

SUBJECT TRACT

AG

RS-3

CH

RM-2

CS

CG

RS-3

OM

PUD-187

OL

CS

CS

PUD-202A

PUD-202B

PUD-202C

PUD-202E

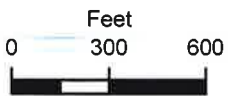
PUD-585

PUD-93A

PUD-93

BOA-22472

11.1



**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9335

Case Number: **BOA-22472**

CZM: 48

CD: 7

A-P#:

HEARING DATE: 07/10/2018 1:00 PM

APPLICANT: Ty Hood

ACTION REQUESTED: Variance of the required street setback from E. 61st St. S. to permit a swimming pool (Section 90.090-C; Section 5.030-A).

LOCATION: 6025 S 73 AV E

ZONED: RS-3

PRESENT USE: residential

TRACT SIZE: 14827.88 SQ FT

LEGAL DESCRIPTION: LT 12 BLK 8, WOODLAND VIEW FIFTH ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property: No relevant history

Surrounding Property: 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** 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 residential to the west, north, and east. The property abuts East 61st Street on the south.

STAFF COMMENTS:

The applicant is before the Board requesting a **Variance** of the 35ft required street setback in the RS-1 district (Section 5.030- A) to permit a swimming pool. Per the code, swimming pools are not a permitted obstruction within the required street setback (90.090-C; Table 90-1)

The proposed swimming pool will establish a side (street) yard setback of less then 35ft along E. 61st St. S. The RS-1 district requires a street setback of 35 ft. along arterial roads in an attempt to establish and preserve development intensity and a uniform development pattern within the district.

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

Sample Motion

Move to _____ (approve/deny) a **Variance** of the required street setback from E. 61st St. S. to permit a swimming pool (Section 90.090-C; Section 5.030-A).

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

The Board finds that the 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."

Ulmer, Amy

From: Charonmike Blood <mckblood@yahoo.com>
Sent: Tuesday, June 12, 2018 4:53 PM
To: Ulmer, Amy
Subject: Request for relief from building restriction

In reference to residence at 6025 South 73rd East Ave Tulsa. Case number:BOA-22472

Amy

I spoke with you yesterday concerning our request for relief for the restriction placed on our property.

My sister and I took this \$160,000 home in south Tulsa from the 1960's and did a \$150,000 remodel to make it our dream home.

The final phase of the remodel was to create a recreational backyard for our children and grandchildren.

Our request for a permit to allow a pool was denied due to a building restriction that comes 35 feet into our yard from the south side of the property. The south side of our house faces 61st street and is only 16 feet from the property line. The additional 19 ft takes up about half of the yard. We can't move the pool that far north as it would put us right up to the neighbors driveway. The positioning of the house on the lot will not allow us to reposition things to accommodate the restriction. We are requesting a variance for that 19 feet.

There would nothing that would be visible above the fence that could possibly be a detriment to the view or the neighborhood.

We are committed to making this home a beautiful new addition to the neighborhood.

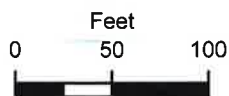
I have attached a picture of our home so you can see the improvements we have made to date.

We appreciate you help.

Sincerely,

Charon Blood
720-839-0532

Sent from Yahoo Mail for iPad



Subject
Tract

BOA-22472

19-13 35

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

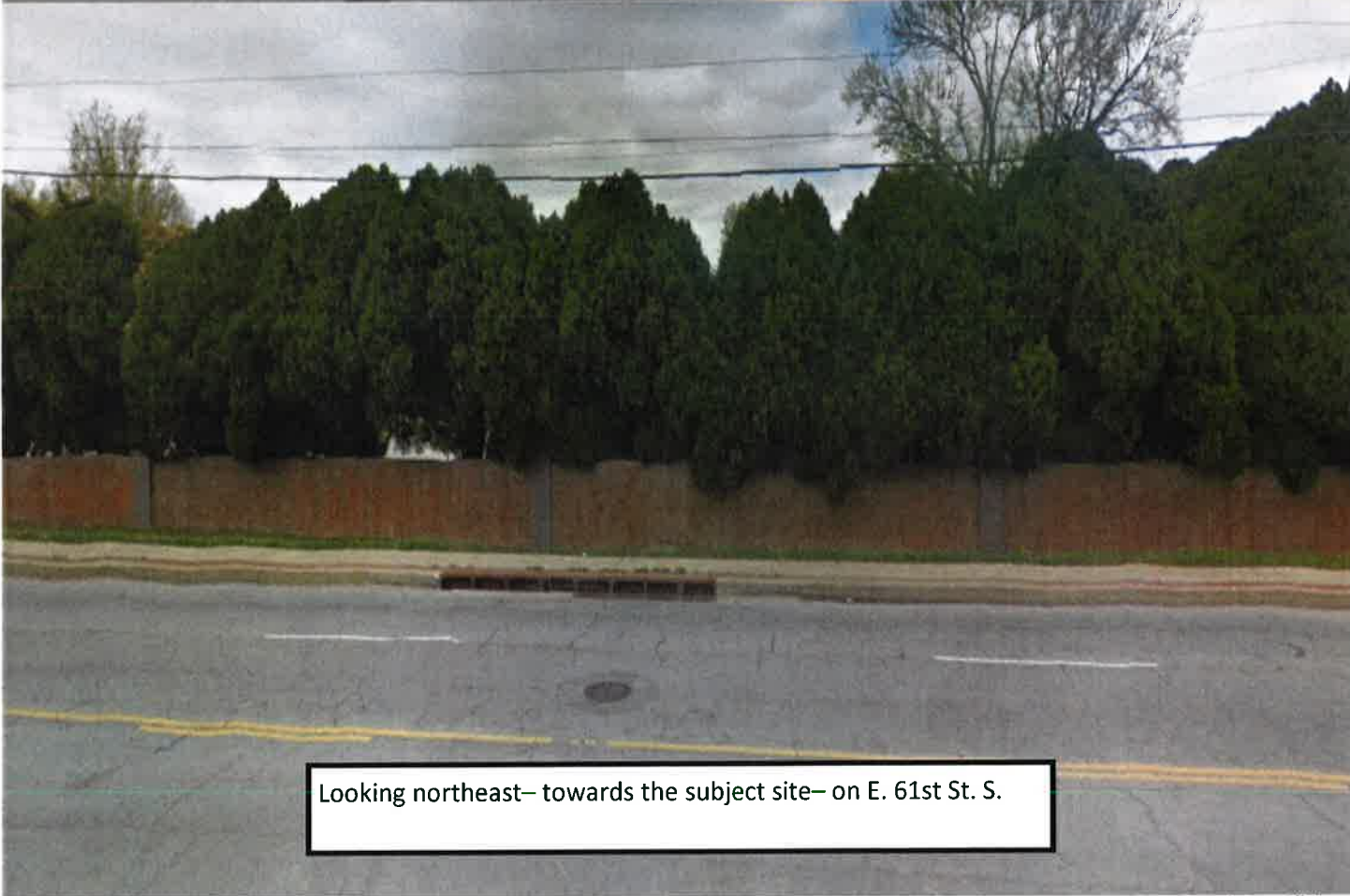
Aerial Photo Date: February 2018

11.6





Looking northwest- towards the subject site- on E. 61st St. S.



Looking northeast- towards the subject site- on E. 61st St. S.

11.7

◀ Back ()

Permit Number: POOLR-000413-2018



[Review Detail \(\)](#) | [Review Items \(\)](#) | [Main Menu \(\)](#)

Review Type:

Pool Review

Status:

Requires Re-submit

Version:

1

Received Date:

05/03/2018

Due Date:

05/17/2018

Completed Date:

05/17/2018

Review Items

Export

Sort

Review Type ▼

Review Type	Building
Status	Approved
Due Date	05/17/2018

11.9

Completed Date 05/07/2018
Assigned To Larkey Roger
Review Item [Details](#)

Review Type Planning/Zoning
Status Requires Re-submit
Due Date 05/17/2018
Completed Date 05/17/2018
Assigned To Taylor Jeff
Review Item [Details](#)

Review Type Water/Sewer/Drainage
Status Approved
Due Date 05/17/2018
Completed Date 05/10/2018
Assigned To Jordan Roy
Review Item [Details](#)

<< < 1 > >>

Results per page 1 - 3 of 3

[Comments \(\)](#) | [Recommendations \(\)](#) | [Corrections \(\)](#) | [Review Detail \(\)](#) | [Review Items \(\)](#) | [Main Menu \(\)](#)

Comments

No comments to display.

Recommendations

Sort

11.10

No records to display.

Corrections

 Export

Sort

Correction Order ▼

Correction Order:

0

Type:

General

Resolved:

No

Resolved On:

Comments

5.030-A: In the RS-3 zoned district the minimum side yard setback from an arterial street shall be 35 feet from the side property line which is 61 street.

Corrective Action

Review Comments: Revise your plans to indicate a 35' side setback from pool to the property line, or apply to INCOG for a variance to allow less than a 35' side setback along 61 street.

<< < 1 > >>

Results per page 10 ▼ 1 - 1 of 1

11.11

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