

**BOA-22450**

19-14 11

7.1



**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:** 9411

Case Number: **BOA-22450**

**CZM:** 40

**CD:** 6

**A-P#:**

**HEARING DATE:** 06/12/2018 1:00 PM

**APPLICANT:** Ruben Najera

**ACTION REQUESTED:** Variance of the dustless, all-weather surfacing requirement to permit a gravel driveway in the RS-3 district (Section 55.090-F)

**LOCATION:** 1303 S. 161<sup>st</sup> Ave. E.

**ZONED:** RS-3

**PRESENT USE:** Vacant

**TRACT SIZE:** +6.645 acres

**LEGAL DESCRIPTION:** BEG 1233.42S NWC NW TH E732 SE150.28 SE146.68 SE242.52 SE201.38 NW625.84 N415 W535 N60 POB SEC 11 19 14 6.652ACS, RADIO HGTS

**RELEVANT PREVIOUS ACTIONS:**

None relevant.

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

The **New Neighborhood Residential** Building Block is comprised of a plan category by the same name. It is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes, but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity, and shall be paired with an existing or new Neighborhood or Town Center.

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is surrounded by large residentially zoned lots.

**STAFF COMMENTS:**

The Code requires that all off-street parking areas be surfaced with a dustless, all-weather surface. The applicant is before the Board requesting a variance to allow a gravel driveway as shown on the attached plan. The applicant has stated that the proposed gravel driveway will be 10ft.-12ft. in width. It appears that the homes in the surrounding neighborhood have a mixture of both concrete and gravel driveways.

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

**Sample Motion for a Variance**

Move to \_\_\_\_\_ (approve/deny) a Variance of the dustless, all-weather surfacing requirement to permit a gravel driveway in the RS-3 district (Section 55.090-F).

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

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

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose;*
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*
- e. That the variance to be granted is the minimum variance that will afford relief;*
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and*
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”*



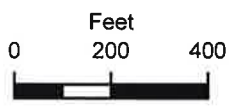
E 11th ST S

E 12 ST S

E 14 ST S

E 15 ST S

S 161st E AVE



Subject Tract

**BOA-22450**

19-14 11

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

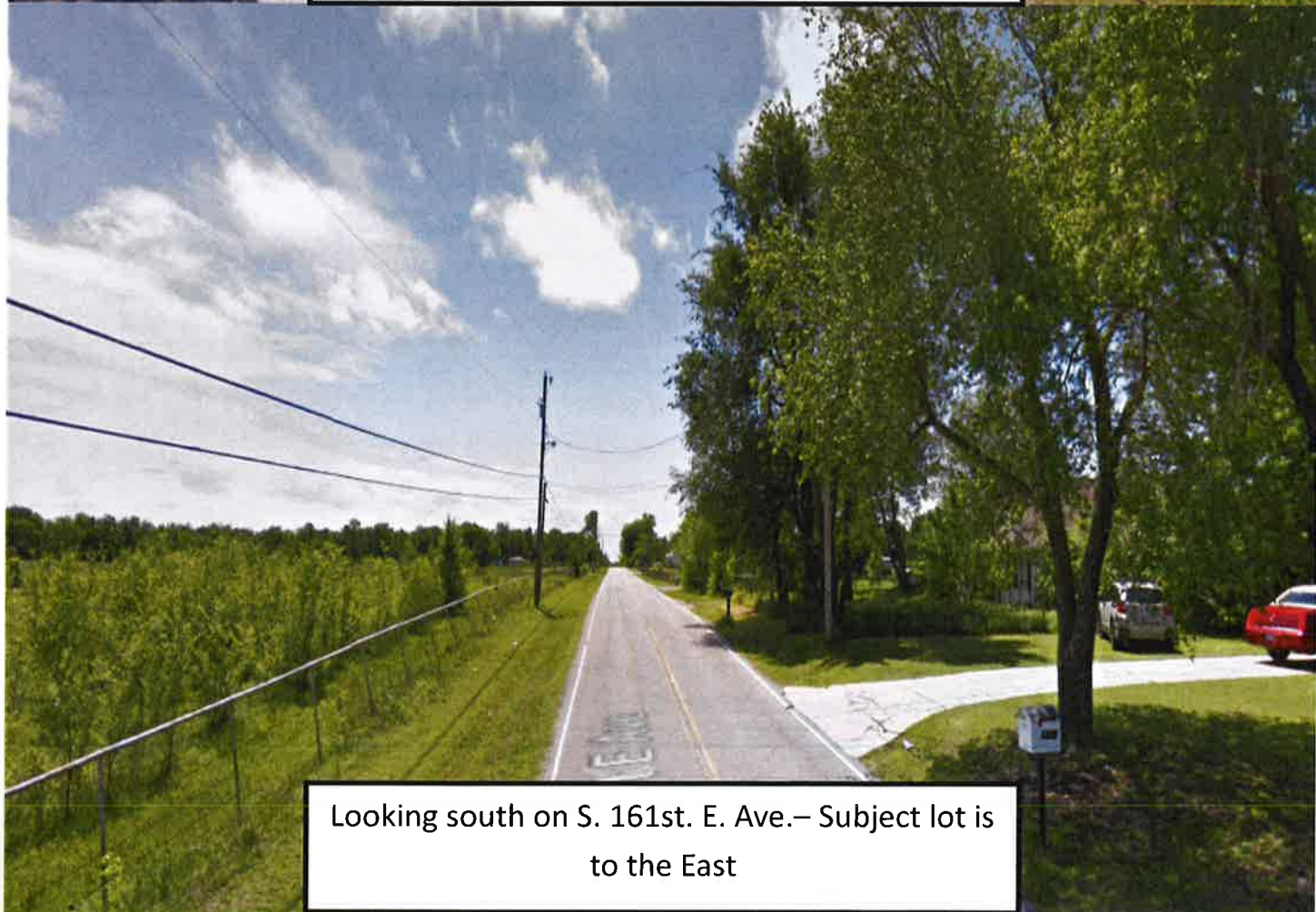
Aerial Photo Date: February 2018



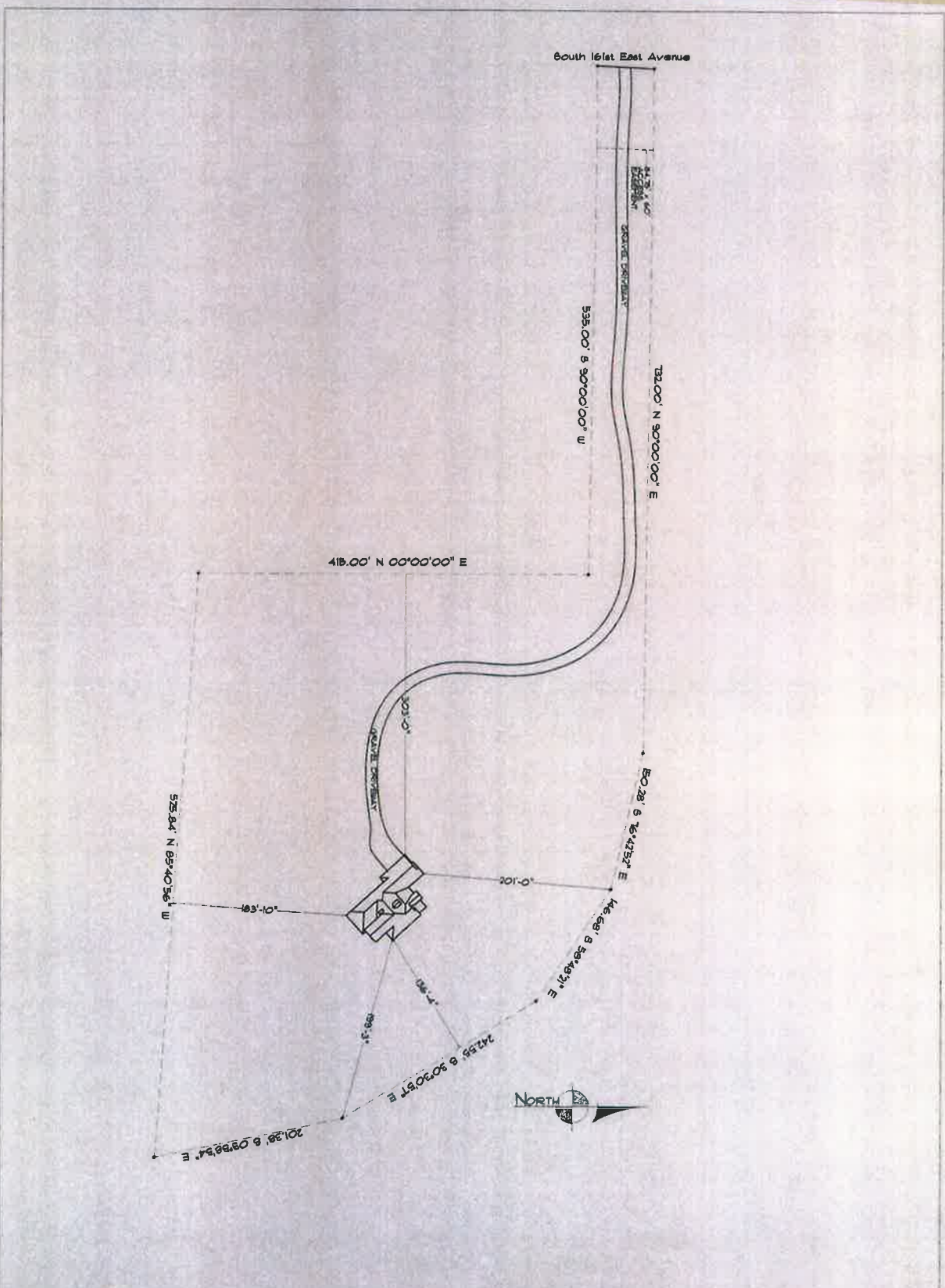
7.4



Looking north on S. 161st. E. Ave.– Subject lot is to the East



Looking south on S. 161st. E. Ave.– Subject lot is to the East




C.01

CONSTRUCTION MANAGER:

PROJECT FOR:

### The Najera-Landeros Residence



This design plan (P&I) has been prepared by...  
 representation of...  
 1488. The use of this Plan for the...  
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**DEVELOPMENT SERVICES**  
175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103



**JEFF S. TAYLOR**

ZONING OFFICIAL  
PLANS EXAMINER

TEL [\(918\)596-7637](tel:9185967637)

[jstaylor@cityoftulsa.org](mailto:jstaylor@cityoftulsa.org)

ZONING CLEARANCE PLAN REVIEW

**May 07, 2018**

**LOD Number: 1062559-1**

RUBEN NAJERA Phone: [\(918\)637-8189](tel:9186378189)

HOMEOWNER

PO BOX 690142

TULSA, OK 74169

**APPLICATION NO: 445289** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

**Location: 1303 S 161 AV E**

**Description: NEW**

**INFORMATION ABOUT SUBMITTING REVISIONS**

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

7.8



**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 2<sup>nd</sup> STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE [\(918\) 596-9601](tel:(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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE [\(918\) 584-7526](tel:(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.).

**REVIEW COMMENTS**

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT [WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

**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 [584-7626](tel:584-7626). 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.70.080-B:** INCOG has advised our office that pursuant to Sec.70.080-B of the *City of Tulsa Zoning Code*, this property is subject to a platting requirement. INCOG does not have a record showing the final approved plat having been approved and filed, nor a plat waiver granted.

**Review Comment:** A record search from INCOG indicates this parcel is located in PUD 737. No building permit or zoning clearance permit shall be issued until that portion of the tract on which the permit is sought has been included within a subdivision plat or replat, submitted to and approved by the Planning Commission, and filed of record in the office of the County Clerk where the property is situated. Submit a copy of the approved plat waiver or the subdivision plat or replat, submitted to and approved by the Planning Commission, and filed of record in the office of the County Clerk where the property is located. Contact Nathan Foster [918-579-9481](tel:918-579-9481).

- 2. 55.090-F Surfacing.** All off-street parking areas must be surfaced with a dustless, all-weather surface unless otherwise expressly stated in this zoning code. Pervious pavement or pervious pavement systems are allowed subject to the supplemental regulations of §55.090-F4. Parking area surfacing must be completed prior to initiation of the use to be served by the parking.

**Review Comments:** You are proposing a gravel driveway. Provide an all-weather parking surface from the public street to the garage or apply to the Board of Adjustment for a Variance (section 70.120) to allow a material other than an approved material meeting the requirements of 55.090-F.

## Ulmer, Amy

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**From:** gltulsa@sbcglobal.net  
**Sent:** Wednesday, May 23, 2018 8:28 AM  
**To:** Ulmer, Amy  
**Subject:** Re: BOA-22450 Application

Good morning

The gravel drive will be around 10 to 12 feet wide

Sent from my iPhone

On May 22, 2018, at 4:08 PM, Ulmer, Amy <[aulmer@incog.org](mailto:aulmer@incog.org)> wrote:

Hello,

I am reviewing your Board application and need some additional information. Could you tell me how wide the gravel drive will be? Thank you.

**Amy Ulmer | Land Development Planner**  
2 West Second Street, Suite 800  
Tulsa, OK 74103  
918.579.9437  
918.579.9537 fax  
[aulmer@incog.org](mailto:aulmer@incog.org)  
<image001.jpg>

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