

BOA-22566

19-13 09

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BOARD OF ADJUSTMENT CASE REPORT

STR: 9309

Case Number: **BOA-22566**

CZM: 37

CD: 4

A-P#:

HEARING DATE: 01/08/2019 1:00 PM

APPLICANT: Tom Neal

ACTION REQUESTED: Variance to reduce the required street (rear) setback in an RS-3 district (Sec. 5.030-A); Variance to allow an accessory structure to be located less than 3 feet from a side interior lot line (Sec. 90.090-C.2); Variance to allow a detached accessory structure to exceed 500 sq. ft. or 40% of the of the floor area of the principal structure (Sec. 45.030-B)

LOCATION: 4618 E 14 PL S

ZONED: RS-3

PRESENT USE:

TRACT SIZE: 8080.41 SQ FT

LEGAL DESCRIPTION: LT 7 BLK 3, ADAMSON HGTS ADDN

RELEVANT PREVIOUS ACTIONS: No relevant history

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by RS-3 zoned residences to the north, east, and west; E. 15th St. S. abuts the property to the south.

STAFF COMMENTS:

The Code states that detached accessory buildings are limited to a floor area of 500 sq. ft. or 40% of the principal dwelling, **whichever is greater.** The applicant is proposing to construct a detached accessory garage that will be 624 sq. ft. Based on the size of the existing house (1340 sq. ft.) the applicant is allowed 536 sq. ft. of detached accessory floor area on the lot. The proposed structure exceeds the allowable floor area of 536 sq. ft. by 88 sq. ft.

The applicant has requested a **Variance** to increase the maximum permitted floor area of a detached accessory building on the lot from 536 sq. ft. to 624 sq. ft (Sec. 45.030-B).

The Code states that detached accessory building in the rear yard must be setback at least 3 feet from all interior lot line. For lot lines abutting street right-of-way, detached accessory buildings must comply with the same setback requirements that apply to principal buildings (Section 90.090-C.2).

The applicant has also requested a **Variance** to reduce the required side interior setback from 3ft. to 2ft. in an RS-3 district (Section 90.090-C.2).

As shown on the exhibit, the rear yard and proposed detached accessory structure abuts an arterial street along E. 15th St. S. Per the Code, in the RS-3 district the minimum rear street setback from an arterial street shall be 35 ft. from the rear property line. The applicant is requesting a **Variance** to reduce the required street (rear) setback in an RS-3 district from 35 ft. to 2 ft. (Sec. 5.030-A).

The applicant has stated that, *“Owner’s property is between a residential street (non-arterial) and arterial street. The latter mandates a 35 ft. street yard rendering the rear yard unbuildable for an accessory building without a variance.”*

Sample Motion

Move to _____ (approve/deny) a **Variance** to reduce the required street (rear) setback in an RS-3 district from 35 ft. to 2 ft. (Sec. 5.030-A); a **Variance** to allow an accessory structure to be located 2 ft. from a side interior lot line (Sec. 90.090-C.2). a **Variance** to allow a detached accessory structure to exceed 500 sq. ft. or 40% of the of the floor area of the principal structure to be increased from 536 sq. ft. to 624 sq. ft.(Sec. 45.030-B).

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

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

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

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

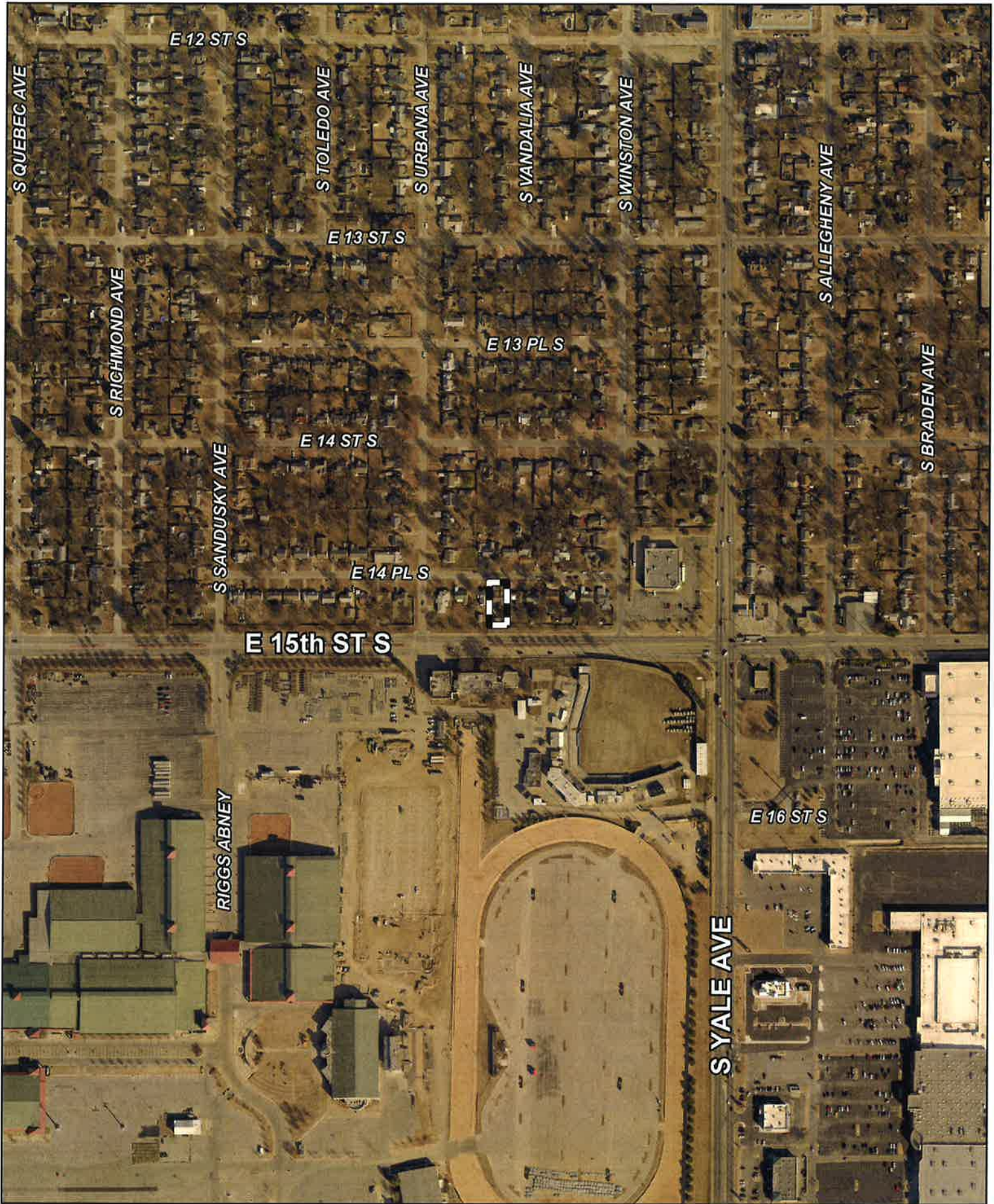
c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;

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

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

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

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



E 12 ST S

S QUEBEC AVE

S TOLEDO AVE

S URBANA AVE

S VANDALIA AVE

S WINSTON AVE

S ALLEGHENY AVE

S RICHMOND AVE

E 13 ST S

E 13 PLS

S BRADEN AVE

E 14 ST S

S SANDUSKY AVE

E 14 PLS

E 15th ST S

RIGGS ABNEY

E 16 ST S

S YALE AVE



Subject Tract

BOA-22566

19-13 09

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

Aerial Photo Date: February 2018



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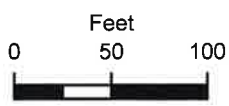


S URBANA AVE

E 14 PLS

E 15th ST S

S WINSTON AVE



 Subject Tract

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

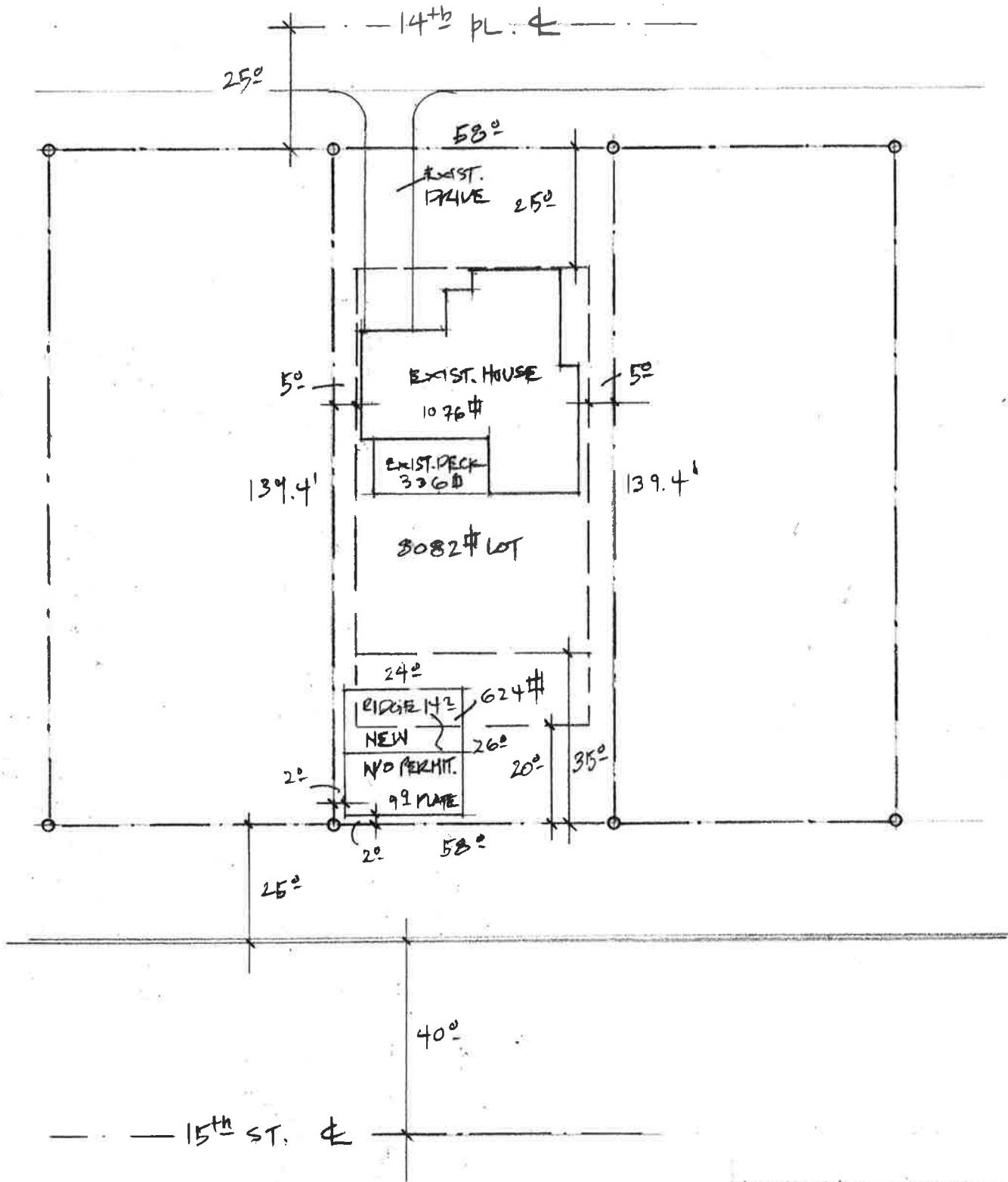
Aerial Photo Date: February 2018






12/21/2018 14:10

Looking south- towards front of the subject site-
on E. 14th Pl. S.



SITE PLAN 1" = 30' 

ALVARADO HOUSE
 4618 E. 14th PLACE
 TULSA, OKLA. || 27.2018

TOM NEAL
 DESIGN

Associate member, American Institute of Architects

918.231.7372

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Jeff S. Taylor
Zoning Official
Plans Examiner

TEL(918) 596-7637
jstaylor@cityoftulsa.org



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

Tom Neal

12/4/2018

APPLICATION NO: ZCO-18542-2018 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 4618 E 14th PI S

Description: Detached Garage

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 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. **ZCO-18542-2018**

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

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

1. **5.030-A:** In the RS-3 zoned district the minimum rear street setback from an arterial street shall be 35 feet from the rear property line which is 15th street.

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 along 15th street.

2. **90.90.C,2: Detached Accessory Buildings**

b. Detached accessory buildings in the rear yard must be set back at least 3 feet from all interior lot lines; For lot lines abutting street right-of-way, detached accessory buildings must comply with the same setback requirements that apply to principal buildings;

Review Comments: Revise plans to indicate that the detached accessory building will set back at least 3 feet from the side interior lot line or apply to the BOA for a variance to allow an accessory structure to be located less than 3 feet from a side interior lot line.

3. **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 624 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 (1340) you are allowed 536 sq ft of detached accessory structure floor area on your lot. Reduce the size of your proposed detached accessory structure to be less than 536 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.

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.

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