AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, June 11, 2019, 1:00 P.M.

Meeting No. 1230

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of Minutes of May 14, 2019 (Meeting No. 1228).

UNFINISHED BUSINESS

2. 22617—Jarrett Metzler
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-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)

The application has been withdrawn by the applicant.

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)

NEW APPLICATIONS

5. 22649—Elizabeth Koelle
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). LOCATION: 1215 South Houston Avenue West (CD 4)
6. **22650—Julio Miranda**
   Special Exception to permit a carport in the street setback and street yard, and to exceed the allowable height requirements and to exceed 20 feet in length (Section 90.090-C1). **LOCATION:** 4233 North Evanston Place East (CD 1)

7. **22651—Robin Stanley**
   Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 8010 East 106th Street South (CD 8)

8. **22652—Robin Stanley**
   Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 6026 South Memorial Drive East – **OVERALL PARCEL** --- **TENANT SPACE:** 6024 South Memorial Drive East (CD 7)

9. **22653—Mary Jo Masterson**
   Special Exception to allow a second story addition to a non-conforming structure due to the less than 25-foot front setback (Section 80.030-D). **LOCATION:** 1314 West Easton Street North (CD 4)

10. **22654—Terance McDonald**
    Variance to allow less than a 35-foot front setback (Section 5.030-A) in a RS-1 District. **LOCATION:** 6906 South Gary Avenue East (CD 2)

11. **22655—Joshua Shuck**
    Verification of the 300-foot spacing requirement for a bar from schools, and religious assemblies and 50 feet from an R-zoned lot; Variance to allow a bar within 300 feet of a public park (Section 40.050-A.1, 2). **LOCATION:** 507 South Main Street (CD 1)

12. **22656—Ed Sharrer**
    Variance to reduce the street (rear) setback requirement in an RS-3 District (Table 5-3). **LOCATION:** 1719 West Easton Court North (CD 4)

13. **22657—Claude Neon Signs**
    Variance to allow a sign to project above the parapet wall (Section 60.040-C). **LOCATION:** 120 North Elgin Avenue East (CD 1)

14. **22658—Claude Neon Signs**
    Variance of the maximum sign height for a projecting sign (Section 60.080-D). **LOCATION:** 2 North Elgin Avenue East (CD 1)
15. **22659—Nathan Young**  
*Variance* of the minimum lot width (Table 5-3). **LOCATION:** 124 East 26<sup>th</sup> Street South  (CD 4)  

Staff requests a continuance to June 25, 2019 for additional relief needed.

16. **22660—Kevin Pattah**  
*Verification* of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).  
**LOCATION:** 7111 South Mingo Road East – **OVERALL PARCEL** --- **TENANT SPACE:** 7117 South Mingo Road East  (CD 7)  

**OTHER BUSINESS**

17. **Election** of Vice Chair due Ms. Carolyn Back’s retirement from the Board.

**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.
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9302
CZM: 38
CD: 3
A-P#:

HEARING DATE: 06/11/2019 1:00 PM (continued from 5/14/2019 and 04/23/2019)

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>Standard Specifications</th>
<th>55.090-F</th>
<th>Surfacing</th>
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<tbody>
<tr>
<td></td>
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<td>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-I.2. (Refer to City of Tulsa Standard Specifications and Details for Residential Driveways #701-704).</td>
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<tr>
<td>Lot Frontage</td>
<td>75’+</td>
<td>60’ – 74’</td>
</tr>
<tr>
<td>Driveway Within Right-of-Way (feet) [1]</td>
<td>27’</td>
<td>26’</td>
</tr>
<tr>
<td>Driveway Within Street Setback (feet)</td>
<td>30’</td>
<td>30’</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)

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

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

UNFINISHED BUSINESS

Case No. 15247

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

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

Comments and Questions:
Mr. Jones explained that the plot plan for the existing carport was submitted at the previous hearing and the application was approved; however, it was discovered later that the applicant was also in need of a variance of the required side yard. He pointed out that, due
Case No. 15247 (continued)
to the fact the applicant lives in another state, she asked that the
Board hear the additional request for the side yard relief without
her presence. Mr. Jones noted that there were no protesters at the
previous meeting. A plat of survey (Exhibit A-1) was submitted.

Protestants: None.

Board Action:
On MOTION of BOLZE, 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 (Bolzle, 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" N a distance of 89.54'; thence N 32°5°53' W a distance of 142.38'; thence N 57°54'77" E a distance of 70.00'; thence N 73°42.5' E a distance of 127.10'; thence S 32°5°53' E a distance of 250.00'; thence S 55°01'10" 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:

Variances - 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
Case No. 15247 (continued)

Mr. Chappelle inquired as to the length of time the previous carport had been on the property, and Ms. Alverson replied that it was there for a few years before the fire.

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

Protestants: None.

Board Action:

On MOTION of FULLER, the Board voted 4-0-0 (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.
Notes: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

BOA-22617

Subject Tract

19-13 02
Looking north—towards the subject site—on E. 7th St.
NOT APPROVED
FOR CONSTRUCTION
GENERAL NOTES:
REST NOTES FOR SECOND DRAWINGS

ENDWALL FRAMING: FRAME LINE 3

ENDWALL SHEETING & TRIM: FRAME LINE 3

PANELS 1-6, 9, 12 = STANDARD COLOR

NOT APPROVED FOR CONSTRUCTION

Jarrett Metzler
PROJECT MANAGER
ID: O18-237-M-Rev1
DATE: 12/23/18
ADDRESS: Tulsa, OK 74116

DATE: 12/23/18
SHEET OF
NOT APPROVED FOR CONSTRUCTION

SIDEWALL SHEETING & TRIM: FRAME LINE A

1/2" 1/2" 1/2" 1/2" 1/2" 1/2" 1/2" 1/2" 1/2" 1/2" 1/2" 1/2" 1/2" 1/2" 1/2"

SIDEWALL FRAMING: FRAME LINE A

1/2" 1/2" 1/2" 1/2" 1/2" 1/2" 1/2" 1/2" 1/2" 1/2" 1/2" 1/2" 1/2" 1/2" 1/2"

GENERAL NOTES:

- Use all standard materials as per project specifications.
- Ensure all dimensions are accurately measured.

PROJECT: Jarrett Metzler
SHEET: 0
DATE: 12/01/18
ADDRESS: Tulsa, OK 74118

DESIGN: DRAFTING: CHECK:

Q18-297.04-Rev1
APPLICATION NO: BLDR-22258-2018 *(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)*
Project Location: 7431 E 7th St S
Description: Detached Accessory Building

<table>
<thead>
<tr>
<th>INFORMATION ABOUT SUBMITTING REVISIONS</th>
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</thead>
<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>
</tr>
</tbody>
</table>

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

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.**

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

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

(continued)
Note: As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCQG 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. INCQG 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 Contruction 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.

<table>
<thead>
<tr>
<th>Prime</th>
<th>Thrifty</th>
</tr>
</thead>
<tbody>
<tr>
<td>26 Gauge</td>
<td>26 Gauge</td>
</tr>
<tr>
<td>The industry leader</td>
<td>Our least expensive option.</td>
</tr>
<tr>
<td>For a small amount more than Thrifty, upgrade to Prime.</td>
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<tr>
<td>CENTRALGUARD® PROTECTION</td>
<td>40% More Resistance Than Thrifty</td>
</tr>
<tr>
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<tr>
<td>DENT RESISTANCE</td>
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<td>RUST RESISTANCE</td>
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<td>WARRANTY</td>
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<td></td>
<td>30 Year Chalk &amp; Fade</td>
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<td>40 Year Paint Adhesion</td>
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<td>NO Rust-Through</td>
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<td>NO Chalk &amp; Fade</td>
<td></td>
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<tr>
<td>20 Year Paint Adhesion</td>
<td></td>
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</tbody>
</table>

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

![CentralGuard®](image)
Hello Amy,

Good morning. Thanks for your help yesterday and wanted to check back with you to see if 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@gmail.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?
Hello Amy,

Good morning. I have a few items to add to the packet in preparation of the June 11 meeting. I found that the property at 7711 E 4th Pl that I previously provided as an example shows a picture dated 1994 on the Tax Assessor’s website. I am assuming that they did go through the Permit process since the Tax Assessors office has a record of it. Would you be able to verify it? I believe you previously stated that there was no record of a variance exception. Have attached a screen shot from the Tax Assessors website.

In addition, as previously stated in the previous BOA meetings, I am a person with a disability which is why I have requested the larger garage and taller walls. This is to accommodate a car lift and shelving units on the walls for car parts, etc.

Per Department of Justice and Housing and Urban Development - as a person with a disability I am requesting the city to make reasonable accommodation in their zoning regulations for me to enjoy the use of this dwelling. Please see attached the DOJ and HUD documentation. As for verification of my disability - in the past I have utilized the services of Vocational Rehabilitation for my education. Also, I am currently serving as Board of Directors President for Ability Resources which has a Federal requirement of the majority of the Board being persons with a disability. Since I meet both the State and Federal guidelines of being a person with a disability - this would also apply to the City of Tulsa.

https://www.hud.gov/program_offices/fair_housing_equal_opp/reasonable_accommodations_and_modifications
https://www.justice.gov/crt/us-department-housing-and-urban-development

Thanks,

Jarrett Metzler

On Tue, May 7, 2019 at 2:42 PM Ulmer, Amy <aulmer@incog.org> wrote:

Jarrett,

I will add this new exhibit to the case file. Yes, I did include the examples you sent me with my staff report to be put into the agenda packet. Also, I cannot find any Board history/ approval associated with the property at 7401 E. 7th St. Let me know if you have any other questions.
REASONABLE ACCOMMODATIONS AND MODIFICATIONS

Federal nondiscrimination laws require housing providers to grant requests for reasonable accommodations and modifications in housing, programs, and activities.

Rights and Obligations Under Federal Law

Reasonable Accommodations

Reasonable Modifications

Examples

Questions and Answers

Additional Resources

Rights and Obligations Under Federal Law

Various federal laws require housing providers to make reasonable accommodations and reasonable modifications for individuals with disabilities. Federal nondiscrimination laws that protect against disability discrimination cover not only tenants and home seekers with disabilities, but also buyers and renters without disabilities who live or are associated with individuals with disabilities. These laws also prohibit housing providers from refusing residency to persons with disabilities, or placing conditions on their residency, because they require reasonable accommodations or modifications.

The Fair Housing Act

Under the Fair Housing Act a reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service. The Fair Housing Act makes it unlawful to refuse to make reasonable accommodations to rules, policies, practices, or services when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling and public and common use areas.
In addition, the Fair Housing Act prohibits a housing provider from refusing to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises.

Section 504

Unlike the Fair Housing Act, Section 504 does not distinguish between reasonable accommodations and reasonable modifications. Instead, both are captured by the term "reasonable accommodations. Under Section 504, the requirement to make reasonable accommodations applies to any changes that may be necessary to provide equal opportunity to participate in any federally-assisted program or activity. This includes a change, adaptation or modification to a policy, program, service, facility, or workplace which will allow a qualified person with a disability to participate fully in a program, take advantage of a service, live in housing, or perform a job. Reasonable accommodations also include any structural changes that may be necessary. Reasonable accommodations may include changes which may be necessary in order for the person with a disability to use and enjoy a dwelling, including public and common use spaces, or participate in the federally-assisted program or activity. Under Section 504, reasonable accommodations must be provided and paid for by the housing provider unless providing them would be an undue financial and administrative burden or a fundamental alteration of the program. In such cases, the provider is still required to provide any other reasonable accommodation up to the point that would not result in an undue financial and administrative burden on the particular recipient and/or constitute a fundamental alteration of the program. In addition to the statutory requirement to make reasonable accommodations under Section 504, HUD's Section 504 regulation provides for making "housing adjustments" at 24 C.F.R. § 8.33.

Americans with Disabilities Act (ADA)

Similar to and based upon the Section 504 reasonable accommodation requirement, Titles II and III of the ADA require public entities and public accommodations to make reasonable modifications to policies, practices, or procedures to avoid discrimination. This obligation applies unless the public entity can demonstrate that the modifications would fundamentally alter the nature of its service, program, or activity (Title II), or the public accommodation can demonstrate that making the modifications would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations (Title III). For more information, see the Department of Justice ADA page.
Reasonable Accommodations

A reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with disabilities to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces, or to fulfill their program obligations. Please note that the ADA often refers to these types of accommodations as “modifications.”

Any change in the way things are customarily done that enables a person with disabilities to enjoy housing opportunities or to meet program requirements is a reasonable accommodation. In other words, reasonable accommodations eliminate barriers that prevent persons with disabilities from fully participating in housing opportunities, including both private housing and in federally-assisted programs or activities. Housing providers may not require persons with disabilities to pay extra fees or deposits or place any other special conditions or requirements as a condition of receiving a reasonable accommodation.

Since rules, policies, practices, and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities exactly the same as others will sometimes deny persons with disabilities an equal opportunity to enjoy a dwelling or participate in the program. Not all persons with disabilities will have a need to request a reasonable accommodation. However, all persons with disabilities have a right to request or be provided a reasonable accommodation at any time.

Under Section 504 and the ADA, public housing agencies, other federally-assisted housing providers, and state or local government entities are required to provide and pay for structural modifications as reasonable accommodations/modifications.

Reasonable Modifications

Under the Fair Housing Act, a reasonable modification is a structural change made to existing premises, occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment of the premises. Reasonable modifications can include structural changes to interiors and exteriors of dwellings and to common and public use areas. Examples include the installation of a ramp into a building, lowering the entry threshold of a unit, or the installation of grab bars in a bathroom. Under the Fair Housing Act, prohibited discrimination includes a refusal to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises.
Under Section 504, a housing provider is required to provide and pay for the structural modification as a reasonable accommodation unless it amounts to an undue financial and administrative burden or a fundamental alteration of the program. If an undue burden or fundamental alteration exists, the recipient is still required to provide any other reasonable accommodation up to the point that would not result in an undue financial and administrative burden on the particular recipient and/or constitute a fundamental alteration of the program.

For more information, visit Section 504 Frequently Asked Questions page.

Note: This requirement to accommodate an individual’s request for accessible features under Section 504 is separate from a recipient’s affirmative obligation to provide program access and to have an inventory of accessible units available for persons with disabilities. Similarly, under the Fair Housing Act, there are design and construction requirements for covered properties irrespective of the requirement to provide reasonable modifications. Additional information on these physical accessibility requirements is available on the Physical Accessibility page.

Examples

- Assigning an accessible parking space for a person with a mobility impairment
- Permitting a tenant to transfer to a ground-floor unit
- Adjusting a rent payment schedule to accommodate when an individual receives income assistance
- Adding a grab bar to a tenant’s bathroom
- Permitting an applicant to submit a housing application via a different means
- Permitting an assistance animal in a “no pets” building for a person who is deaf, blind, has seizures, or has a mental disability. Additional information about assistance animals is available here.

Questions and Answers

Who must comply with these requirements?

The requirement to provide reasonable accommodations and modifications applies to, but is not limited to individuals, corporations, associations and others involved in the provision of housing or residential lending, including property owners, housing managers, homeowners and condominium associations, lenders, real estate agents, and brokerage services. This also applies to state and local governments, including in the context of exclusionary zoning or other land-use decisions.

When is a reasonable accommodation or modification necessary?
A requested accommodation or modification may be necessary when there is an identifiable relationship, or nexus, between the requested accommodation or modification and the individual’s disability.

**What information may a provider seek when a reasonable accommodation or modification is requested?**

A provider is entitled to obtain information that is necessary to evaluate if a requested reasonable accommodation or modification may be necessary because of a disability. If a person’s disability is obvious, readily apparent, or otherwise known to the provider, and if the need for the requested accommodation or modification is also readily apparent or known, then the provider may not request any additional information. If the disability and/or the disability-related need for the requested accommodation or modification is not known or obvious, the provider may request only information that is necessary to evaluate the disability and/or disability-related need for the accommodation. This information may be from the requesting individual, medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual’s disability. In most cases, an individual’s medical records or detailed information about the nature of a person's disability is not necessary for this inquiry and may be inappropriate.

**When may a housing provider deny a requested accommodation or modification?**

A housing provider can deny a request for a reasonable accommodation or modification if the request was not made by or on behalf of a person with a disability or if there is no disability-related need for the accommodation or modification. In addition, a request for a reasonable accommodation or modification may be denied if providing the accommodation or modification would impose an undue financial and administrative burden on the housing provider or it would fundamentally alter the nature of the housing provider’s program. The determination of undue financial and administrative burden must be made on a case-by-case basis involving various factors. If an undue burden or fundamental alteration exists, the housing provider is still required to provide any other reasonable accommodation up to the point that would not result in an undue financial and administrative burden on the particular housing provider and/or constitute a fundamental alteration of the program.

When a housing provider denies a requested accommodation or modification, the provider should discuss with the requester whether there is an alternative accommodation or modification that would effectively address the requester’s disability-related needs without a fundamental alteration to the provider’s operations and without imposing an undue financial and administrative burden. As part of this interactive process, the housing provider should recognize that the individual requesting the accommodation or modification is most familiar with his or her disability and is in the best position to
determine what type of aid or service will be effective to meet a disability-related need. These discussions often result in an effective accommodation or modification for the requester that does not pose an undue financial and administrative burden for the provider.

**What can I do if my housing provider did not acknowledge my request or denied my request, or we could not reach an agreement regarding my request for a reasonable accommodation or reasonable modification?**

A provider has an obligation to provide prompt responses to reasonable accommodation requests. An undue delay in responding to a reasonable accommodation request may be deemed to be a failure to provide a reasonable accommodation. A failure to reach an agreement on an accommodation request is in effect a decision by the provider not to grant the requested accommodation. When a person with a disability believes that he or she has been subjected to a discriminatory housing practice, including a provider’s wrongful denial of a request for reasonable accommodation, he or she may file a complaint with FHEO. If the individual who was denied an accommodation files a complaint with FHEO to challenge that decision, then HUD (or the state or local agency receiving the complaint) will review the evidence in light of applicable law and assess whether the housing provider violated that law.

**Additional Resources**

Joint Statement of HUD and DOJ on Reasonable Accommodations

Joint Statement of HUD and DOJ on Reasonable Modifications

Notice on Service Animals and Assistance Animals for People with Disabilities in Housing and HUD-Funded Programs

Back to FHEO Home
Board of Directors

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Beth Venus, New Century Hospice of Tulsa

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BOA-22619 – CHRISTIAN HARVELL

THE APPLICANT HAS WITHDRAWN THE APPLICATION
BOARD OF ADJUSTMENT
CASE REPORT

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

HEARING DATE: 06/11/2019 1:00 PM (continued from 05/14/2019)

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 ZONED: RS-3

PRESENT USE: residential 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.
CURRENT STAFF COMMENTS:
The Board continued #BOA-22626 to the 6/11/19 meeting to allow time for the applicant to present a structural engineer’s report regarding the front addition of the existing house.

PREVIOUS 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 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."

REVISED 6/3/2019
Note: Graphic overlays may not precisely align with physical features on the ground.
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
Ulmer, Amy

From: Barbara Carson <barbaracarsonlaw@gmail.com>
Sent: Wednesday, May 1, 2019 2:01 PM
To: Ulmer, Amy
Subject: Re: BOA-22626 Site Plan Inquiry
Attachments: 252 S Quebec Sketch 2019-05-01.pdf

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) 605-8862

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 50. Regulations governing accessory uses and structures can be found in Chapter 45.

Table 5-3: R District Lot and Building Regulations

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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>
<th>RS-6</th>
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<th>RT</th>
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<td>13,500</td>
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<td>6,000</td>
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<td>Patio house</td>
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**Table Notes**

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

1. See Section 40.240 for detailed regulations governing mobile home parks.
2. Minimum street frontage requirements apply to townhouse developments, not individual townhouse units. Cottage house developments require minimum street frontage of 75 feet. Minimum street frontage requirements do not apply to nonresidential uses.
3. For detached houses and duplexes on corner lots, the minimum side street setback along a non-arterial street may be reduced to 15 feet, provided that the minimum setback for street-facing garage doors is 20 feet or 20 feet from the back of the sidewalk, whichever is greater. The street setback specified in Table 5.3 applies along the other street.

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CITY HALL AT ONE TECHNOLOGY CENTER
City of Tulsa, 175 E 2nd St, Suite 590 Tulsa, OK 74103
www.cityoftulsa.org
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: BoA-22626

[Signature]
Applicant's Signature

Date: 4.3.19

Approved by: __________________________

4.16
I am writing about the board of adjustments decision on the property at 252 South Quebec in Tulsa, Ok. I live caddy corner to this property, and have for 40 years. The man who owned it until recently having lost in a reverse mortgage, built all the extensions without permits. The north side of the driveway and carport are on the neighbor’s property. I can’t say when they were built, as they went up little by little over time. My partner and I are registered voters, and want the request to leave it as is denied! It slowly grew to be a monstrosity, and is an eyesore in the neighborhood.

Sincerely, Diane Denham and Michelle Richison 257 S Quebec. If you need photos before the Tuesday meeting, I would be happy to provide them. Thank you!
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9211
CZM: 36
CD: 4

HEARING DATE: 06/11/2019 1:00 PM

APPLICANT: Elizabeth Koelle

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: 1215 S HOUSTON AV W; 1213 S HOUSTON AV W ZONED: CH

PRESENT USE: vacant

TRACT SIZE: 8032.5 SQ FT

LEGAL DESCRIPTION: S 43 OF W 97.5 LT 4 BLK 15; S 10 OF W 97.5 LT 3 & N 29 OF W 97.5 LT 4 BLK 15, LINDSEY THIRD ADDN

RELEVANT PREVIOUS ACTIONS: NONE

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

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 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 formerly a daycare center and bounded by a small commercial strip center to the North, a barber shop to the South and residential properties to the East and West. The subject Tract is roughly 150' from W 12th St which serves as a frontage road for the South leg of the Inner Dispersal Loop.
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 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 exist presently, 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.
INCOG Marijuana Dispensary Separation Verification

Uptown Wellness has Oklahoma Medical Marijuana Authority (OMMA) medical dispensary license #:DAAA-4KEA-G8SD.

We are seeking the necessary permits to open a medical marijuana dispensary at 1215 S Houston Ave, Tulsa 74127.

This location is zoned CH.

There are no other medical marijuana dispensaries located within 1000 feet of any corner of our building.

We verified this using the latest OMMA dispensary list, dated April 17, 2019. We plotted all the dispensaries in the 74127 zip code where we are located, and in the adjacent zip codes 74119 and 74103.

On page 2, we included a map showing our location and the surrounding zip codes. The green circle shows the 1000 ft radius prohibited area. We included the OMMA listings on pages 3-5. The map shows that there are no other medical marijuana dispensaries on the map, let alone within 1000 feet of our location.

The location of the closest licensed dispensaries in relation to Uptown Wellness are:

**Zip code 7127** (listings on page 5)
NKO Retail, 3313 Charles Page Blvd [1.8 miles away]

Jake’s Beyond Bud, 6524 Charles Page Blvd [3.8 miles away]

**Zip code 74103** (listings on page 3)
4Evergreen, 224 N Boulder Ave [1.0 miles away]

Black Rain, 15 E Mathew Brady St [1.0 miles away]

**Zip code 74119** (listings on page 4)
No dispensaries are licensed in Zip Code 74119.
Attn: Amy Ulmer - All Known Businesses within 1000' of Uptown Wellness, 1215 S Houston Ave, Tulsa 741227

Lizz Koelle  Phone: 918-852-6872  420.uptown.wellness@gmail.com

#1 Lookin Good Barbership, 1217 S Houston Ave, 74127
#2 Stop -N-Save convenience store, 634 W 12th Street, 74127
#3 Emmaus Community, 632 W 12th Street, 74127
#4 Coco Massage, 630 W 12th Street, 74127
#5 Galveston Law Center, 1219 S Galveston Ave, 74127
#6 Holy Trinity Greek Orthodox Church, 1222 S Guthrie Ave, 74119
#7 Family Childrens Services, 791 S Houston Ave, 74103
#8 OSU Medical Center, 802 S. Jackson Ave, 74127
#9 Walgreen's Pharmacy, 717 S Houston Ave, 74127
#10 Baxter's Interurban Grill, 717 S Houston Ave, 74127
#11 OSU Medical Center, 717 S Houston Ave, 74127
#12 Jemb Enterprises, 1405 S Galveston Ave, 74127
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ZONING CLEARANCE PLAN REVIEW

April 17, 2019

Phone: 918.892.1961

CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER
TEL (918)596-9688
c Lange@cityoftulsa.org

LOD Number: 1
Elizabeth Koelle
1215 S Houston Ave
Tulsa, OK 74127

APPLICATION NO: COO-029458-2109
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 1215 S Houston Ave
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.

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) 584-7528.

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.).
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-029458-2019 1215 S Houston Ave April 17, 2019

Note: As provided for in Section 70.130 you may request the Board of Adjustment (BOA) 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, separation distance, 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 684-7526. 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:

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: 0317
CZM: 22
CD: 1

Case Number: BOA-22650

HEARING DATE: 06/11/2019 1:00 PM

APPLICANT: Julio Miranda

ACTION REQUESTED: Special Exception to permit a carport in the street setback and street yard and to exceed the allowable height requirements and to exceed 20 ft. in length (Sec. 90.090-C.1).

LOCATION: 4233 N EVANSTON PL E
ZONED: RS-3

PRESENT USE: Residential
TRACT SIZE: 8319.99 SQ FT

LEGAL DESCRIPTION: LT 24 BLK 10, LAKE-VIEW HGTS AMD RESUB PRT B1-2 & B3-6

RELEVANT PREVIOUS ACTIONS:

Subject Property: None

Surrounding Area:

BOA-15363; On 02.01.1990, The Board approved a Variance of the maximum 20% rear yard lot coverage permitted with detached accessory building from 522 sf to 600 sf. Located 2888 E 43rd St N (Roughly 100' NW of Subject Property).

BOA-22176; on 12.13.2016, The Board approved a Special Exception to permit to carports in the front (street) yard with a modification of the requirement that all sides of the carport be open and unobstructed. Located 2867 East 44th Pl. N (Roughly 500' S of Subject property).

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

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 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.

REVISED 6/3/2019
ANALYSIS OF SURROUNDING AREA: The subject tract is a single-family residence bounded by other single-family residences to the North, West and South and Highway 75 right-of-way to the East. I was only able to find 1 other carport that was granted a special exception for a carport in the Subdivision (BOA-22176). There is an existing non-conforming carport in the area, located at 4135 N Evanston, approximately 500’ South of the subject property. Immediately North of the subject property there is a non-conforming gazebo in the front yard of the adjacent lot as seen in the attached picture. Most of the lots in this addition do not have garages and they consistently have carports that align with the principal structure and do not protrude past the building line.

STAFF COMMENTS:
Per the zoning code a special exception is required to permit a carport in the Street Yard and street setback subject to the conditions below that can be adjusted through a Special Exception (sec. 90.090-C1).

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

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

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

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

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

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

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

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

REVISED 6/3/2019
The applicant is requesting a special exception to permit the carport in the street yard and street setback and to allow the carport to be greater than 8 feet at its perimeter and to exceed 8 feet in height within 10 feet of the side lot line and to exceed 20' in length. The requested carport would be 9' at its perimeter. The applicant did not note the height of the carport at its highest point, but it does not appear to exceed 18 feet in height. The applicant did not provide the total length of the carport including the existing carport and may not need the requested relief if he can verify that at the meeting.

The Code's limitation on the carport size is intended to ensure that carports located within front yards are compatible with a minimum desired residential character found in the neighborhood and don't consume an entire required front yard eclipsing the presence of the home on the streetscape.

**Sample Motion for a Special Exception**

Move to ________ (approve/deny) a **Special Exception** to permit a carport in the street setback and street yard and to exceed the allowable height requirements and to exceed 20 ft. in length (Sec. 90.090-C.1).

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

- Subject to the following conditions (including time limitation, if any):

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
LT 7 BLK 8, MAPLEWOOD 2ND ADDN OF TR A POLSTON ACRES, City of Tulsa, Tulsa County, State of Oklahoma

22176—Lety Bustos

Action Requested:
Special Exception to permit two carports in the front (street) yard with a modification of the requirement that all sides of the carport be open and unobstructed (Section 90.090-C). LOCATION: 2867 East 44th Place North (CD 1)

Presentation:
Lety Bustos, 7128 North Trenton Avenue, Tulsa, OK; stated she would like to have two carports on the subject house.

Mr. Van De Wiele asked if the property was a duplex. Ms. Bustos stated that it is not a duplex.

Mr. White asked Ms. Bustos if she was going to add to the existing carports. Ms. Bustos stated that she is not going to add to the existing carports.

Interested Parties:
Delores Gibbons, 2873 East 44th Place North, Tulsa, OK; stated that the two carports block her view and it should not. She has no objections to the two carports but they are blocking her view. The owners are making the subject property a shop and it is not zoned for a work shop. Ms. Gibbons stated that she has to walk all the way to the curb to see her grandchildren get off the school bus and she should not have to do that. She is not aware of any closed in carports in the neighborhood. Ms. Gibbons stated that she is opposed to this request.

Rebuttal:
Lety Bustos came forward and stated there is a side on the carport but she is willing to have it removed. Ms. Bustos agreed the carport should not be blocking the view of anything.

Comments and Questions:
None.

Board Action:
On MOTION of WHITE, the Board voted 4-0-0 (Back, Bond, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Flanagan absent) to APPROVE the request for a Special Exception to permit two carports in the front (street) yard with a modification of the requirement that all sides of the carport be open and unobstructed (Section 90.090-C), subject to “as built”. The two carport sides are to be unobstructed and open with the siding on the carports currently be removed. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code, and will not
be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LT 32 BLK 4, LAKE-VIEW HGTS AMD RESUB PRT B1-2 & B3-6, City of Tulsa, Tulsa County, State of Oklahoma

22179—John Gabarino, III

Action Requested:
Verification of the 300 foot spacing requirement for a bar from public parks, schools, and religious assemblies and 50 feet from an R-zoned lot. LOCATION: 301 South Frankfort Avenue (CD 4)

Presentation:
John Gabarino, 1629 East 37th Street, Tulsa, OK; no formal presentation was made but the applicant was available for any questions.

Mr. Van De Wiele stated the Board is in receipt of the applicant’s spacing verification.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of WHITE, the Board voted 4-0-0 (Back, Bond, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Flanagan absent) I move that based upon the facts in this matter as they presently exist, we ACCEPT the applicant’s verification of spacing for the proposed bar subject to the action of the Board being void should another conflicting use be established prior to this bar; for the following property:

LT 8 BLK 114, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

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

OTHER BUSINESS
None.

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

NEW BUSINESS
None.
Case No. 15355 (continued)

Dorothy Brumfield, 530 East Woodrow Street, Tulsa, Oklahoma, asked the Board to deny the application and preserve the quiet and peaceful character of the neighborhood.

Applicant's Rebuttal:
Mr. Bolzle asked the applicant if the house on Frankfort Place is occupied and he replied that a church member lives there temporarily. He stated that the church is attempting to be a good neighbor, and informed that the lot would probably not be in use except on Wednesday and Sunday.

Board Action:
On MOTION of BOLZLE, the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to DENY a Special Exception to permit church uses (future parsonage, classrooms, parking area) in a residential zone - Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 5, located 2218 North Frankfort Place; and to APPROVE a Special Exception to permit church uses (future parsonage, classrooms, parking area) in a residential zone - Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 5, 2111 North Frankfort Avenue; subject to the execution of a tie contract between the property at 2111 North Frankfort Avenue and the remaining church property; finding that the bulk of the property owned by the church is along Frankfort Avenue and church use on the abutting property would be compatible with the established uses on that street; however, the removal of the house and construction of a parking lot on Frankfort Place would be an encroachment into the residential area and detrimental to the neighborhood; on the following described property:

Lot 7, Baldwin Place Addition (2111 North Frankfort Avenue);
Lot 15, Block 2, Reedlawn Addition (2218 North Frankfort Place), City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 15363

Action Requested:
Variances of the maximum 20% rear yard lot coverage permitted with detached accessory building 522 sq ft to 888 sq ft - Section 240.
YARDS - Use Unit 6, located SW/c 43rd Street North and Evanston Place.

02.01.90:556(5)
The applicant, Johnny L. Smith, 2888 East 43rd Street North, Tulsa, Oklahoma, stated that he is in the process of building a 20' by 30' carport to protect two vehicles that are being restored. He explained that there are three cars parked in the back yard, which will be removed when his brother-in-law's estate is settled in March. The applicant stated that the existing storage building will also be removed from the premises when the carport is completed. A plot plan (Exhibit J-1) was submitted.

Ms. Bradley asked Mr. Smith if he is in the car restoration business, and he replied that he is employed by Public Service and restores cars as a hobby. He informed that he began the project approximately two years ago, and has occasionally had help from a friend and relative.

Mr. Jackere asked the applicant if he has sold a car within the last two years, and Mr. Smith replied that he has not completed the restoration of a car within the last two years.

In response to Mr. Fuller, the applicant informed that the carport is 20' by 30' and is constructed with 4" by 6" wood posts, with the north side being attached to the house and the west end enclosed. He stated that the carport is 90% complete.

Ms. Hubbard advised that the applicant presently has accessory buildings covering more than 20% of the rear yard (600 sq ft carport and 288 sq ft portable building).

None.

On MOTION of BOLZLE, the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Variance of the maximum 20% rear yard lot coverage permitted with detached accessory building from 522 sq ft to 600 sq ft - Section 240. YARDS - Use Unit 6; per plot plan submitted; subject to removal of the portable building upon completion of the carport; subject to the execution of a Restrictive Covenant prohibiting the use of the carport for commercial activities; finding a hardship demonstrated by the irregular shape of the property; and the corner lot location; on the following described property:

Lot 1, Block 7, Lakeview Heights Addition, City of Tulsa, Tulsa County, Oklahoma.
Subject Property—looking east on N. Evanston Pl.

View from subject property—looking south
Non-conforming Gazebo immediately adjacent to the subject property

Existing carport south of the subject property
Plans per BLDR-20380-2018
page 2 of 3
APPLICATION NO: BLDR-20380-2018 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Project Location: 4233 N Evanston Pl
Description: Carport

INFORMATION ABOUT SUBMITTING REVISIONS

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

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

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

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

IMPORTANT INFORMATION

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

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

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

(continued)
Special exception approval required; see §90.090-C1.

1. Sec.90.090-C1 Carports: Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures of Section 70.120. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception process:

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

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

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

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

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

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

g. The entire area under a carport may be used only for storage of operable, licensed motor vehicles (i.e., cars, boats, pickup trucks, vans, sport utility vehicles), which are customarily accessory to the dwelling. No other use of the carport area is allowed.
Review comment: The proposed carport is located in the street setback area and requires special exception granted by the BOA. Please contact an INCOG representative at 918-584-7526 for further assistance. Please note: the regulations underlined above must be addressed as part of the special exception process as the proposed structure is not in compliance with said regulations as submitted. If approved, submit a copy of the approved special exception as a revision to your application.

This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter. A hard copy of this letter is available upon request by the applicant.

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

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: 8326
CZM: 57
CD: 8

HEARING DATE: 06/11/2019 1:00 PM

APPLICANT: Robin Stanley

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: 8010 E 106 ST S
ZONED: CS,OL

PRESENT USE: commercial center
TRACT SIZE: 58571.02 SQ FT

LEGAL DESCRIPTION: LTS 21 & 22 BLK 1, AVALON PARK ON MEMORIAL PRT RSB TRINITY ADD AMD

RELEVANT PREVIOUS ACTIONS: NONE

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

Regional Centers are mid-rise mixed-use areas for large-scale employment, retail, and civic or educational uses. These areas attract workers and visitors from around the region and are key transit hubs; station areas can include housing, retail, entertainment, and other amenities. Automobile parking is provided on-street and in shared lots. Most Regional Centers include a parking management district.

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 apart of a commercial/office development located at the SW/c of S Memorial Drive and E. 106th St S. After a site visit staff did not see any evidence that would indicate another medical marijuana dispensary is operating within 1,000' of the subject property.

STAFF COMMENTS:

The applicant is proposing to convert an existing business 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/OL/PUD 370-B district from other medical marijuana dispensaries (Section 40.225-D).

Per the Code and PUD Standards, a medical marijuana dispensary is permitted by right inside PUD 370-B 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 exist presently, 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-22651

18-13 26

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.
View looking northeast from subject property

View of subject property facing south
Measure distance
Total distance: 1,173.69 ft (357.74 m)
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ZONING CLEARANCE PLAN REVIEW

April 26, 2019

Susan Kapuchuck
7727 E 28 CT
Tulsa, OK 74129

APPLICATION NO: COO-030152-2019

Location: 8010 E 106 ST
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.

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)
Note: As provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning separation distance acceptance and all questions regarding BOA application forms and fees to the INCOG BOA Planner at 918-584-7526. It is your responsibility to submit to our office documentation of any decisions by the BOA 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. Please direct all questions concerning separation distance acceptance and all questions regarding BOA application forms and fees to the INCOG BOA Planner at 918-584-7526. The separation required under Sec.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 Department of Health prior to December 1, 2018 for the particular location.

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: 9335
CZM: 48
CD: 7

HEARING DATE: 06/11/2019 1:00 PM

APPLICANT: Robin Stanley

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: 6026 S MEMORIAL DR E (overall parcel; 6024 S MEMORIAL DR E (tenant space)

ZONED: CH

PRESENT USE: commercial center

TRACT SIZE: 43290.11 SQ FT

LEGAL DESCRIPTION: PRT LT 1 BLK 1 DEBORAH ADD & PRT LT 13 BLK 1 THE FALLS ADD BEG NEC LT 2 BLK 1 DEBORAH ADD TH N137.02 W233.63 S287 E75.29 N150 E160 POB, THE FALLS, DEBORAH ADDN

RELEVANT PREVIOUS ACTIONS: None

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

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

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. 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 to the north and west; a CS zoned lot to the south; S. Memorial Dr. abuts the property to the east.

STAFF COMMENTS:

The applicant is proposing to convert an existing business 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 inside a 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 exist presently, 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.
Subject Tract

BOA-22652
19-13 35

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

Aerial Photo Date: February 2018
Businesses within 1000' of 6024 S. Memorial

Vista Shadow Mountain Apts.  Boost Mobile
NALA Paralegal Assoc.  Which Wich Sandwiches
Kings Den  T-Mobile
At the Beach  Ultimate Reefs and Aquarium
FedEx Office  Golf Tec
T.J. Maxx  Mazzios
Honey Baked Ham  Fountains Catering
Beijing Gourmet  Pet Supplies Plus
Hooters  Sooner Loans
Geeks to the Rescue  Ziggis Coffee
Aldi's Grocery  Randall Young State Farm
One Eton Square Apts+  Triad Bank
Image Healthcare
**CHUCK LANGE**  
ZONING OFFICIAL  
PLANS EXAMINER  

**ZONING OFFICIAL**  
**PI.ANS EXAMINER**  

**TEL**  
**(918) 596-9688**  
clange@cityoftulsa.org  

**LOD Number:** 1  

**Susan Kapuchuck**  
7727 E 28 CT  
Tulsa, OK 74129  

**APPLICATION NO:** COO-030146-2019  

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  

**Location:** 6024 S Memorial Dr  
**Description:** Medical Marijuana Dispensary  

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**INFORMATION ABOUT SUBMITTING REVISIONS**  

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:  

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

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

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

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**IMPORTANT INFORMATION**  

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.  

2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.  

3. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT www.INCOG.ORG 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

COO-030146-2019
6024 S Memorial Dr
April 26, 2019

Note: As provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning separation distance acceptance and all questions regarding BOA application forms and fees to the INCOG BOA Planner at 918-584-7526. It is your responsibility to submit to our office documentation of any decisions by the BOA 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 building (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. Please direct all questions concerning separation distance acceptance and all questions regarding BOA application forms and fees to the INCOG BOA Planner at 918-584-7526. The separation required under Sec.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 Department of Health prior to December 1, 2018 for the particular location.

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.
Robin,

We spoke to and received the following communication from Mr. Alan Harju who appears to be representing the owner of the property you are leasing at 6026 S. Memorial Dr. E. He stated that you did not have their consent for this application. Unless you dispute this and are able to provide a signed letter from the property owner stating their consent to this application we will be withdrawing your spacing verification application BOA-22652.

Best,

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

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

From: Alan Harju <alan@paramounttulsa.com>
Sent: Monday, June 3, 2019 2:03 PM
To: Chapman, Austin <AChapman@incog.org>
Subject: BOA-22652 Property owner

Austin,

Thanks for visiting with me earlier. I wanted to inform you that in regards to BOA-22652 the property Owner, Copper Mountain, LLC has not consented for this space to be used as a Medical Marijuana dispensary. Our lease with this Tenant is very specific that a dispensary use is not allowed at this space and address and have informed the Tenant to this fact with a letter today.

Thank you,
Alan Harju, Managing Broker
Paramount Commercial Properties, LLC
6666 S Sheridan Rd., Suite 106
Tulsa, OK 74133
Virus-free. www.avast.com
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BOARD OF ADJUSTMENT
CASE REPORT

STR: 9202
CZM: 36
CD: 4

Case Number: BOA-22653

HEARING DATE: 06/11/2019 1:00 PM

APPLICANT: MaryJo Masterson

ACTION REQUESTED: Special Exception to allow a second story addition to a non-conforming structure due to the less than 25-foot front setback (Section 80.030-D).

LOCATION: 1314 W EASTON ST N

ZONED: RS-3

PRESENT USE: residential

TRACT SIZE: 4748.06 SQ FT

LEGAL DESCRIPTION: E 50 EA LTS 29 30 31 & E 50 S 15 LT 32 BLK 9, PARK HILL ADDN AMD

RELEVANT PREVIOUS ACTIONS:

Subject Property: None

Surrounding Property:

BOA-22395; On 02/27/2019 the Board Approved a variance to allow more than 30% coverage in the rear setback and a reduction in the setback for a garage from a public street from 20' to 3'. Located 332 N Rosedale.

BOA-1531; On 12/29/1942 the Board Approved the conversion of a Single-family dwelling unit to a two-family dwelling unit for use of quarters for an additional living unit. Located 511 N Santa Fe.

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

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 located in Owen Park which is not in a Historical Preservation overlay but is listed on the National Registry of Historic Places. This property is a part of the Amended Plat of Park Hill Addition which was platted in 1911 and consisted of original lots which did not meet the current RS-3 Standards since it was platted prior to our current Zoning Code. Many of the tracts of land in this neighborhood are non-conforming and consist of two or more of the original 25’ wide lots tied together.

**STAFF COMMENTS:**
The applicant is before the Board requesting a Special Exception to permit an second story addition to the existing house as shown on the attached plans. According to the plans the existing house has a setback of 5 ft. which is less than the required 25 ft. street setback from W. Easton Pl. Therefore, the house is considered a non-conforming structure because it does not comply with the applicable setbacks of the RS-3 district. Section 80.030-D of the Code states that horizontal and vertical extensions of an exterior wall that is nonconforming with regard to applicable setbacks may be approved in accordance with the special exception procedures. It appears the proposed expansion will not extend further into the existing 5 ft. street setback from W. Easton Pl.

**Sample Motion**
Move to ________ (approve/deny) Special Exception to allow a second story addition to a non-conforming structure due to the less than 25-foot front setback (Section 80.030-D).

- 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.
Mr. Van De Wiele stated that he would like to see a business plan and the neighbors would probably be more comfortable with the request if there were a business plan. Mr. Van De Wiele encourages Ms. Ingram to speak with the people that spoke out today, and the neighbors on either side of the subject property to give them the opportunity to support the proposal.

**Board Action:**
On MOTION of BACK, the Board voted 4-0-0 (Back, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to CONTINUE the request for a Special Exception to allow a residential/group living/transitional living center in the RS-3 District (Section 5.020); Verification of spacing for a transitional living center use (Section 40.130) to the April 10, 2018 Board of Adjustment meeting; for the following property:

LT 5 BLK 42, VALLEY VIEW ACRES SECOND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22395—David Fugate

**Action Requested:**
Variance to allow more than 30% coverage in the rear setback area; Variance to reduce the minimum side yard setback for a garage from a public street to 3 feet (Sections 5.030 and 90.090). **LOCATION:** 332 North Rosedale Avenue West (CD 4)

**Presentation:**
David Fugate, 4612 South Birmingham Avenue, Tulsa, OK; stated his clients are seeking a Variance for a new garage. They would like to demolish the old existing garage and rebuild another garage in almost the same location. The new garage will be slightly larger and slightly wider to accommodate today's automobile. The new garage will closely match the appearance of the existing house. There will also be living quarters for the resident's mother. The new garage will be in keeping with the historical nature of the house. The hardship is that the lot is small and dense, and it is located in the historical Owen Park neighborhood. The subject property is bordered on three sides by two streets and an alley.

Mr. Van De Wiele asked Mr. Fugate to confirm that he is building within his property line. Mr. Fugate stated the garage is three feet back from all property lines and behind the property lines.

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

**Comments and Questions:**
None.
Board Action:
On MOTION of FLANAGAN, the Board voted 4-0-0 (Back, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to APPROVE the request for a Variance to allow more than 30% coverage in the rear setback area; Variance to reduce the minimum side yard setback for a garage from a public street from 20 feet to 3 feet (Sections 5.030 and 90.090), subject to conceptual plan 3.9 in the agenda packet. The Board finds the hardship to be the size of the lot and the need to reconstruct an older structure to accommodate modern vehicles. The exterior construction and building materials be substantially similar to the principle residence. The living quarters in the new garage will be limited to immediate family members. 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:

S 15 LT 1 ALL LT 2 N 5 LT 3 BLK 10, PARK HILL ADDN AMD, City of Tulsa, Tulsa County, State of Oklahoma

22396—Jeremy Bates

Action Requested:
Special Exception to allow the driveway width to exceed 20 feet on the lot and in the Right-Of-Way in an RS-4 District (Section 55.090). LOCATION: 18509 East 43rd Street South (CD 6)

Presentation:
Jeremy Bates, 20964 East 38th Street, Broken Arrow, OK; stated he would like to build a house on one of the last lots in the area. There will be a three-car garage and the standard driveway width is 27 feet, and he would like to have that also.

02/27/2018-1200 (7)
This being the date set for a public hearing on the application of Wade C. Whiteside for permission to convert a single-family dwelling into a two-family dwelling, with use of quarters for an additional living unit, on Lots 21 and 22, Block 7, Park Hill Addition, and there being no protest, either written or verbal, it was

MOVED by Borochoff (Deaton) that application be granted. Roll call - All members voting yes. Carried.

This being the date set for a public hearing on the application of Maurice A. Devinna, Jr. for permission to convert a dwelling at 232 North Santa Fe Avenue, being Lots 1, 2, 3, 4, 5, 6, 7, 8, Block 14, Park Hill Addition, into a three unit apartment, with additional unit in quarters, same was opened for discussion, and there being no protest, either written or verbal, it was

MOVED by Borochoff (Deaton) that application be granted. Roll call - All members voting yes. Carried.

This being the date set for a public hearing on the application of Fred Phillips for nonconforming use of Lots 10, 11 and 12, Block 2, Buena Vista Park Addition, in order to permit conversion of dwelling at 1729 South Denver Avenue into a four-unit apartment, with additional unit in quarters or rear of property, same was opened for discussion.

Protest entered by W. L. Clark; Wilbur J. Holleman; L. E. Jackson; T. A. Hunt; E. W. Hamilton, by L. E. Jackson, and E. R. Frank, all residents of the neighborhood.

John J. Craig, owner of all of Block 12, Stonebraker Heights Addition appeared in behalf of applicant.

Action deferred to permit the board to make a personal inspection of the neighborhood.

MOVED by Deaton (Borochoff) that application be denied. Roll call - All members voting yes. Carried.

Harry Stekoll submits 86% affirmative petition of an affected area and requests further action upon application for nonconforming use of Lots 54 and 55, Block 7, South Side Addition, to permit conversion of a dwelling at 214 E. 19th Street into a four-unit apartment.

MOVED by Borochoff (Wooten) that a public hearing be called for further consideration. Roll call - All members voting yes. Carried.
Subject Tract

BOA-22653

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

Aerial Photo Date: February 2018

19-12 02
Front of house - looking south from W. Easton St. (BOA-22653)

Alley - looking south from W. Easton St. (BOA-22653)
View of backyard from alley off of W. Easton St. (BOA-22653)
DESCRIPTION:
A PART OF LOTS ONE (1), TWO (2), THREE (3), TWENTY-NINE (29), THIRTY (30), THIRTY-ONE (31) AND THIRTY-TWO (32), BLOCK NINE (9), PARK HILL AMENDED, AN ADDITION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.
APPLICATION NO: BLDR-009934-2019

Project Location: 1314 W Easton St N
Description: Addition/Interior remodel

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.incoh.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" [115 x 115] is NOT included with this letter. Please present the "Record Search" along with this letter to INCOG staff at time of applying for board of adjustment action at INCOG. Upon approval by the board of adjustment, INCOG staff will provide the approval documents to you for immediate submittal to our office. (See revisions submittal procedure above.)

(continued)
REVIEW COMMENTS

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

Application No. BLDR-009934-2019

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 INCOCG 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. INCOCG 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.

80.030-D Alterations, Enlargements and Expansions

Alterations, including enlargements and expansions, are permitted if the proposed alteration or expansion complies with all applicable lot and building regulations and does not increase the extent of the nonconformity. A building with a nonconforming street setback, for example, may be expanded to the rear as long as the rear expansion complies with applicable rear setback regulations and all other applicable lot and building regulations. Horizontal and vertical extensions of an exterior wall that is nonconforming with regard to applicable setbacks may be approved in accordance with the special exception procedures of Section 70.120.

Review Comments: You are proposing to add a second story to a structure that is non-conforming due to its front setback being less than 25' from the front property line. Apply to BOA for a special exception to allow a second story addition to a non-conforming structure or submit a site plan indicating a contextual setback per section 70.130-D will satisfy the front setback requirements.

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.

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: 8305
CZM: 52
CD: 2

HEARING DATE: 06/11/2019 1:00 PM

APPLICANT: Terence McDonald

ACTION REQUESTED: Variance to reduce the required 35’ street setback to 25.4’ to permit an existing structure (Table 5-3)

LOCATION: 6906 S GARY AV E

PRESENT USE: Residential

ZONED: RS-1

TRACT SIZE: 23143.52 SQ FT

LEGAL DESCRIPTION: LOT-7-BLK-3, TIMBERLANE HILLS ADDN RESUB PRT B1 BRANIFF HILLS

RELEVANT PREVIOUS ACTIONS:

Subject Property: None

Surrounding properties:

BOA-21155; on 10.12.2010, the Board approved a Minor Special Exception to permit a 5’ reduction of the 35’ required front yard in the RS-1 district, located 2983 East 69th St S approximately 400’ W of the subject property.

BOA-13820; on 11.07.1985, the Board approved a variance of the required setback from the centerline of Harvard Avenue from 85’ to 84’ to allow for an existing dwelling; located 3239 East 69th St. S. approximately 415’ NE of the subject property.

BOA-9786; on 12.15.1977, the Board approved a variance of the front setback requirements from 35’ to 25’ in an RS-1 district, located 2928 E. 68 St S approximately 550’ NW of the subject property.

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-1 zoning and single-family residences.

STAFF COMMENTS:
The applicant is before the Board requesting a Variance of the required street setback in the RS-1 district from 35' to 25.4' to permit an existing home as shown on the attached site plan.

Construction on the home was completed in 2002. The home was constructed over the required building line in 3 separate places with the largest encroachment being 9.6' near the front entrance. The home has existed as constructed for 17 years and the encroachments were discovered as part of a mortgage inspection plat in anticipation of selling the home.

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.

Section 70.130-H of the Code states that no variance may be approved unless 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."

10.3
REVISED06/3/2019
Case No. 21155-Duvall Architects

Action Requested:
Minor Special Exception to permit a 5 ft. reduction of the 35 ft. required front yard in the RS-1 district (Section 403). Location: 2983 East 69th Street South

Presentation:
John Duvall, 1850 South Boulder Avenue, Suite 200, Tulsa, OK; he stated he is the architect working on the project, and the reason for requesting a five foot reduction in the front yard is because it is a sweeping curve and there is no real street line. He is also trying to increase the size of the rear yard because there is a slope to the lot and he wants to be able to resolve the water runoff to the adjacent properties.

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, Stead, Van De Wiele, White "aye"; no "nays"; no "abstentions") to APPROVE the Minor Special Exception to permit a 5 ft. reduction of the 35 ft. required front yard in the RS-1 district (Section 403); 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; subject to conceptual plan 7.5; for the following described property:

LT-5-BLK-2, TIMBERLANE HILLS ADDN RESUB PRT B1 BRANIFF HILLS

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

OTHER BUSINESS:
None.

NEW BUSINESS:
None.

BOARD MEMBER COMMENTS:
None.
Case No. 13819 (continued)

Mr. Gardner informed that a 30' sign could be located on the property line if the expressway was not there, but in this case must be moved back 10'. A 50' sign would need to be set back 20'.

Protestants:
Louanna Hamill, 202 West 8th Street, Tulsa, Oklahoma, represented Burger King and stated that she is objecting to the sign in question because it will block their sign.

Frank Keating, 1 Oak Plaza, Tulsa, Oklahoma, represented the Hilton Inn and stated that his client is against the placing of the sign at the proposed location. He suggested that the sign be placed on Yale so it would advertise the Best Inn property and not the property belonging to Hilton Inn.

Terry Dean, 1210 East Knob Hill, Springfield, Missouri, pointed out that the sign on top of Burger King is higher than 50'.

Board Action:
On MOTION of WHITE and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to DENY a Variance (Section 730 - Bulk and Area Requirements In Commercial Districts - Use Unit 1221) of setback from 10' to 0' from abutting R district (1-44) to allow for a sign; and to DENY a Variance (Section 1221(a) - CS District Use Conditions of Business Signs - Use Unit 1221) to allow a 50' sign height with 0' setback; and to STRIKE a Variance (Section 730 - Bulk and Area Requirements In Commercial Districts) of lot frontage on South Yale Avenue from 150' to 56.8' and on 1-44 service road from 150' to 74.63' to allow for a lot split; on the following described property:

A strip, piece or parcel of land lying in part of the NW/4 SW/4 of Section 27, T-19-N, R-13-E, in Tulsa County, Oklahoma, said parcel of land being described by metes and bounds as follows: Beginning at a point 50.00' east of the west line and 1,050.50' south of the north line of said NW/4 SW/4 of said Section 27; N 55°13'45" E a distance of 181.39'; thence N 0°33'130" W a distance of 121.21'; thence N 89°26'30" E a distance of 74.63'; thence S 0°30'44" E a distance of 130.00'; thence N 89°26'30" E a distance of 175.47'; thence S 0°33'30" E 400'; thence N 0°33'30" W a distance of 150.00'; thence S 89°26'30" W a distance of 56.80' to the Point of Beginning and containing 63.364.18 sq. ft. or 1.4546 acres more or less.

MINOR VARIANCES AND EXCEPTIONS

Case No. 13820

Action Requested:
Variance - Section 430 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a minor variance of the required

11.07.85:451(9)
Case No. 13820 (continued)

setback from the centerline of Harvard Avenue from 85' to 84' to allow for an existing dwelling, located at 3239 East 69th Street South.

Presentation:
The applicant, Floyd Sessions, 5845 South Maplewood, Tulsa, Oklahoma, who submitted a plot plan (Exhibit E-1), explained to the Board that he sold his home on September 28, 1985 and the survey revealed that the house is 3 1/2 inches closer to the centerline of Harvard than is allowed.

Comments and Questions:
Ms. Wilson asked the applicant if he is in need of the variance to clear title and he answered in the affirmative.

Board Action:
On MOTION of WILSON and SECOND by BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the required setback from the centerline of Harvard Avenue from 85' to 84' to allow for an existing dwelling; per plot plan; on the following described property:

Lot 1, Block 1, Southern Oaks Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13831

Action Requested:
Minor Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of required lot width from 60' to 50' for a lot split approved by TMAFC, located at 6005 South 33rd West Avenue.

Comments and Questions:
Mr. Gardner informed that physically there are two single family dwellings and they are splitting the lot so they can convey title to each of the houses.

Presentation:
The applicant, Orval Cothran, 506 West 46th Street, Sand Springs, Oklahoma, stated that he is planning to sell one of his dwellings and asked the Board to grant a lot split.

Board Action:
On MOTION of WILSON and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Minor Variance (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of required lot width from 60' to 50' for a lot split approved by TMAFC; on the following described property:

11.07.85:451(10)
Office a plot plan for the additional building, and that the applicant build a 6-foot screening fence starting at the southwest corner and continuing 150' north on the following described tract:

E/2, S/2, SW/4, NE/4, SE/4; and the East 20' of the W/2, S/2, SW/4, NE/4, SE/4, LESS the East 30' and South 30' in Section 11, Township 19 North, Range 13 East, Tulsa County, Oklahoma.

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the front setback requirements from 35' to 25' in an RS-1 District located at 68th Street and Evanston Avenue.

Presentation:

The applicant H. D. Copeland, 5708 East 36th Street, applied for a variance to permit 25' front yard setbacks in the new subdivision and advised that he is the owner of the Evanston Estate Addition and is proposing to develop homes in the area. Mr. Copeland further added that he is proposing to save trees on the property and because of the shape of the lots, they are short in depth, he needs the variance. He stated that many of the buyers would also like to have a pool in the backyard and need the additional 10 feet. Mr. Copeland informed that he is proposing to install a cul-de-sac street (68th) and the 10' waiver will only affect those on the cul-de-sac. The applicant submitted a plot plan (Exhibit "H-1") showing the shape of the lots. There being a minor change in the setback line on one lot, Board Member Jolly asked the applicant to initial and date the change made on the plan.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 4-0 (Guerrero, Jolly, Smith and Walden "aye", Purser "absent") approved the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the front setback requirements from 35' to 25' subject to the plot plan as amended by the applicant, on the following described tract:

Evanston Estates Addition to the City of Tulsa, Oklahoma.

Action Requested:

Variance (Section 207 - Street Frontage Required - Under the Provisions of Section 1670) of the street frontage requirements to permit the use of a private easement as a frontage road in an AG District located south and west of 106th Street and 77th East Avenue.

12.15.77:250(12)
BOA-22654

Subject Tract

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.
Front of house - from S. Gary Ave. (BOA-22654)

View looking north into cul-de-sac (BOA-22654)
View looking south from S. Gary Ave. (BOA-22654)

View of the garage (BOA-22654)
MORTGAGE INSPECTION
PLAT

PROJECT NO.: 193744-636
MORTGAGOR: Samuel Shyam Adhikari & Laura Jean Adhikari
CLIENT: Guaranty Abstract Company
File No.: 258362

This property is located in flood zone "X-UNSHADED" as per FIRM Community Panel No. 405381 03621, as last revised October 16, 2012 & 405381 0354M, as last revised May 2, 2019.

LEGEND
B/E BURIED ELECTRIC
C/E SERVICE CABLE EASEMENT
APPROX LOCATION
B/L BUILDING LINE
D/E DRAINAGE EASEMENT
U/E UTILITY EASEMENT
E/M ELECTRIC METER
F/J/E FENCE & LANDSCAPE EASEMENT

PLAT NO. 2660

LEGAL DESCRIPTION AS PROVIDED:
LOT SEVEN (7), BLOCK THREE (3), TIMBERLANE HILLS ADDITION, A RESUBDIVISION OF PART OF BRANIFF HILLS ADDITION, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 2660, AND KNOWN AS 6906 SOUTH GARY AVENUE.

SURVEYOR'S STATEMENT
Harden & Associates, Surveying and Mapping, PC, an Oklahoma corporation, and the undersigned Registered Professional Land Surveyor, under Certificate of Authorization No. CA4656 renewal date: June 30, 2019, do hereby state that in our professional opinion the above Inspection Plat shown the dwelling as located on the premises described, that it is entirely within the described tract boundaries, and there are no encroachments thereon by visible permanent improvements, except as indicated; that the above Inspection Plat shows all recorded Plat easements and other such easements which have been disclosed by a current Title Opinion or by Commitment for Title Insurance and copies thereof provided to us; that this Inspection Plat was prepared for identification purposes only for the mortgagor and is not a Land or Boundary Line Survey; that no property corners were set, and it is not to be used or relied upon for the establishment of fence, building or other improvements; that underground or above ground utilities were not field located and therefore are not shown on this Inspection Plat unless specifically requested by the client; that this Inspection Plat is prepared solely for the client listed herein as of this date and may not be used for any subsequent loan closing, refinance, or other transaction and that no responsibility or liability is assumed herein or hereby to the present or future land owner or occupant.

Witness my hand and seal this date: 5-3-2019

Revised: _______________________________
Updated: _______________________________

5807 South Garnett Road, Suite K
Tulsa, Oklahoma 74146

HARDEN & ASSOCIATES
SURVEYING AND MAPPING, PC
(918) 234-4858 Office
(918) 893-5552 Fax

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BOARD OF ADJUSTMENT
CASE REPORT

STR: 9201
CZM: 36
CD: 4

HEARING DATE: 06/11/2019 1:00 PM

APPLICANT: Josh Schrock

ACTION REQUESTED: Verification of the 300 foot spacing requirement for a bar from schools, and religious assemblies and 50 ft. from an R-zoned lot; and a Variance to allow a bar within 300 ft of a public park (Section 40.050-A.1, 2)

LOCATION: 507 S MAIN ST E
ZONED: CBD

PRESENT USE: vacant/ mixed-use
TRACT SIZE: 7000.12 SQ FT

LEGAL DESCRIPTION: N50 LT 7 BLK 148, TULSA-ORIGINAL TOWN

RELEVANT PREVIOUS ACTIONS:

SUBJECT PROPERTY: None.

SURROUNDING PROPERTIES:

BOA-21316: On 9.03.2011 the Board Accepted a verification of spacing for an Adult Entertainment Establishment, located 427 S. Boston approximately 300' NE of the subject property.

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. 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 CBD zoning and commercial development.

**STAFF COMMENTS:**
The applicant is before the Board requesting a **Variance** of the spacing requirements for bars from public parks and a **Verification** of all other spacing requirements found in Section 40.050-A of the Code.

A bar is permitted in the CBD district as a use by right – subject to complying with the spacing requirements provided in Section Section 40.050-A of the Code. The Code provides the following spacing requirements for a bar in the CBD:

1. Public entrance doors of bars may not be located within 50 feet of any R-zoned lot, as measured in a straight line from the nearest point on the R-zoned lot (not including R-zoned expressway right-of-way) to the nearest public entrance door of the bar or the nearest portion of any outdoor seating/dining area, whichever results in a greater setback.

2. Bars may not be located within 300 feet of a public park, school or religious assembly use; the separation distance must be measured from the nearest property line of such public park, school or religious assembly use to the nearest perimeter wall of the bar.

The applicant has submitted a map indicating the required spacing radius of 300 ft from the perimeter walls of the proposed bar. There are no churches or schools within the 300' radius; however, the H.A. Chapman Green is located within the radius and considered to be a public park. If the Board is inclined to approve the variance of the spacing requirements, all other spacing requirements have been verified and can be accepted. The **Variance** must be approved prior to the acceptance of other spacing requirements.

Section 70.130-H of the Code states that no variance may be approved unless 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;
and exceptional conditions or circumstances, which are peculiar to the structure and buildings involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:


21316—Eric Richards

Action Requested:
Verification of the spacing requirements for an adult entertainment establishment in a building in the CBD district from an R district, church, school, or park (Section 1212.a.C.3) to permit a bar. Location: 427 South Boston

Presentation:
Annie Ballenger, 5818 East 77th Street, Tulsa, OK; stated this request is for a bar that is proposed for the ground floor of the PhiITower. The building is a nationally registered building and it will be an upscale bar.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of WHITE, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") it was moved that based upon the facts in this matter as they presently exist, to ACCEPT the applicant’s verification of spacing for the proposed adult entertainment establishment subject to the action of the Board being void should another conflicting use be established prior to the expansion of this adult entertainment establishment; for the following property:

LT 4 BLK 137, TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA
View of the front of building from S. Main St. (BOA-22655)

View of Chapman (BOA-22655)
Close-up view of the front of building from S. Main St. (BOA-22655)
Subject Tract

BOA-22655

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

Aerial Photo Date: February 2018
INFORMATION ABOUT SUBMITTING REVISIONS

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

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

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

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

IMPORTANT INFORMATION

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

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

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

(Continued)
### REVIEW COMMENTS

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

<table>
<thead>
<tr>
<th>Application No.</th>
<th>30155-2019</th>
<th>507 S. Main Street</th>
<th>May 10, 2019</th>
</tr>
</thead>
</table>

This letter of deficiencies covers zoning Review items only.

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

1. **Sec.40.050-A**: The proposed Brewpub is located in the CBD zoning district and is subject to the following separation distance spacing requirements:

   1. Public entrance doors of bars may not be located within 50 feet of any R-zoned lot, as measured in a straight line from the nearest point on the R-zoned lot (not including R-zoned expressway right-of-way) to the nearest public entrance door of the bar or the nearest portion of any outdoor seating/dining area, whichever results in a greater setback.
   2. Bars may not be located within 300 feet of a public park, school or religious assembly use. The separation distance required by this paragraph must be measured from the nearest property line of such public park, school or religious assembly use to the nearest perimeter wall of the bar.
   4. Religious assembly uses include all contiguous property owned or leased by the religious organization upon which the principal religious assembly building is located, regardless of any interior lot lines.
   5. Schools include all contiguous property owned or leased by the school upon which the principal school building is located, regardless of any interior lot lines.

   **Review comment**: Submit a copy of the spacing verification that has been reviewed and approved per Sec.70.110. **NOTE**: A variance, reviewed and approved per Sec.70.130, is required for any of the spacing distances that cannot be met.

2. **Sec.15.020-G** [2]: Special exception approval is required if intoxicating beverages or low-point beer are sold or served and on a lot that is within 150 feet of any residential zoning district other than R-zoned street right-of-way.

   **Review comment**: A Special Exception, reviewed and approved per Sec.70.120, is required if the brewpub is located on a lot that is within 150 feet of a residential zoning district.

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**NOTE**: Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to send the decision of any actions by the BOA or TMAPC affecting the status of your application to our office, so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

### END – ZONING CLEARANCE REVIEW

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

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

Case Number: BOA-22656

STR: 9203
CZM: 36
CD: 4

HEARING DATE: 06/11/2019 1:00 PM

APPLICANT: Ed Sharrer

ACTION REQUESTED: Variance to reduce the street (rear) setback requirement in an RS-3 district (Table 5-3).

LOCATION: 1719 W EASTON CT N

ZONED: RS-3

PRESENT USE: residential

TRACT SIZE: 5201.09 SQ FT

LEGAL DESCRIPTION: LT 5 BLK 1, IRVING PLACE

RELATIVE PREVIOUS ACTIONS:

SUBJECT PROPERTY: None

SURROUNDING PROPERTIES:

BOA-22530; on 10.23.18, the Board approved a variance to reduce the required minimum lot area and lot area per unit (Sec. 5.030-A); variance to reduce the required minimum lot width; a variance of the open space requirement; a variance to reduce the side and front street setback. Located;

BOA-19995; on 3.08.05, the Board approved a variance of the front yard requirement from 35 feet to 11 feet to allow for the establishment of a single-family dwelling in the RS-3 District.

BOA-19296; on 2.26.02, the Board denied a variance to allow a detached accessory building in the front yard; a variance of the 25' required front yard; a variance of the required 5' side yard to 0'. Located: 1715 West Easton Court

BOA-16161; on 10.27.92, the Board approved a variance of the required side yard. Located: 1906 W. Easton Ct.

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 residences on all sides.

**STAFF COMMENTS:**
The applicant is proposing to construct an addition to the rear of the existing house along E. Edison St. Please see the attached hardship statement.

Section 90.090-A.3 of the Code states that rear setbacks are measured from the rear lot line, except on double frontage lots. On double frontage lots, street setbacks apply from all property lines that abut streets. According to the Major Streets and Highways Plan, E. Edison St. is designated as an arterial street. As shown on the attached exhibit, the proposed street setback to include the new addition from E. Edison St is 20 ft.

The applicant is requesting a **Variance** to reduce the street (rear) setback requirement in an RS-3 district from 35 ft. to 20 ft. (Table 5-3).

**Sample Motion**

Move to ________ (approve/deny) a **Variance** to reduce the street (rear) setback requirement in an RS-3 district (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 following facts, favorable to the property owner, have been established:

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

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

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

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

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

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."
Mr. Van De Wiele re-entered the meeting at 4:31 P.M.
Ms. Miller re-entered the meeting at 4:31 P.M.

**Action Requested:**
- Variance to reduce the required minimum lot area and lot area per unit (Section 5.030-A);
- Variance to reduce the required minimum lot width (Section 5.030-A);
- Variance of the open space requirement (Section 5.030-A);
- Variance to reduce the side and front street setback (Section 5.030-A).

**Location:** 1614 West Edison Street North (CD 4)

Mr. Bond recused and left the meeting at 4:31 P.M.

**Presentation:**

Williams Wilkins, 21521 West 14th Street South, Sand Springs, OK; stated this lot is actually a non-conforming lot in an RS-3 District, and it was split from the lots directly to the east some time ago. It fronts along Edison Street and Union; the street along Union is divided by a median with only a single lane of access in each direction. What he is proposing is a single-family residential house on the subject lot. There was previous action on the subject property by the previous owner that changed the front yard setback, however, he could not determine what the previous owner considered to be the front yard.

Mr. Van De Wiele asked Mr. Wilkins what the little building on the southeast corner is. Mr. Wilkins stated it is a storage building or a garage for the house to the east.

Mr. Wilkins stated that he would need an adjustment of the side building setback along Union Avenue and West Edison Street while maintaining the five-foot building line to the east with a 20-foot setback in the rear yard. The City has reviewed the plans.

Mr. Van De Wiele asked Mr. Wilkins if the area on the north side of the lot is a driveway and a parking area? Mr. Wilkins answered affirmatively. Mr. Van De Wiele asked Mr. Wilkins if he would be entering in from Union and not from Edison. Mr. Wilkins answered affirmatively.
Interested Parties:
Ray Lutz, 1712 West Easton Court, Tulsa, OK; stated he has lived in the neighborhood over 30 years. The subject lot has been before the Board of Adjustment approximately ten years ago for the same reason and that request was denied because of insufficient room to build a house. This corner is a dangerous corner and there is a rise in the road near Vancouver and Edison making it hard to see. Mr. Lutz doesn’t see where a curb cut can be placed for a driveway that would be far enough away from the corner to not be an issue as well. Also, Mr. Lutz does not see where there can be sufficient parking. Mr. Lutz stated ten years ago there was a big yellow sign placed on the lot and this time there was no sign. In fact, he just became aware of this request in the last week, and a lot of the neighbors were also not aware of this action requested nor does he think the neighborhood association was aware of this. There have been investors move into the neighborhood and are flipping the houses. The plans show this house to be less than 1,600 square feet yet it shows a two-story house, so it will be a two-story almost tiny house.

Ms. Miller left the meeting at 4:39 P.M.

Mr. Van De Wiele asked Mr. Lutz if he thinks the area is supporting larger houses versus smaller houses. Mr. Lutz answered no and stated that some of the houses are being restored into their original appearances; some of the houses are close to 100 years in age. Mr. Van De Wiele stated that if the complaint is that the proposed house is too small is it being suggested that nothing be built on the lot? Mr. Lutz stated the lot does not really support that. The builder’s sign plan shows the house to be 1,590 square feet and shown as a two-story house; it will not fit into the neighborhood.

Mr. Van De Wiele stated that should the Board deny all the Variance requests the neighborhood would be left with an unbuildable lot. Mr. Lutz stated that is what happened in the first case from the previous owner where the Board denied this same kind of request.

Mr. Van De Wiele asked Ms. Ulmer about the one noted previous action that was in 2005, and it was to approve a Variance of the front yard from 35 feet to 11 feet. Ms. Ulmer stated that is correct, and that is the only relevant history she found on the subject property through her research.

Ms. Miller re-entered the meeting at 4:42 P.M.

Rebuttal:
William Wilkins came forward and stated this request was posted to the Owen Park Neighborhood Facebook page at the time the application was made. Not only was a site plan provided there but also the elevations. There was some feedback, and
everyone seemed to be approving of the request. Mr. Wilkins stated that his telephone number has been out there for the last three weeks and has been contacted by no one in the neighborhood regarding this matter. The house size is a two-story and is commensurate with the lot size; the lot size is 50 x 80. Mr. Wilkins stated he is attempting to erect a house on the subject property that is not too large in scale but just right for the neighborhood; houses in the neighborhood range from 850 square feet up to 2,300 square feet. The houses directly to the east of the subject property are probably 1,200 square feet. The two-story option was taken on to create as much green space on the lot as possible, make access as easy as possible with an arch driveway coming off Union because it is a one-way street given the median, the parking area to provide enough off-street parking and still maintain a backyard and have the utility easement space to the west. Regarding some of the other comments from Mr. Lutz in relation to the previous action, that action was taken by Mr. Simmons and his attempt was to beautify the neighborhood and get rid of the empty lot. Mr. Wilkins stated that Mr. Simmons has passed and that is one of the reasons the first action was not pursued, and another reason it was not pursued was a $15,000 investment to do a mainline sewer extension that he will be undertaking.

Comments and Questions:
None.

Board Action:
On MOTION of BACK, the Board voted 4-0-1 (Back, Radney, Ross, Van De Wiele "aye"; no "nays"; Bond "abstaining"; none absent) to APPROVE the request for an Variance to reduce the required minimum lot area and lot area per unit (Section 5.030-A); Variance to reduce the required minimum lot width (Section 5.030-A); Variance of the open space requirement (Section 5.030-A); Variance to reduce the side and front street setback (Section 5.030-A), subject to conceptual plan 11.13 of the agenda packet and the conceptual building elevations which are to be e-mailed to staff at INCOG. The Board finds the hardship to be the size of the subject property. 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:

W 50' OF LTS 1 2 & 3 BLK 4, PARK HILL ADDN AMD, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Bond re-entered the meeting at 4:49 P.M.

**22531—Gant Hinkle**

**Action Requested:**
Variance of the minimum lot width to allow for a lot split (Section 5.030-A).

**LOCATION:** 4687 South Columbia Avenue East (CD 9)

Ms. Ross recused and left the meeting at 4:50 P.M.

**Presentation:**
Nathan Cross, 2 West 2nd Street, Suite 700, Tulsa, OK; stated his client is seeking a Variance for the lot width in an RS-1 District; from 100'-0" to 77'-6". This would create two still extraordinarily large lots even after it is split. The property is not platted, and the house was built in 1950 which indicates the RS-1 designation was laid over the neighborhood. The east side of the property has an elevation drop that makes it difficult to develop. His client does not see any ability to repurpose the existing house and would like to construct two new houses. There is also a significant wooded area on the east side of the property. The plan is to create two lots, build two houses on them that will in all ways conform to RS-1 zoning but for the lot frontage. All the setbacks and bulk and area requirements will be met. The intent is to keep as many of the trees as possible because it is seen as a benefit to the existing neighborhood.

Mr. Van De Wiele asked Mr. Cross to state the hardship for this request. Mr. Cross stated that the hardship is that the property is an extraordinarily large lot that is not necessarily keeping with current development standards. The house that exists on the property does fit with the neighborhood; the house is old and is in poor repair. Mr. Cross stated that his client believes the house not salvageable.

Mr. Cross stated that at the corner of 49th and Columbia Place the Board of Adjustment approved a lot split recently. The subject property is dragging down the value of the houses of the area because of the use of the property.
Interested Parties:
Howard Joiner, 7015 East Haskell, stating he came to find out what were the applicant's plans. They were open to family oriented activities and advantageous to the community.

Tim Lewis, 7305 East Latimer Place, stated there has been a history of vandalism, when the bowling alley existed.

Mr. Dunham offered the applicant and interested parties time to discuss the application outside of the room to resolve any issues and be heard later in the meeting.

Board Action:
To be heard later in the meeting.

***********

Case No. 19994
Action Requested:
Verification of required 300 ft distance from another family day care home (Section 402.B.5.g), located: 11866 East 36th Street South.

Presentation:
Jerry Ray, 4750 Hobbyhorse Lane, stated he is the father of the applicant. He added they did a survey and did not find another home day care within 300 ft.

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

Board Action:
On Motion of Stephens, the Board voted 4-0-0 (Dunham, Stephens, Stead, Henke "aye"; no "nays"; no "abstentions"; Paddock "absent") to APPROVE a Verification of required 300 ft distance from another family day care home (Section 402.B.5.g), on the following described property:

LT 9 BLK 6, GARNETT PARK ADDN, City of Tulsa, Tulsa County, State of Oklahoma

***********

Case No. 19995
Action Requested:
Variance of front yard requirement from 35 feet to 11 feet to allow for the establishment of a single-family dwelling in the RS-3 District, SECTION 41 - Use Unit 6, located: 1612 West Edison Street.
Presentation:
Michael Simmons, 1719 West Easton Court, the subject property has been neglected with a history of code violations. They are trying to improve the neighborhood and he bought this property to improve it also. This property is unique, being the only lot facing Edison in Owen Park that would have a structure built under the current zoning code. He submitted photographs (Exhibits B-1 and B-2) to support his presentation. He pointed out one house is close to the street and the small lots. There would be no garage and the curb cut is on Union.

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

Board Action:
On Motion of Stephens, the Board voted 4-0-0 (Dunham, Stephens, Stead, Henke "aye"; no "nays"; no "abstentions"; Paddock "absent") to APPROVE a Variance of front yard requirement from 35 feet to 11 feet to allow for the establishment of a single-family dwelling in the RS-3 District, SECTION 3 -- Use Unit 6, finding the lot was created prior to the current zoning code and created a substandard lot, on the following described property:

W 50' OF LTS 1 2 & 3 BLK 4, PARK HILL ADDN AMD, City of Tulsa, Tulsa County, State of Oklahoma

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

Case No. 19996
Action Requested:
Special exception to allow Use Unit 5 - Community Center- in an SR zoned district (Section 851), located: 11545 East 43rd Street South.

Mr. Dunham abstained from Case No. 19996.

Presentation:
Josh Fowler, stated he is the Executive Vice-President of the Home Builders Association of Greater Tulsa, 11545 East 43rd Street. They were not adding onto the structure or changing the use from what they have done for years. It was found that they were originally approved for office space, but they need a special exception to have the members meetings there and comply with the code.

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

Board Action:
On Motion of Stead, the Board voted 3-0-1 (Stephens, Stead, Henke "aye"; no "nays"; Dunham "abstained"; Paddock "absent") to APPROVE a Special Exception to allow Use Unit 5 - Community Center- in an SR zoned district (Section 851), on the following described property:
Comments and Questions:
Mr. Beach commented that the design is for an attached carport. Mr. White noted that the house is built on the building line. Mr. Beach stated that any size carport would extend across the building line. Ms. Perkins asked about the existing garage. Mr. Box responded that the overhead doors on the existing garage are too narrow for cars and a shop has been set up in the garage. Mr. White noted that the lot is only 90' deep compared to larger neighboring properties.

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

Board Action:
On MOTION of Dunham, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Variance of required front yard of 25' plus ½ the planned right-of-way to 29' from the centerline, for the addition of an attached carport, restricting the size of the carport to 20' x 20', finding it would be an attached carport and the depth of the lot would make it difficult to build otherwise, on the following described property:

Lot 1, Block 12, Ridgeview Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Mr. White abstained from Case No. 19296.

Case No. 19296
Action Requested:
Variance to allow a detached accessory building in the front yard. SECTION 402.B.1.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6; a Variance of the 25' required front yard. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL AREAS; and a Variance of the required 5' side yard to 0'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located 1715 W. Easton Ct.

Presentation:
Jeffrey C. Fitts, 1715 W. Easton Ct., stated he has partially built a carport without a building permit. He wants to protect a classic car he purchased. The Neighborhood inspector asked him to stop construction. He submitted photographs (Exhibit C-1) of the carport as it exists and other carports in the neighborhood. Mr. Fitts stated he would have changed the carport to the required setback but it would have made it a 22' x 7' carport.

Interested Parties:
Robert Brasey, 1724 W. Easton Ct., stated he and the neighbors on the block have consistently made improvements. They are seeking national designation for
the historical structures in the neighborhood. He complained that the carport in question is not appropriate to the house or the neighborhood.

Gail Johnson, 1711 W. Easton Ct., stated that the applicant did not contact her regarding the new construction. She expressed concern that the structure might be partially on her property.

Allen Bates, 1715 W. Easton Ct., stated he lives on the subject property. He is in favor of the project. He stated that it was built over the driveway, not attached, and built on piers. He was confident that it was a sturdy structure, and would be complimentary to the house.

Applicant's Rebuttal:
Mr. Fitts stated that he owns eight pieces of real estate in the neighborhood. He has made substantial improvements to the house. He added there is not enough room in the back yard to put a carport. He assured the Board that the carport is on his property and not on the neighbor's lot.

Comments and Questions:
Ms. Turnbo asked for a hardship. Mr. Fitts indicated that the house does not conform to the Code, as it was built in 1925, and there are only 13' from the house to the lot line. The Board received a letter of opposition (Exhibit C-2).

Board Action:
On MOTION of Perkins, the Board voted 4-0-1 (Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; White "abstained"; no "absences") to DENY a Variance to allow a detached accessory building in the front yard; a Variance of the 25' required front yard; and a Variance of the required 5' side yard to 0', finding a lack of hardship on the following described property:

Lot 4, Block 1, Irving Place, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19297
Action Requested:
Variance of the required setback from an R zoned district for a changeable lettering sign from 200' to 80' on the west and 92' to the south. SECTION 1221.C. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs – Use Unit 11, located SE/c E. Independence & N. Memorial.

Presentation:
Roger Lister, 533 S. Rockford, with Claude Neon Signs, stated the project is for Golden Eagle Credit Union. He informed the Board they propose to put in an electronic variable message sign. The neighboring church does not object to the sign. He suggested the hardship is the uniqueness of the property.
Case No. 16159 (continued)

Board Action:

On MOTION of DOVERSPIKE, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to APPROVE a variance of the 25' setback from an abutting R district to 0' on the north and 5' on the west - SECTION 404.G.4. SPECIAL EXCEPTION USES IN THE RESIDENTIAL DISTRICTS, REQUIREMENTS - Use Unit 5, and to APPROVE a Special Exception to permit parking on a lot other than the lot containing the principal use - SECTION 1301.D. GENERAL REQUIREMENTS - Use Unit 10; per the plot plan submitted, subject to the execution of appropriate tie contracts tying the lots together, and subject to storm water management review of drainage finding the use to be in harmony with the Comprehensive Plan and area; on the following described property:

All of Block 13, less Lot 17, Eastmoor Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 16161

Action Requested:

Variance of the required side yard from 5' to 9" to permit an existing carport - SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6, located 1906 W. Easton Court.

Presentation:

The applicants, Bill and Jeanette Ward, Route 8, Box 499, Tulsa, informed they would like to sell their house. Approximately seven years ago, the old garage on the property was torn down and a carport was erected in its place. Mr. Ward submitted a photo of the subject property (Exhibit J-1) which shows there is no other place to put a garage or a carport on the property. Jeanette Ward informed she has lived on the subject property for 14 years. The people she paid to build the carport did not receive a building permit or build the structure to Code.

Comments and Questions:

Mr. Doverspike asked if there is a gutter that runs on the east side of the carport, and Mrs. Ward answered in the affirmative.

Mr. Doverspike asked if there are other carports in the immediate vicinity, and Mrs. Ward informed there are others existing on her block. She informed the carport is consistent with others in the area.

10.27.92:619(20)
Case No. 16161 (continued)

Protestants:
Cheryl Snow, 1904 West Easton Court, submitted a letter (Exhibit J-2) and some photographs (J-3) from the gentleman who lives just south of the subject property. Ms. Snow informed she lives on the east side of the subject property. She read her concerns which included a concern that the guttering is over their air space and a concern that drainage and/or overflow from the guttering could cause damage to their property or their existing garage. She informed they were not consulted when this was built so close to the property line. She informed she does not believe there is nine inches between the structure and the property line. She is concerned about selling her property in the future because of the proximity of the carport.

Don Snow, 1904 West Easton Court, informed the contractor who built the structure was the applicant's brother and father. They were not consulted about the construction of the carport.

Applicant's Rebuttal:
Mr. and Mrs. Ward discussed an easement for a shared driveway which they had released at the request of the Snow's.

Comments and Questions:
Mr. White site-checked this property and informed there are other carports on this street, and this is consistent with others in the area.

Board Action:
On MOTION of CHAPPELLE, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to APPROVE a Variance of the required side yard from 5' to 9" to permit an existing carport - SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6; subject to proper drainage and finding that the carport is not injurious to the neighborhood on the following described property:

N100' of Lot 2, Block 6, Irving Place Addition to the City of Tulsa.

Case No. 16162

Action Requested:
Variance to permit 2 ground signs per 100' of lot frontage - SECTION 1221.C.9. GENERAL USE CONDITIONS FOR BUSINESS SIGNS - Use Unit 12, located 3245 S. Harvard.

10.27.92:619(21)
Note: Graphic overlays may not precisely align with physical features on the ground.

Subject Tract BOA-22656
19-12 03

Aerial Photo Date: February 2018
View of backyard from W. Edison St. (BOA-22656)

View of backyard from sidewalk on W. Edison St. (BOA-22656)
View of driveway from W. Easton Ct. (BOA-22656)

View of front of house from W. Easton Ct. (BOA-22656)
Thank you for helping me, Amy!

Permit # BLDR-027715-2019
Address: 1719 W Easton Ct, Tulsa 74127

The non-conforming lot size of only 5,200 square feet creates a hardship. The depth of our lot is only 104’ with street frontage on both the front and rear of the property. Our house is currently set back 40'-5" from the rear property line. The 35’ setback requirement makes an addition to the house impractical without a variance. The proposed addition would otherwise meet the 20’ rear setback required by the zoning code if our property didn’t back up to a secondary arterial (Edison Street).

If you need anything else, let me know!

Ed

Ed Sharrer
Manager
Destination Districts
Tulsa Planning Office
918.579.9449
esharrer@incog.org
## Exterior Finishes Schedule

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<tr>
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**C5, Exterior Elevations 1 - 3**
- New Roof Brackets, Match Siding Brackets
- Existing Roof, Match Siding
- Gutter and Downspout
- Wood Finish, Painted
- Exterior Window, Painted, Match Siding
- Exterior Door, Painted, Match Siding

**C4, Exterior Elevations 1 - 3**
- New Roof Brackets, Match Siding Brackets
- Existing Roof, Match Siding
- Gutter and Downspout
- Wood Finish, Painted
- Exterior Window, Painted, Match Siding
- Exterior Door, Painted, Match Siding

**C3, Exterior Elevations 1 - 3**
- New Roof Brackets, Match Siding Brackets
- Existing Roof, Match Siding
- Gutter and Downspout
- Wood Finish, Painted
- Exterior Window, Painted, Match Siding
- Exterior Door, Painted, Match Siding

**C2, Exterior Elevations 1 - 3**
- New Roof Brackets, Match Siding Brackets
- Existing Roof, Match Siding
- Gutter and Downspout
- Wood Finish, Painted
- Exterior Window, Painted, Match Siding
- Exterior Door, Painted, Match Siding

**C1, Exterior Elevations 1 - 3**
- New Roof Brackets, Match Siding Brackets
- Existing Roof, Match Siding
- Gutter and Downspout
- Wood Finish, Painted
- Exterior Window, Painted, Match Siding
- Exterior Door, Painted, Match Siding

**C0, Exterior Elevations 1 - 3**
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### Review Items

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### Results per page: 10 1 - 3 of 3

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### Comments

No comments to display.

### Recommendations

No records to display.

### Corrections

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**Resolved On:**

**Comments**

5.030-A: In the RS-3 zoned district the minimum rear yard setback from an arterial street shall be 35 feet from the rear property line.

**Corrective Action**

Review Comments: Revise your plans to indicate a 35’ rear setback to the property line, or apply to INCOG for a variance to allow less than a 35’ rear setback.
BOARD OF ADJUSTMENT  
CASE REPORT

STR: 9201  
CZM: 36  
CD: 4

CASE NUMBER: BOA-22657

HEARING DATE: 06/11/2019 1:00 PM

APPLICANT: Claude Neon Federal Signs

ACTION REQUESTED: Variance to allow sign to project above the parapet wall (Section 60.040-C)

LOCATION: 120 N ELGIN AV E  
ZONED: CBD

PRESENT USE: Bank  
TRACT SIZE: 42000.16 SQ FT

LEGAL DESCRIPTION: LTS 1 - 3 BLK 44, TULSA-ORIGINAL TOWN

RELEVANT PREVIOUS ACTIONS:

SUBJECT PROPERTY: None

SURROUNDING PROPERTIES:

BOA-21465; on 8.28.2012, the Board approved a variance of the number of permitted business signs from 1 to 2 and variance of the allowed display surface area from 81.2 square feet to 107.2 square feet. Located 109 North Detroit.

BOA-21608; on 8.13.2013 the Board approved a variance to allow a projecting sign to exceed the maximum permitted height measured form the mean curb level of the lot, from 25' to 33' 6". Located 307 East Brady Street North.

BOA-16820; on 10.11.1984 the Board denied a variance to allow an outdoor advertising sign in a CBD zoned district. Located 200 East Matthew Brady St.

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. 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 CBD zoned property including commercial, office, and ONEOK Field.

STAFF COMMENTS:
The applicant is before the Board requesting a Variance to allow 4 wall signs to be located above the parapet wall of the structure. (Sec 60.040-C)

The applicant provided the following hardship statement with their application:
“Architectural plans were created to place signs on the upper level wall screens that appear as building walls.”

As shown on the attached plans and drawings, there will be an upper level feature of the building that sits above the parapet walls of the structure. The Code limits wall sign height to being no higher than the top of the parapet wall. The wall screens shown in the plans are determined to be “architectural features” and not building walls; therefore a variance is required.

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

Section 70.130-H of the Code states that no variance may be approved unless 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.”
Action Requested:
Variance of the number of permitted business signs from 1 to 2 (Section 1221.C.8.a); Variance of the allowed display surface area from 81.2 square feet to 107.2 square feet (Section 1221.E.3.b). LOCATION: 109 North Detroit Avenue (CD 4)

Presentation:
Lee Brennan, 109 North Detroit Avenue, Tulsa, OK; stated he has a restaurant and it has two signs, one on Detroit Avenue and one in the alley for the patio. Since the City does not recognize alleyways as frontage he is forced to use the Detroit Avenue side as his frontage. There is zero visibility from Detroit Avenue and it is a one-way street. He is involved in developing downtown, and the subject property is an old factory being converted to a workable restaurant.

Mr. Van De Wiele asked Mr. Brennan what type of sign is in the rear of the building. Mr. Brennan stated it is a two-sided circular sign. The sign on Detroit will be lit and shining south, and on the rear the sign will be a digital graphic.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of VAN DE WIELE, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Snyder absent) to APPROVE the request for a Variance of the number of permitted business signs from 1 to 2 (Section 1221.C.8.a); Variance of the allowed display surface area from 81.2 square feet to 107.2 square feet (Section 1221.E.3.b), and this is subject to conceptual site plan on page 9.7 for the location and on page 9.8. Finding that due to the unique size, shape and location of the property that it poses a hardship, and by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

S25 LT 5 BLK 44, S20 N75 LT 5 BLK 44, TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA
THE RUSTY CRANE
BE HERE

CUTLIST
MATERIAL

MATERIAL

MANUFACTURE AND INSTALL

PROPOSED:

CURRENT:

ST-1.0
Comments and Questions:
None.

Board Action:
On MOTION of WHITE, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Tidwell absent) to APPROVE the request for a Minor Special Exception to permit a 32 foot recreational vehicle to be parked or stored in the required front yard less than the required 12 feet from the face of the curb (Section 402.B.7.a.5.[d]). Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LT 2 BLK 4, EASTLAND PARK, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21608—Claude Neon Federal Signs

Action Requested:
Variance to allow a projecting sign to exceed the maximum permitted height measured from the mean curb level of the lot, from 25 feet to 33 feet 6 inches (Section 1221.E.1). LOCATION: 307 East Brady Street North (CD 4)

Presentation:
Bob Dale, Claude Neon Federal Signs, 1225 North Lansing Avenue, Tulsa, OK; stated he is speaking on behalf of Living Arts of Tulsa. They are located in the Brady Arts District and it is the perfect place for them. They are located in an older building and there are unique challenges to the area. Parts of the Brady District is hilly and the Living Arts building is located at the bottom of one of the hills. Because they are lower the 25 foot projecting sign ruling will put them lower than many of the other signs in the area, thus they are requesting compensation for this. The older building has an architectural feature that is unique to the era and it was designed to have a sign up higher on the building. It is requested to place the sign on the building where it belongs and have an opportunity to be more visible to the public on the street.

Mr. Van De Wiele asked Mr. Dale if the sign is lighted. Mr. Dale answered affirmatively.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of VAN DE WIELE, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Tidwell absent) to APPROVE the request for a
Variance to allow a projecting sign to exceed the maximum permitted height measured from the mean curb level of the lot, from 25 feet to 33 feet 6 inches (Section 1221.E.1), subject to conceptual plan 11.17. The Board has found the sign will be in keeping with the historical character of this older building; not only of this building but other buildings in the same vicinity. The grade change around the property also contributes to the hardship and need for raising of the sign. By reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

LT 4 & W10 VAC ALLEY ADJ ON E BLK 25, TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21609—A-MAX Sign Company, Inc.

Action Requested:
Variance to allow more than 1 sign on the west elevation (Section 602.8.4.b); Variance to allow an additional 181 square feet of display surface area for 2 wall signs on the west elevation (Section 602.8.4.c). LOCATION: 6111 East Skelly Drive South (CD 5)

Presentation:
Bruce Anderson, 9520 East 55th Place, Tulsa, OK; stated this request is for the west elevation of the Tulsa Technology and Tulsa Community College building. There are two existing signs on the west elevation which are old and dilapidated. The two existing signs will be taken down and new signs be installed in their place. Tulsa Technology and Tulsa Community College are the only two occupants in the building. The lot is a unique lot because the west side of the lot is zoned office and the east side of the lot is zoned commercial; therefore, the west side of the building requires a variance. The hardship is the unique zoning of this building and the way the lot was split.

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, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Tidwell absent) to APPROVE the request for a Variance to allow more than 1 sign on the west elevation (Section 602.8.4.b); Variance to allow an additional 181 square feet of display surface area for 2 wall signs on the
Case No. 16819 (continued)

**Presentation:**
The applicant, John K. Miller, 3721 North Garrison, submitted a plot plan (Exhibit F-2) and requested permission to construct a multipurpose building on a lot adjoining church property.

**Comments and Questions:**
Mr. Gardner asked if the existing church is located on the corner of Pine and Norfolk, and the applicant answered in the affirmative. Mr. Miller informed that the church owns four lots and the proposed building is on the fourth lot to the east.

**Protestants:**
None.

**Board Action:**
On MOTION of TURNBO, the Board voted 4-0-0 (Abbott, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to APPROVE a Special Exception to permit a church in a RS-4 zoned district and a variance of the one-acre and minimum lot width - SECTION 401. PRINCIPAL USES PERMITTED IN USE UNIT 2; per plan submitted; subject to the execution of a tie contract including all property owned by the church; finding that the lot in question abuts other church property and approval of the request will not be detrimental to the neighborhood; on the following described property:

Lot 16, Block 2, Booker Washington Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16820

**Action Requested:**
Variance to permit an outdoor advertising sign - SECTION 702. ACCESSORY USES PERMITTED IN THE COMMERCIAL DISTRICTS - Use Unit 21, located southeast corner of East Brady and North Cincinnati.

**Presentation:**
The applicant, Marshall Kottler, 10008 South Maplewood Place, was represented by Jeff Cullison, general manager for Mexicali Border Cafe, who requested that a sign (Exhibit G-1) be permitted at the corner of Cincinnati and Brady to direct customers to the location.

**Comments and Questions:**
Mr. Doverspike asked if the sign in question is 10' by 10' and 6' from the ground, and Mr. Cullison answered in the affirmative.
Case No. 16820 (continued)

In response to Ms. Russell, Mr. Cullison advised that the proposed sign will be two blocks from the restaurant.

**W. Douglas Jones**, 4400 One Williams Center, represented Brady Village Association and stated that, after contacting several landowners in the area, he found them to be supportive of the application.

**Protestants:**

**Robert Nichols**, 111 West 5th Street, informed that he is representing the owners of Spaghetti Warehouse, and pointed out that the proposed sign is directly across the street from this restaurant. He stated that a hardship has not been presented that would warrant the granting of a variance to permit the outdoor advertising sign.

**Comments and Questions:**

Mr. Gardner advised that outdoor advertising signs are permitted in a band 450' on either side of the expressway, and the sign in question is more than twice that distance from the expressway.

Mr. Jackere advised that there is also a spacing requirement between outdoor advertising signs along the freeway.

Mr. Nichols noted that the case map appears to be in error as to the location of the proposed sign.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Abbott, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **DENY** a Variance to permit an outdoor advertising sign - **SECTION 702. ACCESSORY USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 21; finding that a hardship was not demonstrated that would warrant the granting of a variance request; on the following described property:

Lots 1 and 6 and the N/2 of Lots 2 and 5, Block 43, Original Town of Tulsa, Tulsa County, Oklahoma.

**Case No. 16821**

**Action Requested:**

Variance of the required setback from the centerline of South Yale Avenue - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 12, located 6004 South Yale Avenue.
Note: Graphic overlays may not precisely align with physical features on the ground.
Vast.bank
147.42 SQ FT
see sheet N-1.0

32.09 SQ FT
see sheet N-2.0

134'-0"

124'-0"

99'-6"

103'-0"

163'-0"

PERMITTING

VAST BANK

SCALE 1/8" = 1'-0"

NORTH ELEVATION

PROJECT / CLIENT NAME:
VAST BANK

LOCATION:
DOWNTOWN TULSA, OK

ACCOUNT EXEC:
JAMES AGAIR

DESIGNER:
JOE KESTERSON

DATE OF ORIGINAL DRAWING:
FEBRUARY 19, 2019

REVISION HISTORY:
02.13.19

NORTH ELEVATION
Illuminated channel letters. Backs routed from 3/16" ACM pre-finished white. Returns are from .063 pre-finished white aluminum. Exterior of letterforms are painted to match gray (COLOR TBD) satin finish. Retainers are fabricated to hold 3/16" white Lexan face. Internally illuminated by principal white LEDs. Power supplies for LEDs installed on back of panel.

Electric: Photocell control, 1-20amp 120v electrical service to back side of panel wall. Final connections by others.
Illuminated channel letter logo. Back routed from 3/16" ACM pre-finished white. Returns from 0.03 pre-finished white aluminum. Exterior of letterforms are painted to match grey (COLOR TBD) satin finish. 1" returns are fabricated to hold 3/16" white Lexan. Internally illuminated by Principal white LEDs. Power supplies for LEDs remotely mounted in electrical room or within the building.

ELECTRICAL: Photocell control. 1-30amp 12v electrical service to back side of wall. Final connections by others.
Illuminated channel letter logo. Each routed from 3/16" ACM pre-finished white. Returns are from .063 pre-finished white aluminum. Exterior of letterforms are painted to match grey (COLOR TBD) satin finish. 1" return are fabricated to hold 3/16" white Lexan. Internally illuminated by Principal white LEDs. Power supplies for LEDs remotely mounted in electrical room or within the building.

ELECTRICAL: Photocell control, 1-70amp 120v electrical service to back side of wall. Final connections by others.

LED modules 3/16" white Lexan face
ACM back
.063 aluminum return
welded shelf to support faces
retainers

PERMITTING

ACMO DESIGN
JAMES ADAIR
DESIGNER

DOWNTOWN
TULSA, OK

BANK
VAST BANK

DATE OF ORIGINAL ISS
FEBRUARY 19, 2019

REVISED HISTORY
02.19.19 V 1.0

PROJECT/CLIENT NAME

LOCATION

REVISED TYPE DESIGN
BUILDING TOP-KD
LETTERFORMS

E-2.0
Vast Bank

Sheet 5 of 8

1/16"

134'-0" x 124'-0"

147,420 SF

Project/Client Name: VAST BANK
Location: DOWNTOWN TULSA, OK
Account Exec.: JAMES AGAIR
Designer: JOE KESTERSON
Date of Original Submission: FEBRUARY 19, 2019

REVISED BY: 02.19.19 V 1.0

PERMITTING

SOUTH ELEVATION
Vast bank

1-16 1/2" | 4-7 1/2"

Illuminated channel letters. Beds routed from 3/16" ACM pre-finished white. Returns pre form. .063 pre-finished white aluminum. Exterior of letterforms are painted to match grey (COLOR TBD) satin finish. 1" retainers are fabricated to hold 3/16" white Lexan face. Internally illuminated by Principal white LEDs. Power supplies for LEDs installed on back of panel.

ELECTRICAL: Photocell control, 1-20amp 120v electrical service to back side of panel with. Final connections by others.

PERMITTING
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.incoc.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.
REVIEWS 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-028603-2019  110 N. Elgin Avenue  April 30, 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 60.040 Sign Regulations of General Applicability

60.040-C Mounting Height of Wall Signs and Projecting Signs

Wall signs and projecting signs must be mounted so that no portion of the sign extends above the top of the parapet or building wall to which they are attached, except in those cases where the height of the parapet or building wall or the presence of architectural features will not accommodate a wall or projecting sign that is at least 3 feet in height. In such cases, the sign may extend above the parapet or building wall for a distance that will permit a sign with a height of up to 3 feet.

Review Comments: The proposed Vast Bank wall sign on the North Elevation extends above the top of the parapet wall and appears to be mounted to an architectural feature. Revise the sign to be mounted below the top of the parapet wall or you may pursue a variance from the BOA to permit a wall sign to be installed onto an architectural feature extending above the top of the parapet wall.

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 of 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
April 30, 2019

Claude Neon Federal
1225 N. Lansing Avenue
Tulsa OK 74106

APPLICATION NO:  **SIGN-028607-2018** (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)
Location:  110 N. Elgin Avenue
Description:  V. Wall Sign

**INFORMATION ABOUT SUBMITTING REVISIONS**

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

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2ND STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601.
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 (TMPC) 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)
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-028607-2019 110 N. Elgin Avenue April 30, 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 60.040 Sign Regulations of General Applicability

60.040-C Mounting Height of Wall Signs and Projecting Signs
Wall signs and projecting signs must be mounted so that no portion of the sign extends above the top of the parapet or building wall to which they are attached, except in those cases where the height of the parapet or building wall or the presence of architectural features will not accommodate a wall or projecting sign that is at least 3 feet in height. In such cases, the sign may extend above the parapet or building wall for a distance that will permit a sign with a height of up to 3 feet.

Review Comments: The proposed V. wall sign on the West elevation extends above the top of the parapet wall and appears to be mounted to an architectural feature. Revise the sign to be mounted below the top of the parapet wall or you may pursue a variance from the BOA to permit a wall sign to be installed onto an architectural feature extending above the top of the parapet wall.

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

**April 30, 2019**

**lod Number:** 1

**Claude Neon Federal**

**1225 N. Lansing Avenue**

**Tulsa OK 74106**

**APPLICATION NO:** SIGN-028600-2019 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)

**Location:** 110 N. Elgin Avenue

**Description:** V. Wall Sign

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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.

**Submit all faxed/mailed to plans examiners will not be accepted.**

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#### 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.incocg.org](http://www.incocg.org) or at INCOG offices at 2 West 2nd Street, 8th Floor, Tulsa, OK, 74103 or telephone (918) 584-7526.

3. Present this letter to INCOG when applying for Board of Adjustment or Planning Commission action.

(Continued)
REVIEW COMMENTS

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

Application No. SIGN-028600-2019 110 N. Elgin Avenue April 30, 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 60.040 Sign Regulations of General Applicability

60.040-C Mounting Height of Wall Signs and Projecting Signs
Wall signs and projecting signs must be mounted so that no portion of the sign extends above the top of the parapet or building wall to which they are attached, except in those cases where the height of the parapet or building wall or the presence of architectural features will not accommodate a wall or projecting sign that is at least 3 feet in height. In such cases, the sign may extend above the parapet or building wall for a distance that will permit a sign with a height of up to 3 feet.

Review Comments: The proposed V. wall sign on the East elevation extends above the top of the parapet wall and appears to be mounted to an architectural feature. Revise the sign to be mounted below the top of the parapet wall or you may pursue a variance from the BOA to permit a wall sign to be installed onto an architectural feature extending above the top of the parapet wall.

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 582-7526. 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

**Bob Kolibas**  
**Sign Plans Examiner**  
**Development Services**  
**175 East 2nd Street, Suite 450**  
**Tulsa, Oklahoma 74103-3227**

### Sign Plan Review

**April 30, 2019**  
**Phone: (918) 587-7171**

**Application No:** SIGN-028605-2019 *(Please reference when contacting our office)*

**Location:** 110 N. Elgin Avenue  
**Description:** Vast Bank Sign

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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.*

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**Important Information**

1. Submit two (2) sets of revised or additional plans. Revisions shall be identified with clouds and revision marks.

2. Information about zoning code, the Indian Nation Council of Government (INCOG), Board of Adjustment (BOA), and the Tulsa Metropolitan Area Planning Commission (TMAPC) is available online at [www.incog.org](http://www.incog.org) or at INCOG offices at 2 West 2nd Street, 8th Floor, Tulsa, OK, 74103 or telephone (918) 584-7526.

3. Present this letter to INCOG when applying for board of adjustment or planning commission action.

(Continued)
REVIEW COMMENTS

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

Application No. SIGN-028605-2019  110 N. Elgin Avenue  April 30, 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 60.840 Sign Regulations of General Applicability

60.040-C Mounting Height of Wall Signs and Projecting Signs
Wall signs and projecting signs must be mounted so that no portion of the sign
extends above the top of the parapet or building wall to which they are attached,
except in those cases where the height of the parapet or building wall or the
presence of architectural features will not accommodate a wall or projecting sign
that is at least 3 feet in height. In such cases, the sign may extend above the
parapet or building wall for a distance that will permit a sign with a height of up to
3 feet.

Review Comments: The proposed Vast.Bank wall sign on the South Elevation extends above the top of the parapet wall
and appears to be mounted to an architectural feature. Revise the sign to be mounted below the top of the parapet wall or
you may pursue a variance from the BOA to permit a wall sign to be installed onto an architectural feature extending
above the top of the parapet wall.

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.
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BOARD OF ADJUSTMENT
CASE REPORT

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

HEARING DATE: 06/11/2019 1:00 PM

APPLICANT: Claude Neon Federal Signs

ACTION REQUESTED: Variance of the maximum sign height for a projecting sign (Section 60.080-D)

LOCATION: 2 N ELGIN AV E
ZONED: CBD

PRESENT USE: parking
TRACT SIZE: 44495.2 SQ FT

LEGAL DESCRIPTION: PRT BLK 56 BEG 15NE SWC LT 4 TH NW131.90 NE134 NW168.10 NE11 SE132 NE140 SE168 SW285 POB BLK 56, TULSA-ORIGINAL TOWN

RELEVANT PREVIOUS ACTIONS:

Subject Property: None relevant history

Surrounding Property:

BOA-22477; on 7.10.18, the Board approved a Variance to permit a projecting sign to exceed the maximum permitted height of 35 feet to be installed 79.16 feet above grade with a 50 ft setback from S. Elgin Ave. LOCATED: 121 S. Elgin Ave.

BOA-21582: on 7.9.13 the Board approved a Variance to allow one wall sign to extend above the parapet wall in the CBD District LOCATED: 401 East 1st Street South

BOA-21565; on 5.14.13, the Board approved a Variance to allow 2 projecting wall signs above wall line in the CBD District. LOCATED: 302 E 1ST ST S

BOA-20502; on 5.8.07, the Board approved a Variance of the maximum permitted height of a promotional sign in the CBD. LOCATED: 310 E 1st ST S

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. 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 CBD zoning and a blend of downtown urban uses to include, but not limited to, office, restaurant, parking, commercial, hospitality, and municipal uses.

STAFF COMMENTS:
The applicant is requesting a Variance to permit a projecting sign to exceed the maximum allowable height of 25 feet to be installed 36.5 feet above grade with a 40 foot setback from N. Elgin Avenue (Section 60.080-D).

The applicant provided the following statement with their application: "We cannot move the projecting sign west from the center of street to add height. Location spacing does not allow for a monument sign."

The Code (Section 60.080-D) states in the CBD district on-premise projecting signs and freestanding signs on lots with frontage on major streets may not exceed 25 feet in height, except that a maximum height of 40 feet is allowed if the sign is set back from the planned right-of-way line at least one foot for each foot of sign height in excess of 25 feet. The Code limits the height of the proposed projecting sign on the subject lot to 25 ft above grade. The Code attempts to manage the presentation and impact of signage along a given corridor within the CBD district.

Sample Motion
Move to _________ (approve/deny) a Variance to permit a projecting sign to exceed the maximum allowable height of 25 feet to be installed 36.5 feet above grade with a 40 foot setback from North Elgin Avenue (Section 60.080-D).

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

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

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

b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;

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

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

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

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”
Action Requested:
Variance to permit a projecting sign to exceed the maximum permitted height of 35 feet to be installed 79.16 feet above grade with a 50-foot setback from South Elgin Avenue East (Section 60.080-D). LOCATION: 121 South Elgin Avenue East (CD 4)

Presentation:
Lori Worthington, A-MAX Sign Company, 9520 East 55th Place, Tulsa, OK; stated the request is to allow a projecting sign for Hotel Indigo. There has been a four-story building erected next to the subject property making it basically no longer visible from the downtown district. Also, there are railroad tracks and the position of the streets allows for very little visibility for the hotel.

Ms. Miller asked if this was the Santa Fe lot, and Ms. Worthington answered affirmatively.

Mr. Van De Wiele asked if this was part of the Santa Fe Development? Ms. Worthington answered affirmatively. Mr. Van De Wiele recused at this point.

Ms. Back disclosed that her former employer worked on this project and it was not one of her main projects. Ms. Back stated that she can be unbiased. Ms. Blank stated that it is sufficient to disclose.

Mr. Van De Wiele recused and left the meeting at 3:38 P.M.

Interested Parties:
There were no interested parties present.

Comments and Questions:
Ms. Ross stated that she does not have a problem with this request. This is a hotel in an area where it is very populated with residences and businesses.

Ms. Back stated that also Albert G's has a very unique sign in the area and they received quite a bit of relief for their sign in the same area.

Board Action:
On MOTION of ROSS, the Board voted 3-0-1 (Back, Bond, Ross "aye"; no "nays"; Van De Wiele "abstaining"; none absent) to APPROVE the request for a Variance to permit a projecting sign to exceed the maximum permitted height of 35 feet to be installed 79.16 feet above grade with a 50-foot setback from South Elgin Avenue East (Section 60.080-D), subject to conceptual plans 16.13, 16.14 and 16.15. The Board finds the hardship to be the four-story building placed across the street prohibiting visibility in the
downtown district and also the railroad nearby prohibits visibility from downtown. 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 BLK 85 BEG 44.50SWC BLK 85 TH NE195.50 SE95 SW240 NW69 NE44.50 NW26 POB BLK 85, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Van De Wiele re-entered the meeting at 3:42 P.M.

22478—Justin Doolin

Action Requested: Special Exception to allow the driveway width to exceed 30 feet on the lot and 20 feet in the right-of-way in an RS-1 District (Section 55.090-F.3). LOCATION: 10212 South Oswego East (CD 8)

Presentation: Justin Doolin, 10212 South Oswego Place, Tulsa, OK; stated he would like to increase the driveway for personal usage and parking. His family plays basketball in the street and there is a slope, so the balls roll down to 103rd. He thinks with the increase he would not need to park in the cul-de-sac any longer. Several driveways in the neighborhood have multiple entrances and are quite wide.

Mr. Bond left the meeting at 3:48 P.M.
**NEW BUSINESS**

21582—Chuck Gawey — dba Albert G's BBQ

**Action Requested:**
Variance to allow one (1) wall sign to extend above the parapet wall in the CBD District (Section 1221.C.11). **LOCATION:** 409 E 1ST ST S (Tenant Space: 421 E 1st St S) [CD 4]

**Presentation:**
Chuck Gawey, 2748 South Harvard, Tulsa, OK; stated he would like to install the neon sign on the building to attract business and mark his business.

Mr. White asked Mr. Gawey what his hardship is. Mr. Gawey stated that to move the proposed sign to any other place than proposed it would not have the same affect or be in keeping with the historical warehouse look of the building.

**Interested Parties:**
Peter Janzen, Acura Neon Sign Company, 1801 North Willow Avenue, Tulsa, OK; stated Synergy originally designed the awnings for the building to compliment the historical look of the building and keep in the character of the area. The restaurant is next door to McNellie's which is in a building that is approximately 110 years old. The awnings are designed similar to an old-fashioned awning and are to protect the pedestrians on the sidewalk. Mr. Janzen stated that the awnings are required as designed to be part of the building and with that there is not enough room to bring the sign below the parapet creating a hardship. An alternative that was offered by the City of Tulsa is to brick up the parapet to the height of the sign but the applicant would really like to keep the original look of the building.

**Comments and Questions:**
None.

**Board Action:**
On **MOTION** of SNYDER, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a **Variance** to allow one (1) wall sign to extend above the parapet wall in the CBD District (Section 1221.C.11), subject to per plan 5.14 pertaining to the Albert G sign. The hardship is that this is an old building and the applicant wants to keep the parapet of the building so awnings, and once the awnings were installed the sign would not fit on the wall so it must be above the parapet. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in
unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

LT 3 & E65 LT 4 BLK 76 & LT 4 BLK 77 & VAC ALLEYS & VAC FRANKFORT AVE
ADJ THEREETO, TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY,
STATE OF OKLAHOMA

20454-A—Charles Martin

Action Requested:
Special Exception to allow automobile sales (Use Unit 17) in a CS District (Section 701, Table 1); Variance to allow open air storage and display of merchandise within 300 feet of an adjoining R district (Section 1217.C.2). LOCATION: 1606 North Sheridan Road East (CD 3)

Presentation:
Charles Martin, P. O. Box 3463, Broken Arrow, OK (18210 East 48th Place, Tulsa, OK); stated he has purchased the subject property and was informed that the existing zoning expired.

Mr. Van De Wiele asked Mr. Martin if he planned on having auto repairs. Mr. Martin stated that it would be in house only for the existing cars that were to be sold. The building has a two-bay garage with a lift and there would be supporting activity for a car lot.

Mr. Van De Wiele asked Mr. Swiney if the request could be re-instated or does the Board need a new finding for a hardship? Mr. Swiney stated that it was not so much a hardship that must be found but an extraordinary or unusual condition whereby a literal enforcement of the code would be a hardship. On page 6.4 in the Board’s packet it is stated that the subject property is very shallow and the literal interpretation of the code would not permit outside display of merchandise anywhere on the property. That, perhaps, would be the extraordinary circumstance the Board needs.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of WHITE, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to APPROVE the request for a
circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

LT 7 BLK 5, MAPLE PARK ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21565—Dale Bennett

Action Requested
Variance to allow 2 projecting wall signs to extend above the parapet wall in the CBD District (Section 1221.C.11). LOCATION: 302 East 1st Street South (CD 4)

Presentation:
Dale Bennett, Claude Neon Federal Sign Company, 1225 North Lansing, Tulsa, OK; stated the request is to allow two projecting wall signs be raised 2'-11" above the roof line but not past the parapet line of the building.

Interested Parties:
Seth Nimmo, Rib Crib, 8802 East 110th Place, Tulsa, OK; stated the BBQ arrows on the proposed do not extend above the highest point of the second parapet but will extend above the lower parapet wall. He respectfully requests for the Board’s approval on this project.

Michael Sager, 328 East 1st Street, Tulsa, OK; stated he is the closest party to this building in every direction, and he is absolutely in favor of the redevelopment of this space. Mr. Sager owns the buildings to the east and south, and the building across the street west of the subject property. The building that he owns to the east of the subject property is only about eight inches away and his building has windows facing the proposed project, and he is fully in favor of the proposed sing locations.

Comments and Questions:
None.

Mr. Van De Wiele re-entered the meeting at 1:43 P.M.
Board Action:
On MOTION of SNYDER, the Board voted 5-0-0 (Henke, Snyder, Tidwell, White "aye"; no "nays"; Van De Wiele "abstaining"; none absent) to APPROVE the request for a Variance to allow 2 projecting wall signs to extend above the parapet wall in the CBD District (Section 1221.C.11). Finding that the actual sign does not extend above the tallest parapet wall but extends above the lower parapet wall which was done for design purposes. This approval will be per plan on pages 7.10 and 7.11. 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:

W50 LT 6 BLK 86, TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21566—Gregory Helms

Action Requested:
Variance to reduce the rear yard setback in an RS-1 District from 25 feet to 10 feet for an addition to existing single-family residence (Section 403.A, Table 3).

LOCATION: 10922 South Knoxville Avenue East (GD 8)

Presentation:
Greg Helms, 424 East Main Street, Jenks, OK; stated the house sits on an irregularly shaped lot, and what prompts the variance request is that the southwest corner of the house sits approximately 100 feet closer to the property line than the opposite corner of the house. The proposed project is to have an addition on the house which will not meet with the 25 foot setback requirement. The 10 feet is not being requested for the entire property but only where the proposed triangular addition will be. Most of this triangular addition is a covered patio that will be a trellised patio not a solid roof. Even with this proposed addition, there will still be approximately 125 feet to the closest house. Once the addition is complete the property will be re-landscaped for screening between the properties.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.
structure has deteriorated and needs to be replaced for safety and other reasons; finding by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, subject to there being no kitchen and no commerce in the addition, on the following described property:

PRT LT 7 BEG SECRT LT 7 TH N73 W139 S77.86 E138.6 POB LESS BEG 73N SECRT LT 7 TH W139.83 S4.09 E138.83 POB BLK 1 , SUNSET PARK AMD, City of Tulsa, Tulsa County, State of Oklahoma

**********

**Case No. 20502**

**Action Requested:**
Variance of the maximum permitted height of a promotional sign in the CBD (Section 1221.E.1), located: 310 East 1st Street South.

**Presentation:**
Tom Green, 1435 East 50th Street, stated this is a temporary use, and they hoped to continue it once a year. The sign would be up from May 15th to August 15th. The sign will be a type of vinyl material.

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

**Board Action:**
On Motion of Stead, the Board voted 4-0-0 (Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; White "absent") to APPROVE a Variance of the maximum permitted height of a promotional sign in the CBD, finding this is temporary in nature, to be erected on or about May 15th and removed on or about August 15th, finding these are exceptional conditions and do not apply to other property in the same use district; and finding the variance will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan,

Mr. Cuthbertson mentioned to the Board that as this motion was worded it would only be good for one time rather than temporary as far as the amount of time per year. Mr. Green informed the Board this is the sixth annual event. They trust they will continue to hold the event in the coming years.

On Motion of Tidwell, the Board voted 4-0-0 (Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; White "absent") to Reconsider the Motion.
On Amended Motion of Stead, the Board voted 4-0-0 (Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; White "absent") to APPROVE a Variance of the maximum permitted height of a promotional sign in the CBD, finding this is temporary in nature, to be erected for a period of three months only during the years 2007, 2008 and 2009, finding these are exceptional conditions and do not apply to other property in the same use district; and finding the variance 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:

E90 LT 6 BLK 86, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

**********

NEW BUSINESS

"Under the Open Meeting Act, this agenda item is authorized only for matters not know about or which could not have been reasonably foreseen prior to the time of posting the agenda or any revised agenda."

Lou Reynolds, 2727 East 21st Street, stated that the Board denied a request for a special exception and variances related to a carport in Case No. 20479. The applicant's have engaged an architect to redesign the carport to be more conducive with the house and neighborhood (Exhibit C-1). They asked for reconsideration of the application. He pointed out that he located a carport that is very similar in the neighborhood. They were willing to discuss it with the neighborhood and seek their approval.

Board Action:

On Motion of Stead, the Board voted 4-0-0 (Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; White "absent") to Reconsider Case No. 20479 regarding a carport at 3152 South Cincinnati, at the meeting on May 22, 2007.

**********

There being no further business, the meeting adjourned at 3:02 p.m.

Date approved: 6/12/07

Chair

05:08:07:956 (10)
Subject Tract

BOA-22658

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

Aerial Photo Date: February 2018
Subject Tract

BOA-22658

Aerial Photo Date: February 2018

Note: Graphic overlays may not precisely align with physical features on the ground.
View from corner of N. Elgin Ave. & E. Archer St. (BOA-22658)

View of front of parking garage facing west (BOA-22658)
View of north side of garage (BOA-22658)
DOUBLEFACE ILLUMINATED, FLAG MOUNT ID SIGN

FACES FEATURE ROUTED AND BACKED TEXT FROM 1/25 ALUMINUM WITH WHITE 3/16" ACRYLIC BACKING, FACE IS MACHINE BROKEN WITH 3" BORDER AND FACE, PAINT COLORS TBD, INTERNALLY ILLUMINATED BY WHITE LED MODULES.

STRUCTURE FROM 1.5" STEEL ANGLE WITH 1/2" FILLER, STREET SIDE FILLER IS FASTENED WITH COUNTERSUNK SCREWS AND IS REMOVABLE FOR INSTALL AND FUTURE SERVICE ACCESS

INSTALLATION REQUIRES 3 MOUNTING POINTS, 12"X12"X1/2" STEEL PLATES USING 3 CONCRETE ALL-ANCHORS PER PLATE, POSTS ARE 3"X3"X1/4" WALL, FULLY WELDED TO PLATES. INSTALL TO WALL FIRST AND SIGN WILL HAVE INTERNAL STEEL ANGLE SAUCLES TO SLIP SIGN OVER AND WELD IN PLACE

ELECTRICAL INFO: 20AMP CIRCUIT, 120V-240V SELF-ADJUSTING POWER SUPPLIES ARE USED, INSTALL PHOTOCELL TO CONTROL ON/OFF. POWER TO SIGN BY OTHERS, COORDINATE LOCATION WITH ELECTRICAL CONTRACTOR ON SITE.

ROUTED OPENING FOR PARKING SYMBOL IS BACK WITH 3/16" WHITE ACRYLIC AND OVERLAYERED WITH 3M TRANSLUCENT VINYL IN OLYMPIC BLUE. "P" IS DROPPED OUT TO WHITE PLASTIC.
SIGN PLAN REVIEW

May 7, 2019

Claude Neon Federal
1225 N. Lansing Avenue
Tulsa OK 74106

APPLICATION NO: SIGN-028637-2019 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)

Location: 2 N. Elgin Avenue
Description: Public Parking Projecting Sign

INFORMATION ABOUT SUBMITTING REVISIONS

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

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

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

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

IMPORTANT INFORMATION

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

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

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

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

**Section 60.080-D Maximum Height of On-premise Projecting and Freestanding Signs**

2. Lots with Frontage on Major Streets

On-premise projecting signs and freestanding signs on lots with frontage on major streets may not exceed 25 feet in height, except that a maximum height of 40 feet is allowed if the sign is set back from the planned right-of-way line at least one foot for each foot of sign height more than 25 feet. Projecting signs and freestanding signs may not exceed 40 feet in height unless the subject lot abuts a freeway, in which case the maximum allowed height is 50 feet.

**Review Comments:** The proposed projecting sign height of 36.5 exceeds the permitted 25-foot height above grade with a 40-foot setback from the C/L of N. Elgin Avenue. You may reduce the projecting sign height to 25 feet seek a variance from the BOA to permit a projecting sign to exceed the maximum permitted height of 25 feet to be installed 36.5 feet above grade with a 40-foot setback from N. Elgin Avenue.

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**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.
STAFF REQUESTS A CONTINUANCE TO 06/25/2019 FOR ADDITIONAL RELIEF NEEDED
BOARD OF ADJUSTMENT
CASE REPORT

STR: 8407
CZM: 54
CD: 7
A-P#: 

HEARING DATE: 06/11/2019 1:00 PM

APPLICANT: Kevin Pattah

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: 7111 S MINGO RD E (overall parcel); 7117 S MINGO RD E (tenant space)

ZONED: CO

PRESENT USE: Retail

TRACT SIZE: 163681.73 SQ FT

LEGAL DESCRIPTION: LT 1 LESS BEG 330.01N SWC TH N282.67 TH ON CRV RT 47.24 SW28.34 S292.79 W10 POB BLK 1, EAST POINTE CENTER

RELEVANT PREVIOUS ACTIONS: None relevant.

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

Regional Centers are mid-rise mixed-use areas for large-scale employment, retail, and civic or educational uses. These areas attract workers and visitors from around the region and are key transit hubs; station areas can include housing, retail, entertainment, and other amenities. Automobile parking is provided on-street and in shared lots. Most Regional Centers include a parking management district.

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 site is a part of a commercial center located at the SE/c of S. Mingo Rd. & E. 71st St. S. After a site visit staff did not see any evidence that would indicate another medical marijuana dispensary is operating within 1,000' of the subject property.
STAFF COMMENTS:

The applicant is proposing to convert 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 CO district from other medical marijuana dispensaries (Section 40.225-D).

Per the Code and CO standards, a medical marijuana dispensary is permitted by right inside the CO zoning 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 exist presently, 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.
View looking west (BOA-22660)

View of subject space looking east (BOA-22660)
Board of Adjustments

Group 13 Holdings currently holds an OMMA license with the state. The license number is below.


My clients currently holds an exclusivity agreement with the land lord which allows Group 13 Holdings to be the only medical marijuana dispensary in this complex. See attached affidavit from LaFortune Properties, LLC.

Chris Zemanek, AIA
Principal
Zemanek A+D, LLC.
AFFIDAVIT

STATE OF OKLAHOMA )
COUNTY OF TULSA ) ss.

Joel R. Thompson, being first duly sworn and upon his oath, alleges and states:

Affiant is one of the Managers of LaFortune Properties LLC.

LaFortune Properties LLC is the owner of the East Pointe Shopping Center in Tulsa, Oklahoma. East Pointe Shopping Center is a commercial shopping center with several different tenants.

A prospective new Tenant is Group 13 Holdings, LLC & Cannvest, LLC joint & severally, which will operate a registered medical marijuana dispensary out of its leased space.

A current tenant, Buffalo Fine Jewelry, holds a current license from the State of Oklahoma to sell legal medical marijuana products. However, it is a violation of Buffalo Fine Jewelry’s lease with LaFortune Properties LLC to use the space in the East Pointe Shopping Center for the sale of legal medical marijuana products. LaFortune Properties, LLC will take all legal steps necessary to insure that provision of its lease is fully complied with by Buffalo Fine Jewelry and to prevent the sale of legal medical marijuana products from Buffalo Fine Jewelry’s current space in the East Pointe Shopping Center.

Further Affiant sayeth not.

Joel R. Thompson

Subscribed and sworn to before me, a Notary Public, on this 7th day of May, 2019, by Joel R. Thompson.

My Commission Expires:

[SEAL]

Notary Public
LOD Number: 1

April 15, 2019

Chris Zemanek
412A East B ST
Jenks, OK 74037

APPLICATION NO: BLDC-028518-2019

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 7117 S Mingo RD
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.

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.).
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 office documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

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

1. **Sec.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. The separation required under Sec.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 Department of Health prior to December 1, 2018 for the particular location.

4. **Sec.70.080-C:** Applications for a Building Permit shall include a site plan that provides zoning data for the Zoning review portion of the Building Permit application. You have not submitted a site plan that covers all pertinent zoning data necessary for a complete review.

   **Review comment:** The zoning site plan is required to provide the following listed below. Submit a site plan that provides the information listed below.

   - North arrow
   - Appropriate drawing scale;
   - Legal description of the lot;
   - Actual shape and dimensions of the lot;
   - Lot lines and names of abutting streets;
   - The location and dimensions of existing buildings including distances to lot lines;
   - The location of the dispensary in the building;
   - The intended use of existing and proposed buildings;
Location and dimensions of parking areas. This includes the parking spaces, the maneuvering areas necessary to enter and exit the spaces and the drives providing access to the parking spaces and maneuvering areas from a public or private street or other parking areas.

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.
State of Oklahoma

License Certificate

COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

CANNVEST GROUP, LLC

7117 S MINGO RD, TULSA, OK, 74133

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 68 O.S. § 430A ET SEQ. AND THE OKLAHOMA ADMINISTRATIVE CODE AT TITLE 360 CHAPTER 661. 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.

03/13/2020

LICENSE NUMBER:

DAAA-4JLW-6ASI

DO NOT COPY