966 East 20th Place, Tulsa,
Oklahoma, informed that he has recently purchased the property in
question, along with an existing 700 sq. ft. home. He asked
permission to leave the dwelling in place until a new home is
constructed on the back portion of the lot. Mr. Lauterwasser
pointed out that there are other lots in the area with more than one
dwelling. A plot plan (Exhibit P-1) was submitted.

Comments and Questions:
Mr. Smith asked how long the construction period will be, and the
applicant replied that construction will begin in March and be
completed by the end of the summer.

Mr. Smith asked if the small house will be removed, and Mr.
Lauterwasser replied that he plans to move the existing house
farther back and use it for temporary housing for missionaries.

Protestants: None.

Board Action:
On MOTION of SMITH, the Board voted 3-0-0 (Chappelle, White, Smith
"aye"; no "nays"; no "abstentions"; Bradley, Quarles, "absent") to
APPROVE a Variance (Section 208 - One Single Family Dwelling per Lot
of Record - Use Unit 1206) to allow for two dwelling units on one
lot of record; per plot plan submitted; finding a hardship
demonstrated by the size and long, narrow shape of the lot; on the
following described property:

The north 166.5' of the N/2, N/2, SW/4, NW/4, less the north
166.5' of the N/2, NE/4, SW/4, NW/4, Section 12, T-18-N, R-12-E,
City of Tulsa, Tulsa County, Oklahoma.

Case No. 14734

Action Requested:
Variance - Section 730.1 - Bulk and Area Requirements in Commercial
Districts - Use Unit 1213 - Request a variance of setback from the
centerline of Peoria Avenue from 50' to 42.5', located 3509 South
Peoria Avenue.
Case No. 14734 (continued)

Presentation:
The applicant, Jim Glass, 1820 South Boulder Place, Tulsa, Oklahoma, submitted a plot plan (Exhibit R-1), and stated that he is a partner of the Consortium, formerly Stone Horse Retail Center, which is being converted from an enclosed mall to an open air courtyard type commercial structure. He informed that all stores will have an interior courtyard storefront as well as storefronts on Peoria or 35th Street. Mr. Glass explained that the Peoria frontage will be redesigned by projecting 88' of the existing 142' wall to the west a distance of 7', which will not increase the square footage of the existing building, but will result in a decrease because of the change in the interior design. He pointed out that there are numerous buildings in the area that extend as close to Peoria as the proposed construction. A packet (Exhibit R-2) containing design concepts, a location map, a letter of support and photographs was submitted.

Protestants: None.

Board Action:
On MOTION of SMITH, the Board voted 3-0-0 (Chappelle, White, Smith "aye"; no "nays"; no "abstentions"; Bradley, Quarles, "absent") to APPROVE a Variance (Section 730.1 - Bulk and Area Requirements in Commercial Districts - Use Unit 1213) of setback from the centerline of Peoria Avenue from 50' to 42.5'; subject to the execution of a removal contract; subject to the execution of a tie contract on all lots, which will prevent the sale of one lot without the sale of the entire parcel; finding that there are numerous buildings along Peoria that extend as close to the street as the building in question; on the following described property:

    The north 2' of Lot 2, Lots 3 - 6 and the east 50' of Lot 12, Block 3, Oliver's Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 14736

Action Requested:
Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of setback from the centerline of Utica Avenue from 85' to 60' to allow for a carport, located 440 South Utica Avenue.

Presentation:
The applicant, David Ledford, 440 South Utica, Tulsa, Oklahoma, submitted photographs (Exhibit S-1), and asked the Board to allow an existing carport to remain at its present location. Mr. Ledford informed that the front of the carport aligns with the front portion of the house.

Comments and Questions:
Ms. White asked the applicant if there is an enclosed storage area on the back portion of the carport, and he answered in the affirmative.
Case No. 14127 (continued)
issued in 1943 which permitted a four-plex. He explained that the building has only been repaired where repairs were necessary.

Board Action:
On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to CONTINUE Case No. 14127 to August 7, 1986.

Case No. 14128

Action Requested:
Special Exception - Section 310 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow a pre-school day care center to be operated within an existing elementary school in an AG zoned district, located at 2524 West 53rd Street.

Presentation:
The applicant, Henry Penix, 2715 East 51st Street, Tulsa, Oklahoma, asked the Board to allow him to operate a pre-school day care in the Remington Elementary School. He informed that the center will care for children from 2 years to school age and days and hours of operation will be Monday through Friday, 7 a.m. to 6 p.m.

Board Action:
On MOTION of BRADLEY, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Special Exception (Section 310 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow a pre-school day care center to be operated within an existing elementary school in an AG zoned district; finding that the center will be compatible with the neighborhood and in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

The east 760' of the south 1,146.51' of the SE/4, NW/4, Section 34, T-19-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14129

Action Requested:
Variance - Section 1330(b) - Setbacks - Request a variance of setback from the centerline of 35th Place for parking from 30' to 25'.

Variance - Section 280 - Structure Setback from Abutting Streets - Request a variance of setback from the centerline of 35th Street from 25' to 24.5' varying to 24.8'.
Special Exception - Section 250.3 - Modification of the Screening Wall or Fence - Requirement - Request a special exception to waive conventional fencing requirement between parking and abutting R District, located on the SE/c of 35th Street and Peoria Avenue.

Presentation:
The applicant, Joe Francis, 515 Main Mall, Suite 300, Tulsa, Oklahoma, submitted a plat of survey (Exhibit R-1) and photographs (Exhibit R-2). He informed that his client recently purchased the Stonehorse Shopping Center and this application came about because of title requirements that were raised. He pointed out that the fence on the east is covered with shrubs and asked the Board to waive the conventional fencing requirement between the parking lot and the abutting residential neighborhood.

Comments and Questions:
Mr. Smith asked if the applicant will execute a removal contract stating that his client will remove the the protruding planters if the City requires the right-of-way at some time in the future and Mr. Francis answered in the affirmative.

Protestants: None.

Board Action:
On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Variance (Section 1330(b) - Setbacks) of setback from the centerline of 35th Place for parking from 50' to 25'; to APPROVE a Variance (Section 280 - Structure Setback from Abutting Streets) of setback from the centerline of 35th Street from 25' to 24.6' varying to 24.8'; and to APPROVE a Special Exception (Section 250.3 - Modification of the Screening Wall or Fence - Requirement) to waive conventional screen fencing requirement between parking and abutting R District; per plat of survey; and subject to the execution of a removal contract for the planters in the event the right-of-way portion is required for any reason in the future; finding there are numerous building encroachments in the older area and that the structure aligns with the other buildings on the block; and finding that the shrubbery along the fence provides adequate privacy for the residences that abutt the parking lot; on the following described property:

The north 2' of Lot 2, and all of Lots 3, 4, 5, 6 and the east 50' of Lot 12, Block 3, Oliver's Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14130

Action Requested:
Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the rear yard

7.10.86:469(29)

12.14
Subject Tract    BOA-22634
19-13 19

Aerial Photo Date: February 2018
Note: Graphic overlays may not precisely align with physical features on the ground.
Looking west— at the intersection of E. 35th St.
S. & S. Peoria Ave.

Looking west— on E. 35th St.
Looking southeast—towards subject site—at intersection of E. 35th St. S. & S. Peoria Ave.

Looking southeast—towards subject site—at intersection of E. 35th St. S. & S. Peoria Ave.
1 OVERALL SITE PLAN
SCALE: 1" = 60'-0"

3509 S. PEORIA AVE.
OVERALL SITE PLAN
12.19
3 SIGN ELEVATIONS

SCALE: 1/4" = 1'-0"

3509 S. PEORIA AVE.
ENLARGED SITE PLAN
12.20
BUILDING CORNER IS 0.3' NORTH OF LOT LINE.

S. PEORIA AVE.

ENLARGED SITE PLAN

SCALE: 1" = 10'-0"

3509 S. PEORIA AVE.
ENLARGED SITE PLAN
12.21
REVIEW COMMENTS

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

Application No. SIGN-025108  3509 S. Peoria Ave.  March 4, 2019

This letter of deficiencies covers Sign Plan Review items only.

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

Section 60.020 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 Oren ground sign appears to be in the City of Tulsa ROW/Planned ROW. The ROW width along E. 35th Street is 50 feet total. The minimum setback for the proposed ground sign is 25 feet from the C/L of E. 35th Street. This sign projects into the Right-of-Way (R-O-W) of this street and therefore requires a City of Tulsa R-O-W license and removal agreement and a Special Exception from the COT Board of Adjustment (BOA). You may relocate the sign to comply with the minimum 25-foot setback requirements or contact Chris Kovac @ 918-596-9649 for information on acquiring a R-O-W license and removal agreement and for INCOG @ 918-584-7526 to apply for a special exception form the BOA to permit a freestanding sign to be located within the ROW.

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

March 4, 2019

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<th>LOD Number: 1</th>
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<tbody>
<tr>
<td>G S Helms &amp; Associates LLC</td>
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<tr>
<td>424 S. Main Street</td>
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<td>Jenks OK 74037</td>
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**APPLICATION NO:** SIGN-025108 *(PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)*

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<thead>
<tr>
<th>Location:</th>
<th>3509 S. Peoria Avenue</th>
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<tbody>
<tr>
<td>Description:</td>
<td>Ground Sign in ROW</td>
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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)

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.inco.org](http://www.inco.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)
BOARD OF ADJUSTMENT
CASE REPORT

Case Number: BOA-22635

STR: 9420
CZM: 49
CD: 6
A-P#:

HEARING DATE: 05/14/2019 1:00 PM

APPLICANT: KKT Architects, Inc.

ACTION REQUESTED: Variance of the F1, screening fence or wall requirement (Sec. 65.060-C.2)

LOCATION: SW/c of E. 31st St. S. & S. 120th E. Pl.

ZONED: OL

PRESENT USE: vacant

TRACT SIZE: ± 4.91 acres

LEGAL DESCRIPTION: COMMENCING AT THE NORTHERNMOST NORTHWEST CORNER OF GARNETT VILLAGE, ALSO BEING THE POINT OF BEGINNING: THENCE SOUTH 01° 28' 29" EAST FOR A DISTANCE OF 633.65 FEET ALONG THE WEST LINE OF GARNETT VILLAGE; THENCE, SOUTH 88° 33' 54" WEST FOR A DISTANCE OF 337.00 FEET; THENCE, NORTH 01° 28' 29" WEST FOR A DISTANCE OF 635.66 FEET; THENCE, NORTH 88° 52' 21" EAST FOR A DISTANCE OF 337.00 FEET TO THE POINT OF BEGINNING;
SAID TRACT OF LAND CONTAINING 4.91 ACRES, MORE OR LESS.

RELEVANT PREVIOUS ACTIONS:

Subject Site:

Z-7449; on 8.1.18, TMAPC approved a Rezoning request from AG to OL for the northeast portion of the overall Ochoa Elementary School site.

Overall Parcel:

BOA- 22272; on 6.27.19, the Board approved a Special Exception to permit a dynamic display located within 200 ft. of an R district; a Variance to increase the number of permitted walls signs on a building in an AG district from one to two; a Variance to increase the permitted sign display surface area of wall signs from 32 sq. ft. to 95.5 sq. ft.; a Special Exception to permit a dynamic display in an AG zoned district.

BOA 21749; on 07.22.14 the Board approved a special exception to permit a Elementary School in an AG district.

BOA- 9735; on 11.3.77 the Board approved a special exception to use the property for church and church related uses.

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

REVISED 05/09/2019
The **Existing Residential Neighborhood** category is intended to preserve and enhance Tulsa's existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exist that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

**ANALYSIS OF SURROUNDING AREA:** The subject site is part of a larger AG zoned parcel with a school use to the west and south of the subject building; RS-3 zoned residences are to the east; and E. 31st St. S. is immediately to the north of the subject site.

**STAFF COMMENTS:**

In 2018, TMAPC approved a rezoning request for a portion of the overall property from AG to OL to allow for the construction of a Community Health Connection Facility.

Per Section 40.260-D, when an office use is located on a lot abutting an R-zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of Section 65.060-C.2. The applicant is requesting a **Variance** of the screening requirements (Sec.65.060-C.2) along the east property line of the subject site containing the Community Health Connection Facility. Please see the attached document provided by the application detailing the request.

The Variance request does not grant relief from any other landscaping requirements.

**Sample Motion**

Move to ________ (approve/deny) **Variance** of the F1, screening fence or wall requirement (Sec. 65.060-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 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.

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."
**Legal Description of Z-7448:**
Part of Government Lot One (1), Beginning 270 feet East of the Southwest corner of Lot One (1), thence North 567.96 feet, East 388 feet, North 390 feet, West 213.66 feet, North 309.34 feet, East 620.34 feet, South 1267.30 feet, West 994.68 feet to the Point of Beginning, and the Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW/4 NE/4 NW/4), LESS Beginning at the Northeast corner of the NW/4 NE/4 NW/4, thence South 660 feet, West 520 feet, Northeasterly 666.1 feet, East 430 feet to the Point of Beginning, and LESS the North 50 feet thereof for roadway right-of-way, Section Thirty-one (31), Township Twenty (20) North, Range Fourteen (14) East, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof.

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

8. Z-7449 KKT Architects, Inc., Nicole Watts (CD 6) Location: Southwest corner of East 31st Street South and South 120th East Place requesting rezoning from AG to OL

**STAFF RECOMMENDATION:**
**SECTION I: Z-7449**

**DEVELOPMENT CONCEPT:**
None provided by the applicant. The application submittal included a reference to Community Health Connection.

Community Health Connection is represented as follows on their website:

"Community Health Connection will provide quality and accessible health care across all life cycles regardless of ability to pay and we will respect the dignity and culture of our community now and in the future.

Community Health Connection is a Federally Qualified Health Center (FQHC) committed to meeting the lifelong health care needs of the northeast Oklahoma community. We provide the highest quality, affordable and accessible primary health care services in a culturally effective, language-appropriate and compassionate manner. We serve individuals who are uninsured by offering a sliding fee scale to those who qualify, and those with Medicaid (SoonerCare) and Medicare, Insure Oklahoma and many with private insurance.

We focus on meeting the health care needs of the patients in our community by providing a broad array of services. If you are looking for medical providers and clinic staff who will treat you with respect and dignity, then Community Health Connection is for you. We want our medical practice to be your connection to a healthy life."
DETAILED STAFF RECOMMENDATION:

Z-7449 request OL zoning. That zoning district is primarily intended to facilitate the development and preservation of low-intensity office development. The OL zoned district requested by the applicant is not consistent with the Existing Neighborhood land use designation and the applicant has not provided any details illustrating the expected development intensity on the site. A health clinic is complimentary to the new school site recently constructed immediately west of this site. The property is currently owned by the Independent School District 9 of Tulsa County and,

OL zoning is consistent with the school site conceptual plan that was heard by the City of Tulsa Board of Adjustment in 2014 so the anticipated use is consistent with the expected development in the area and,

OL zoning is normally considered a transitional zoning category between higher intensity districts and single family residential style of development therefore,

Staff recommends Approval of Z-7449 to rezone property from AG to OL.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Light office uses are not generally consistent with the Existing Neighborhood land use designation. In some circumstances on the edges where that land use abuts arterial streets and are complimentary with public uses such as schools OL zoning may be an appropriate zoning designation. This application does not provide additional limitations or design considerations other than those offered by the Zoning Code. In consideration with the previously approved uses at the Board of Adjustment and the street infrastructure that isolates this site from abutting single family development staff can support OL zoning to allow a medical office that has the stated purpose of providing community health care in conjunction with the school on the property. OL zoning at this location is consistent with the Area of Growth designation that encourages access to services with fewer and shorter auto trips and supports economic activity in the area.

Land Use Vision:

Land Use Plan map designation: Existing Neighborhood

The Existing 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 Stability and Growth designation:** 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.

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.”

**Transportation Vision:**

**Major Street and Highway Plan:** None

**Trail System Master Plan Considerations:** None

**Small Area Plan:** None

**Special District Considerations:** None

**Historic Preservation Overlay:** None

**DESCRIPTION OF EXISTING CONDITIONS:**

**Staff Summary:** The property is undeveloped and surrounded by private drives or public streets with no significant elevation changes or vegetation. The zoning boundary has been prepared without regard to the existing vehicular circulation pattern.
Environmental Considerations: None that would affect site development

Streets:

<table>
<thead>
<tr>
<th>Exist. Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
</tr>
</thead>
<tbody>
<tr>
<td>East 31st Street South</td>
<td>Secondary Arterial</td>
<td>100 feet</td>
<td>5 lanes (4 with a center turn lane)</td>
</tr>
</tbody>
</table>

Utilities:
The subject tract has municipal water and sewer available.

Surrounding Properties:

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning</th>
<th>Existing Land Use Designation</th>
<th>Area of Stability or Growth</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Across E. 31st Street</td>
<td>AG</td>
<td>Park and open space</td>
<td>Stability</td>
<td>Regional storm water detention</td>
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<tr>
<td>East</td>
<td>RS-3</td>
<td>Existing Neighborhood</td>
<td>Stability</td>
<td>Single family residential</td>
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<tr>
<td>South</td>
<td>AG</td>
<td>Existing Neighborhood</td>
<td>Stability</td>
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<tr>
<td>West</td>
<td>AG</td>
<td>Existing Neighborhood</td>
<td>Stability</td>
<td>School</td>
</tr>
</tbody>
</table>

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11825 dated June 26, 1970, established zoning for the subject property.

Subject Property:

BOA-22272 June 27, 2018: The Board of Adjustment approved a special exception to permit a dynamic display located within 200 feet of an R zoned district; a variance to increase the number of permitted wall signs on a building in an AG district from one to two; a variance to increase the permitted sign display area of wall signs from 32 sq. ft. to 95.5 sq. ft.; and a special exception to permit a dynamic display in an AG zoned district, on property located at the southwest corner of East 31st Street South and South 120th East Place, a part of the subject tract.
**BOA-21749 July 22, 2014:** The Board approved a *special exception* to permit an Elementary School in an AG district, on property located at the southwest corner of East 31st Street South and South 120th East Place, a part of the subject tract. (Note: The conceptual plan approved by the Board of Adjustment included a CAP building at the northeast corner of the site. The CAP building was an office use)

**BOA-20984 January 12, 2010:** The Board of Adjustment approved a *variance* of the requirement that illumination of a sign shall be by constant light to permit an LED element on a sign for a church in the AG district (Section 302.B.2); and a *variance* of the maximum display surface area permitted for a sign in the AG district from 150 sq. ft. to 245 sq. ft. (Section 302.B.2.b), noting there is no need for the variance of the height as it has been reduced to limits allowed in the code; with conditions that there be no animated flashing, no rolling or other unusual illuminations, etc., on property located east of the southeast corner of the South Garnett Road and East 31st Street South.

**BOA-17541 October 22, 1996:** The Board approved a *special exception* to allow a 100' self-supported tower antenna in an AG district subject, on property located at the southwest corner of East 31st Street South and South 120th East Place, a part of the subject tract.

**BOA-14405 March 5, 1987:** The Board of Adjustment denied a use *variance* to permit a retirement complex in an AG district; and denied a *variance* of land area.
per dwelling unit of 2.2 acres, on property located at the southwest corner of East 31st Street South and South 120th East Place, a part of the subject tract.

**BOA-9735 November 3, 1977:** The Board approved a special exception to use the property for church and church related uses, on property located at the southwest corner of East 31st Street South and South 120th East Place, a part of the subject tract.

**Surrounding Property:**

**PUD-428/Z-6156 June 1987:** All concurred in approval of a proposed Planned Unit Development on a 4.65± acre tract of land for a senior development and all concurred in approval for rezoning from AG to RS-3 on property located south and west of the corner of East 31st Street South and South 120th East Place.

There were no interested parties wishing to speak.

**TMAPC COMMENTS:**

Mr. Dix asked staff if the School District still owned this property.

Staff responded "yes", the applicant is present and could speak more about the specifics.

Applicant stated this is a land lease to Community Health Connections and is a Vision Project. Union School is the owner of the land and will not be operating the facility. The applicant stated the previous BOA application was for a 3-story office building and it was approved, this building is a one story medical office building and the applicant believes it is a better fit for the neighborhood than what was originally approved.

**TMAPC Action; 7 members present:**

On MOTION of SHIVEL, TMAPC voted 7-0-0 (Dix, Fretz, Krug, Millikin, Reeds, Ritchey, Shivel, "aye"; no "nays"; none "abstaining"; Covey, Doctor, Fothergill, Walker, "absent") to APPROVE Z-7449 rezoning from AG to OL per staff recommendation.

**Legal Description of Z-7449:**

COMMENCING AT THE NORTHERNMOST NORTHWEST CORNER OF GARNETT VILLAGE, ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH 01° 28' 29" EAST FOR A DISTANCE OF 633.85 FEET ALONG THE WEST LINE OF GARNETT VILLAGE; THENCE, SOUTH 88° 33' 54" WEST FOR A DISTANCE OF 337.00 FEET; THENCE, NORTH 01° 28' 29" WEST FOR A DISTANCE OF 635.66 FEET; THENCE, NORTH 88° 52' 21" EAST FOR A DISTANCE OF 337.00 FEET TO THE POINT OF BEGINNING; City of Tulsa, Tulsa County, State of Oklahoma SAID TRACT OF LAND CONTAINING 4.91 ACRES, MORE OR LESS.
signs in the AG District (Section 60.050-B,2); Variance of the allowable height of freestanding signs in the AG District (Section 60.050-B,2), subject to conceptual plans 17.16, 17.17, 17.18, 17.19, 17.20 and 17.21 in the agenda packet. Finding the hardship to be this particular piece of property is approximately 240 acres in size and the surrounding properties around this particular site are residential properties of residential size and the need for locating the site and the directional needs of the public. The Board believes this is a unique piece of property that is not necessarily similar to the standard of the area. 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. 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; for the following property:


22272—Brian Riddle

**Action Requested:**
Special Exception to permit a dynamic display located within 200 feet of the R District (Section 60.100-F); Variance to permit two wall signs; Variance to increase the permitted display surface area of wall signs in the AG District (Section 60.050-B-2); Special Exception to permit a dynamic display in the AG District (Section 60.050). **LOCATION:** 12000 East 31st Street South (CD 6)
Ms. Back recused and left the meeting at 4:45 P.M.

Presentation:
Brian Riddle, Hollis & Miller Architects, 1828 Walnut Street, Kansas City, MO; stated this is for a 130,000 square foot community elementary school, Pre-K through 5th grade, located on East 31st Street. The project is currently under construction and is a multi-phase project. The school will also be used as a community facility with a lot of after school activities. The gymnasium will be open to the public after school is dismissed. There will be community programs, i.e., community cooking classes. The display area of the sign is only 32 square feet which under the regulated size. There is 420 feet to the nearest residential neighborhood and across the street is a park area with a fire station.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of FLANAGAN, the Board voted 3-0-1 (Flanagan, Van De Wiele, White “aye”; no “nays”; Back “abstaining”; Bond absent) to APPROVE the request for a Special Exception to permit a dynamic display located within 200 ft. of an R district. (Section 60.100-F); Variance to increase the number of permitted walls signs on a building in an AG district from one to two; Variance to increase the permitted sign display surface area of wall signs from 32 sq. ft. to 95.5 sq. ft. (Section 60.050-B-2); Special Exception to permit a dynamic display in an AG zoned district (Section 60.050), subject to conceptual plans 18.8, 18.9, 18.10, 18.11, 18.12, 18.13 and 18.14 in the agenda packet. The Board has found the hardship to be the need for identification purposes and the size of the land itself. The Board finds that the requested Special Exceptions 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 Variances 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;

06/27/2017-1186 (33)
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:


Ms. Back re-entered the meeting at 4:55 P.M.

**********

OTHER BUSINESS
None.

**********

NEW BUSINESS
None.

**********

BOARD MEMBER COMMENTS
None.

**********

There being no further business, the meeting adjourned at 3:03 p.m.

Date approved: 7/15/17

Chair

06/27/2017-1186 (34)
Comments and Questions:
None.

Board Action:
On MOTION of SNYDER, the Board voted 4-0-0 (Henke, Snyder, Tidwell, White "aye"; no "nays"; no "abstentions"; Van De Wlele absent) to APPROVE the request for a Variance of the rear yard requirement for RS-2 District from 25 feet to 15 feet 8.5 inches to permit an addition (Section 403, Table 3), subject to conceptual plan 9.7. The Board has found that this an irregular shaped lot and the existing building is an equal distance from the property line in the rear. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

TRACT A CRESTWOOD ADD & PRT N/2 NE NW SE TH E118 S139.6 W93 NWLY CRV LF 105 N38.55 POB SEC 17 19 13 0.339AC, CRESTWOOD ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21749—Roy Johnsen

Action Requested:
Special Exception to allow an Elementary School (Use Unit 5) in an AG District (Section 301, Table 1). LOCATION: 12000 East 31st Street (CD 6)

Presentation:
Roy Johnsen, 1 West 3rd Street, Suite 1010, Tulsa, OK; stated he is before the Board today representing Union Schools. Mr. Charles Bushyhead, Assistant Superintendent of Support Services is also present today should the Board have questions for him. Mr. Johnsen stated that approximately 100 letters had been sent out advising them of the pending application. There was also a meeting held last Wednesday to meet with the people and about 12 were present at the meeting. There was great support for today's proposal mainly because it is an improvement for the area. This is an area that is growing and has a very strong demand. The improvement will strengthen the neighborhood and help the neighborhood. Mr. Johnsen presented a new map as an exhibit to the Board which was changed slightly from the map that is in the Board's agenda packet. The change involves the north boundary and the landscaping has been strengthened on the west boundary. The concept the school is striving for is community services from various entities that contribute to make this a better school, better for parents and children, and better for the neighborhood.

Mr. Tidwell asked what the 68,000 square foot building was displayed on the print titled CAP Building. Mr. Johnsen stated that CAP, Community Action Project, is a non-profit
organization that works with pre-school facilities and they are in various places across Tulsa. It is very important work and they need a place for their offices.

Ms. Snyder asked about the proposed connection to 32nd Place that is displayed on the print presented to the Board. Mr. Johnsen stated the street exists and goes into the school's boundary line, and takes traffic all the way to Garnett Road. One of the things the school is trying to avoid is busing, and this will solve a traffic flow problem. On the east side there is a neighborhood and it will be good for pedestrian traffic.

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

**Comments and Questions:**
None.

**Board Action:**
On MOTION of WHITE, the Board voted 4-0-0 (Henke, Snyder, Tidwell, White “aye”; no “nays”; no “abstentions”; Van De Wiele absent) to APPROVE the request for a Special Exception to allow an Elementary School (Use Unit 5) in an AG District (Section 301, Table 1), subject to the amended conceptual site plan as submitted today, July 22, 2014. 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:

NE NW LESS BEG SWC NE NW TH N315 SE182.47 SE93.88 SE193.49 W330 POB & LESS BEG 50S NEC NE NW TH S1269.23 W377 N450 E337 N819.25 E40 POB & LESS N50 FOR ST SEC 20 19 14 32.937ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

**21750—Jared Newcomb**

**Action Requested:**
Variance of side yard setback from 20 feet to 5 feet (Section 403, Table 3).

**LOCATION:** 1548 East 33rd Street South (CD 9)

**Presentation:**
Jared Newcomb, 309 East Decatur Street, Broken Arrow, OK; no formal presentation was made but the applicant was available for any questions from the Board.

Mr. Henke asked Mr. Newcomb if he was the builder. Mr. Newcomb answered affirmatively.

Mr. Henke stated this was a fascinating case to read about, how it looked like everything was in order and then all of a sudden it was not in order because there was a
Protests: None.

Board Action:
On MOTION of SMITH, the Board 4-0 (Guerrero, Smith, Walden and Purser "aye", Jolly "absent") approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home in an RS-3 District for a period of one year with a removal bond required on the following described tract:

The N/2 of the South 250' of the North 350' of Lot 11, Mingo Addition to the City of Tulsa, Oklahoma.

Action Requested:
Variance (Section 420.2 (a) (2) - Accessory Use Conditions in Residential Districts - Under the Provisions of Section 1670) to permit a detached garage in the side yard in an RS-3 District located at 3566 South Toledo Place.

Presentation:
The applicant Charles Rengenberg, advised that he recently purchased the subject property which does not have a garage and he is requesting to build a detached garage. The applicant submitted a plot plan (Exhibit "I-1") and advised the Board that the house is westered on two lots and there is ample room to build a garage to the side of the house.

Protests: None.

Board Action:
On MOTION of SMITH, the Board 4-0 (Guerrero, Smith, Walden and Purser "aye", Jolly "absent") approved a Variance (Section 420.2 (a) (2) - Accessory Use Conditions in Residential Districts - Under the Provisions of Section 1670) to permit a detached garage in the side yard subject to the plot plan submitted on the following described tract:

Lot 9, Block 4, Redbud Addition to the City of Tulsa, Oklahoma.

Action Requested:
Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church use and church related uses. (Facilities will include: (1) Church building proper, consisting of an auditorium, offices, and classrooms; (2) general maintenance building for buses and storage, having adjacent off-street parking area and underground gasoline storage tanks.) Ultimate contemplated uses: (1) Day-care facility, (2) private educational program, utilizing church facilities and projected additional structures in an AG District located at 12000 Block East 31st Street.
Presentation:
C. L. Mansur, representing the Garnett Road Church of Christ advised that the church has applied to use the subject property for church use and church related uses involving assembly, worship, education, benevolent, nursery use and aged, and is applying to have the necessary facilities to enable the church to operate properly. Mr. Mansur advised that the present church is located at 3434 South Garnett Road which seats 1,000 persons and is located on a 5-acre tract. He advised that the proposed plan is adequate to support the large planning that the church is anticipating in the near future. The ultimate facility will seat 10,000 persons and will include an educational building, and an administrative office to support a church of 10,000. He stated that the church at present has twenty-eight buses and the new property will permit the maintenance and storage for 100 buses, including servicing. He further advised that the storage and maintenance facility will also serve to house the building and grounds maintenance equipment and will be parking facilities for the buses on the south end of the property away from and not visible from the street. Mr. Mansur stated that the detention facility will be located in the southwest corner of the property and connect with the City Park and provide a means of access for maintenance purposes. He informed the Board that they propose to have four public entrances from 31st Street and to utilize 32nd Place South and 32nd Street South for private entrances with gates and will be kept locked and not available to the public except when services are being held. He advised that the facility will be constructed to accommodate 5,000 persons immediately and the remaining 5,000 seats will depend upon the growth rate of the church. Mr. Mansur advised the Board of the parking needed to accommodate cars for this size of facility with separate parking for the buses. He further advised of the proposed plans to construct a wood fence on three sides of the property with 15' easements on the east, west and south for utility purposes with a minimum of 10' where they parallel existing 10' easements. He stated that upon completion of the facility it will be properly landscaped. Mr. Mansur stated that the property at present is undeveloped and will easily permit the purpose applied for. He submitted a concept plan (Exhibit "J-1") and stated that the church does intend to develop the north 50' across the front of the subject property and does not desire to have a public street in the center of the property. They would prefer to have primary access from the north. Upon questioning, Mr. Mansur stated that he had no objections to a review of the grading and drainage plans by the City Engineer.

The Chair informed Mr. Mansur of the communication (Exhibit "J-2") from William D. Von Drehle, City Engineer's Office, and its contents. Mr. Mansur advised that the church does not plan to develop the north 50' across the front, but rather than have a public street in the center of the property would rather omit the private access and have only access from the north. He further stated that they have no objection to a prior approval of the grading and drainage plans before the issuance of a building permit.

The Chairman also informed Mr. Mansur of a communication (Exhibit "J-3") from William Thomas, Traffic Engineer's Office, and its contents.
Board Member Smith, responded with an assessment of the access to Briar Glen School and he felt that a public street is not needed. He questioned how the children get to the school at present, and further advised of the expense to install a public street and felt it is not necessary. Mr. Walden of the Board agreed.

Protests: None.

Board Action:
On MOTION of SMITH, the Board 4-0 (Guerrero, Smith, Walden and Purser "aye", Jolly "absent") approved an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church use and church related uses. (Facilities will include: (1) Church building proper, consisting of an auditorium, offices, and classrooms; (2) general maintenance building for buses and storage, having adjacent off-street parking area and underground gasoline storage tanks.) Ultimate contemplated uses: (1) Day-care facility, (2) private educational program, utilizing church facilities and projected additional structures as requested, subject to the applicant's dedication of the remaining right-of-way necessary to bring 31st Street to 50' right-of-way standards on the south side of the centerline, and grant the necessary utility easements to the utility companies (Oklahoma Natural Gas, Southwestern Bell Telephone, Public Service of Oklahoma and Water and Sewer Department), impose a 50' front building setback line on the subject tract the same as if they had filed a subdivision plat, require drainage plans to be approved by the City Engineering Department, and submit detailed plot plan to the Board of Adjustment for review as to the approved concept prior to construction, require limits of access along 31st Street to be worked out with the Traffic engineering Department, deny access to the stub streets at 32nd Place South and 32nd Street South at this time, except for emergency entrances only, and erect a screening fence on three sides of the property as mentioned in the presentation (can be erected in phases as the work progresses, screening those buildings and parking lots in close proximity to the abutting residential), on the following described tract:

The NE/4 of the NW/4 of Section 20, Township 19 North, Range 14 East, Tulsa County, Oklahoma.

Action Requested:
Exception (Section 610 - Principal Uses Permitted in Office Districts) to erect townhouses in an OM District; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) to permit 5' side yards in an RD District located south and east of 71st Street and Yale Avenue.

Presentation:
The Staff advised that the applicant, Never Fail, requested a continuation of the application.
Note: Graphic overlays may not precisely align with physical features on the ground.
Looking southeast—towards subject site—on E. 31st St. S.

02/02/2019 10:30

Looking southeast—towards subject site—on E. 31st St. S.

05/02/2019 10:30
LEGAL DESCRIPTION

Overall Tract:
Lot 1, Block 1, Union E-14

Community Health Connection Leased Parcel:
Commencing at the Northernmost Northwest corner of Garnett Village, also Being the Point of Beginning; Thence South 01°28'29" East for a distance of 633.85 feet along the west line of Garnett Village; Thence South 88°33'54" West for a distance of 337.00 feet; Thence North 01°28'29" West for a distance of 635.66 Feet; Thence North 88°52'21" East for a distance of 337.00 feet to the Point of Beginning.

Said tract of land containing 4.91 acres, more or less.
April 11, 2019

City of Tulsa Board of Adjustment
2 West 2nd Street
#800
Tulsa, Ok 74103

Re: Community Health Connection - 12010 E 31st Street BOA #__________________

Chairman and Members of the Board:

Community Health Connection is in the process of building a new clinic on Union's Ochoa Elementary School campus. This project is a Tulsa Vision Project and the land that Community Health Connection is developing on is a long-term lease with Union Public Schools.

When Ochoa Elementary School was originally developed, the previous use was a church and the property was zoned AG. Union kept the AG zoning and came before the Board of Adjustment in 2014 (BOA #21749) to obtain a Special Exception to allow an elementary school in an AG district. This was approved.

When we started developing the CHC Clinic, it was determined that the portion of the property that the clinic was going to sit on needed to be rezoned. In 2018 we obtained OL zoning (Z-7449) for the roughly 5-acre tract on the northeast corner of the campus for the clinic to sit on. The property is surrounded by AG (Ochoa Elementary) to the west and south and RS-3 to the east. There is a 50' wide parcel of land (S 120th East Place) that is adjacent to the CHC's property that provides access to Garnett Village Independent Living Center. Then further to the east is an existing residential subdivision that has a 6' wood privacy fence along its boundary.

During the building permit process, it was determined F1 screening was required along CHC's east property line due to OL zoning abutting R-zoning. At this time the project was behind schedule to obtaining its permit for many reasons and we provided the design per the City's LOD for approval.

Now that we are under construction, it has been determined that a 6' wood privacy fence is not wanted along the east property line. There are many items that have led the Owner to this request:

- During the design process, the Fire Department determined that they are going to use S. 120th East Place to access the east side of the CHC building to meet the access requirement and the fire hydrant. With talking with Rick Bruder, Assistant Fire Marshal, he stated that if the fence was installed then gates would be required along the east property line to allow the fire department continued access they originally planned on having.
- Placing a fence along CHC's east property line will create a narrow 50' wide driving strip for the assisted living facility. Charlie Bushyhead with Union Public Schools has been in contact with the Center and they are against it for site lines and safety issues for their drivers – see attached letter.
- This 50' strip that would be created between CHC and the existing neighborhood would create good places for hiding and CHC and the Independent Living Center are concerned about safety.
CHC is proposing to continue to provide the required trees along the east property line – 1 tree for every 25’ of fence, which will be a minimum of 25 trees.

The Owners believe the trees will still provide the screening the zoning code has intended to the residential zoning to the east but will provide areas for adequate sight lines and open areas to keep the opportunities for safety high and that the residential homes are more than 100’ off the CHC’s east property line.

Therefore, we request the Board to approve a Variance to the F1 screening fence requirement along the east property line per Section 65.060-C2.

Thank you for your time on this matter.

Sincerely,

A. Nicole Watts, P.E., CFM
Principal / Director of Civil Engineering
ZONING CLEARANCE PLAN REVIEW

November, 7 2018

Pam Deatherage
2200 S Utica PL
Tulsa, OK 74104

APPLICATION NO: BLDC-012560-2018
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 12010 E 31 ST
Description: New 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 OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALY SUBMITTED ON-LINE, FOR 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)
3. **Sec.40.260-D**: Whenever an office use is located on a lot abutting an R-zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of Sec.65.060-C2.

**Review comment**: Your proposed clinic is an office use that is located on a lot abutting an R-zoned lot to the east. Submit a site plan providing F1 screening along the east lot line.

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

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.

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**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.
To Whom It May Concern:

I am requesting your consideration to make a change to the requirement to build a fence along the east side of the Community Health Connection Clinic being constructed on the property of Ellen Ochoa Elementary.

The current private road, which serves the Garnett Village Independent Living Center, has a privacy fence along the east side of the drive. If a privacy fence is required on the CHC property we will create a very unattractive, and in some ways unsafe, alley along that road. I have visited with the property manager, Ms. Vickie Holland, and she agrees that a privacy fence is unnecessary and not desired. Ms. Holland expressed concerns about the line of sight reduction for her older drivers as they enter and exit the property.

Please feel free to contact me if you have any questions. I appreciate your consideration of this matter and am hopeful the requirement will be removed. Thank you.

Respectfully,

Charlie Bushyhead
March 18, 2019

To Whom It May Concern:

Please accept this letter as Community Health Connection's request that you consider making a change to the requirement that a fence be built along the east side of the Union Public Schools' Ellen Ochoa Elementary School campus where the Community Health Connection Clinic is currently being constructed (12020 East 31st Street).

The eastern edge of the property is bounded by a private road that serves the Garnett Village Independent Living Center (3254 S. 120th East Place). There is already a privacy fence already along the eastern side of the private road. If an additional privacy fence is required along the eastern edge of the Union Public Schools' property, the result will be a narrow road with a privacy fence along both sides. This will not add to any privacy issues but will result in a potentially dangerous situation both in terms of driving as well as entering from or exiting onto 31st Street.

Further, during an initial site review, we were advised by the Tulsa Fire Department representative that they did not want a fence along the eastern edge of the Union Public Schools' property since any responding fire equipment would need direct access from the fire hydrant to the clinic should any fire emergency occur.

Please feel free to contact me if you have any questions. We greatly appreciate your consideration of this matter. Likewise, we are hopeful that the requirement will be reconsidered and removed.

Respectfully submitted,

W. James McCarthy
Chief Executive Officer
From: Nicole Watts <Nicole.Watts@kktarchitects.com>
Sent: Tuesday, April 02, 2019 11:16 AM
To: Bruder, Rick <rbruder@cityoftulsa.org>
Cc: Nick Conner <Nick.Conner@kktarchitects.com>
Subject: Community Health Connection - 12020 E 31st Street

Rick-

We have a project under construction at 12020 E 31st Street for Community Health Connection on the Union Ochoa campus. We had a pre-development meeting back in 2017 and I know we discussed fire access and that the fire department would use the drive to the east to access back of the building.

During the permitting process, the City required a 6' fence on our east property line due to zoning. We accommodated to get our permit released. But now the Owner and Union has asked us to get rid of this fence as they don’t want it, the nursing facility south of us don’t want it and we remembered that you didn’t want it either.

Can you take a look at this and let me know your thoughts?

I would appreciate it, thanks!

Nicole

A. NICOLE WATTS, P.E., CFM
PRINCIPAL / DIRECTOR OF CIVIL ENGINEERING

NICOLE.WATTS@KKTARCHITECTS.COM
918.744.4270, EXT. 317
918.520.0404 (CELL)

KKT ARCHITECTS, INC. \ WWW.KKTARCHITECTS.COM
2200 S. UTICA PLACE, STE. 200 \ TULSA, OK 74114
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BOARD OF ADJUSTMENT
CASE REPORT

STR: 0236
CZM: 28
CD: 1
A-P#: 

HEARING DATE: 05/14/2019 1:00 PM

APPLICANT: Nicole Watts

ACTION REQUESTED: Variance of the required street setback from East Latimer Place. (Section 15.030-A); Variance to allow an existing structure to be located within the City of Tulsa street right-of-way/planned street right-of-way (Section 90.090-A); Variance of the required lot width for two proposed lots (Lot 2 & Lot 5) (Section 15.030-A).

LOCATION: 1073 N OWASSO AV E
ZONED: IM

PRESENT USE: Industrial
TRACT SIZE: 33615.39 SQ FT

LEGAL DESCRIPTION: LTS 1 – 5 BLK 1, BULLETTE SECOND ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property:
BOA-19096; on 6.12.01, the Board approved a Variance to the parking requirements and to allow meeting the required parking on a lot other than the lot with principal use; a Variance of the hard surface, dust free parking to allow gravel parking. (Subject site and tract immediately to the east)

Surrounding Property:
BOA-11170; on 9.4.80, the Board approved a Variance of the setback requirements along Peoria. Located at 1120 N. Peoria Ave.

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

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

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the City where general agreement exists that development or redevelopment is beneficial.
ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by IM zoned industrial uses on all sides.

STAFF COMMENTS:

The applicant has submitted 3 Lot-Split and 3 Lot-line Adjustment applications to the Tulsa Planning Office staff to reconfigure the lots as shown on the attached site plan. The applicant has provided the following statement: "These structures were constructed in 1940. Some of the buildings were constructed straddling interior lot lines. No exterior/interior walls are being moved. Some interior walls are being changed to fire rated walls because of close proximity to other interior walls. Lots are being split and combined to clean-up building encroachments and to bring into conformity. These variances are being triggered by a "use" change, per COT".

The lots are in an IM district. The street setback requirement for buildings located in an IM district is 10 ft. The required setbacks are measured from the applicable lot line, Right-of-Way (ROW), or planned right-of-way. The building setbacks are measured to the nearest exterior building wall. The total planned street right-of-way along E. Latimer Pl. is 50 ft.; therefore, the required building and/or structure setback along E. Latimer Pl. is 35 ft. from the centerline of the street (25' planned ROW + 10' building setback).

As shown on the attached site plan, the existing building setback is less than 35 ft. from the planned ROW (25' planned ROW + 10' building setback). The applicant is requesting a Variance to reduce the street setback from 10 ft. to 0 ft. from the planned right-of-way along E. Latimer Pl.

It appears the existing building also extends into the planned right-of-way along E. Latimer Pl. The applicant has requested a Variance to permit part of an existing structure to be located within the City of Tulsa planned street right-of-way (Sec. 90.090-A). Per the code, no part of any structure is allowed to project into the right-of-way or planned right-of-way of a public street, unless a license agreement 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 (Sec. 90.090-A).

In Section 15.030-A, in the IM district the Code requires a minimum lot width of 50 ft. As shown on the attached site plan, the proposed lot width for "Tract 2" is 47.55 ft and for "Tract 5" the proposed lot width is 41.45 ft. The applicant has requested a Variance to reduce the required minimum lot width for "Tract 2" and "Tract 5".

The applicant has provided the following statement: "These structures were constructed in 1940. Some of the buildings were constructed straddling interior lot lines. No exterior/interior walls are being moved. Some interior walls are being changed to fire rated walls because of close proximity to other interior walls. Lots are being split and combined to clean-up building encroachments and to bring into conformity. These variances are being triggered by a "use" change, per COT".
Sample Motion

Move to ________ (approve/deny) a **Variance** of the required street setback from East Latimer Place. (Section 15.030-A); Variance to allow an existing structure to be located within the City of Tulsa street right-of-way/planned street right-of-way (Section 90.090-A); Variance of the required lot width for two proposed lots (Lot 2 & Lot 5) (Section 15.030-A).

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

The Board finds that the requested Special Exceptions 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.

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.”
requirements on north and east boundaries. SECTION 1002. LANDSCAPE REQUIREMENTS, located SW/c E. 9th St. & 91st E. Ave.

Presentation:
Dick Holmes, 948 S. 91st E. Ave., represented Eastwood Baptist Church. He stated they are in the process of building a new family life center, to include a gymnasium for the church and school, fellowship hall, and classrooms. He stated that they are land-locked and have run out of space.

Comments and Questions:
Mr. Dunham asked what the hardship would be. Mr. Holmes replied it was a lack of property. Mr. Dunham asked if the parking lots they lease from the City of Tulsa are long-term agreements. Mr. Holmes stated that they are long-term.

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

Board Action:
On MOTION of Perkins, the Board voted 3-0-0 (Dunham, Perkins, Turnbo “aye”, no “nays”, no “abstentions”, White, Cooper “absent”) to APPROVE a Variance of required floor area ratio of .5 to .67; Variance of building setback of 25’ from abutting properties zoned R on north and east boundaries to 10’; and a Variance of landscape requirements on north and east boundaries, per plan, finding the hardship to be the shape of the lot and finding the it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

Block 20, less the S 15’ thereof, of Clarland Acres, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19096

Action Requested:
Variance to the parking requirements and to allow meeting the required parking on a lot other than the lot with principal use. SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS -- Use Unit 17 & 23; and a Variance of the hard surface, dust free parking to allow gravel parking. SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, located SW/c E. Latimer Pl. & N. Peoria.

Presentation:
Chief Boyd, 4998 E. 26th St., stated he was representing Cornerstone Assistant Ministries. He pointed out the buildings they propose to convert to storage areas for clothing and appliances for ministry and auto repair.
Comments and Questions:
Mr. Jackere asked why they could not pave the parking area. Mr. Boyd replied that the lots around are not paved, and this is an industrial area.

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

Board Action:
On MOTION of Perkins, the Board voted 3-0-0 (Dunham, Perkins, Turnbo "aye", no "nays", no "abstentions", White, Cooper "absent") to APPROVE a Variance to the parking requirements and to allow meeting the required parking on a lot other than the lot with principal use; and a Variance of the hard surface, dust free parking to allow gravel parking, with condition that a tie-contract be obtained, executed and filed of record, finding it is an industrial area and there are many other gravel lots in the area, and finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

Lots 1-5, 43 and 44, Bullette 2nd Addition and Lot 5, Bullette 3rd Addition, City of Tulsa, Tulsa County, State of Oklahoma.

**********

Case No. 19097
Action Requested:
Special Exception to permit church uses and accessory church uses in an IL district. SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 5, located 12330 E. 60th St.

Presentation:
Joe Cook, 2604 W. Kenosha, stated he represented Arrow Life Community Church. He stated the church proposes to hold Sunday services and weekend activities in the specified building in an IL district. He commented that the business is primarily a weekday operation so it would not make a hardship to the industrial park. The traffic flow would come from three different accesses, from 51st St. to 122nd E. Ave., from 55th Pl. and 129th E. Ave., and at 60th and 129th E. Ave. He pointed out that there are two other churches on 129th E. Ave., about 5600 block in this IL zoned Metro Park.

Comments and Questions:
Mr. Dunham noted that the application indicated 123 parking spaces would be required and the plan shows, 119. Rev. Cook responded that the owner of the property, Tri-Mac Corporation, informed him that the previous tenants paved the back portion of the lot, which joins the MK&T Railroad right-of-way, providing an additional 10-15 parking spaces. He added that they plan to have 2700 square feet of parking space, which would require 78 parking spaces, and the McElroy Group has offered all of their parking spaces. Rev. Cook also stated that the
Action Requested:
Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the setback from the centerline of Peoria Avenue from 100' to 55' in order to build a light manufacturing and office building at 1120 North Peoria Avenue.

Presentation:
Mr. Ray Miller, 2021 East 44th Street, representing CMCC, advised that we are asking to build a building consistent with other buildings in the area. He has made a survey up and down Peoria Avenue with measurements of the different buildings there and we are asking for a variance that would be 55' from the centerline of the street to the front of the building. I have a copy of the measurements of the other buildings and a plot plan I'm submitting (Exhibits 'A-1 and A-2').

Protestants: None.

Interested Parties:
Mr. George Barnum, 2434 East 24th Street, stated that he has a business next door to this property. We respectively request that you approve this request.

Board Action:
On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Smith, and "Aye", no "Nays"; no "Abstentions"; Purser, Victor "Absent") to approve a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) to waive the setback from the centerline of Peoria Avenue from 100' to 55' in order to build a light manufacturing and office building, per plot plan, on the following described property:

Lots 43 and 44, Bullette Second Addition to the City of Tulsa, Oklahoma.

Action Requested:
Variance (Section 206 - Number of Dwelling Units on a Lot - Under the Provisions of Section 1670 - Variances) request for a variance to permit more than 40 dwelling units on one lot and a variance of the height requirements from one-story to two-story in an OL District, and a variance to waive the setback requirement abutting an RS-4 District and a request for an exception to allow off-street parking in an RS-3 District and for an exception to modify the screening requirement where the purpose of the requirement cannot be achieved. This property is located on the SW corner of Newton Avenue and South 24th West Avenue.

Presentation:
Mr. John Moody, 4100 Bank of Oklahoma Tower, representing Gilcrease Hills Development Company, advised that the Board had previously seen this proposal in September of last year under Board of Adjustment Case No. 10693. We applied and received approval from this Board to erect apartments in an OL District. However, at that time the plot plan was not finalized so we did not know exactly what other types of requirements or variances we might need for the property. Mr. Moody submitted...
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018
Looking southeast towards subject site (Lt 4 & Lt 5) - on N. Owasso Ave.

Looking southeast towards subject site - on N. Owasso Ave.
Looking east—towards subject site (Lt 1)—at intersection of N. Owasso Ave. & E. Latimer Pl.

Looking west—towards subject site (rear of Lt 1)—on E. Latimer Pl.
CHUCK LANGE  
ZONING OFFICIAL  
PLANS EXAMINER  
TEL (918)596-9688  
clage@cityoftulsa.org

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1 Revised  
February 23, 2019  
Phone: 918.744.4270

Nicole Watts  
2200 S Utica PL  
Tulsa, OK 74114

APPLICATION NO: ZCO-24109-2019  
(please reference this number when contacting our office)

Location: 1073 N Owasso  
Description: Permitted uses in IM district

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. 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.inco.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" [X] [X] [X] [X] [X] [X] [X] is not included with this letter. Please present the "record search" along with this letter to INCOG staff at time of applying for board of adjustment action at INCOG. Upon approval by the Board of Adjustment, INCOG staff will provide the approval documents to you for immediate submittal to our office. (See revisions submittal procedure above.).

(continued)
REVIEW COMMENTS

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

ZCO-024190-2019 1073 N Owasso Ave February 23, 2019

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

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

1. Sec.15.020-Table 15-2: You are proposing a variety of uses in an IM district. Of those pertaining to your inquiry, the following are permitted:

- Restaurant,
- Office,
- Marijuana Grow Facility,
- Industrial Warehouse,
- Commercial uses except those listed below,

The remaining use is described as commercial. In an IM district the commercial uses requiring a Special Exception are:

- Assembly and Entertainment,
- Lodging (except RV parks & Campgrounds),
- Bars,
- Sexually Oriented Business Establishment,
- High-Impact Manufacturing & Industry,
- Mining or Mineral Processing,
- Junk or Salvage Yard,
- Recycling of Construction or Demolition Debris,
- Oil or Gas Well.

2. Sec.15.020-Table 15-2: The lots are in an IM district. The building setback is 10’. Required setbacks are measured from the applicable lot line, right-of-way (ROW), planned right-of-way or location referred to below. Building setbacks are measured to the nearest exterior building wall (SEC.90.090-A). There is a 50’ planned ROW along E. Latimer Pl. This will require a 35’ setback from the centerline of this street (25’ planned ROW + 10’ building setback).
Review comment: The building setback is less than 35' and is located in the planned ROW. This will require a ROW license agreement and a variance. Contact Chris Kovac @ 918-596-9649 for information on ROW license agreements.

3. Sec.15.020-Table 15-2: The lots are in an IM district. The minimum lot width is 50'. The widths of Lots 2 & 5 are less than this amount.
Review comment: A variance is required to reduce the lot widths to less than 50'

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.