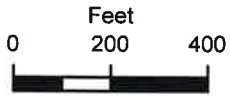


**SUBJECT TRACT**

**BOA-22337**

**5.1**



19-13 27



**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:** 9327  
**CZM:** 48  
**CD:** 5  
**A-P#:** N/A

Case Number: **BOA-22337**

**HEARING DATE:** 10/10/2017 1:00 PM

**APPLICANT:** Kevin McNamara

**ACTION REQUESTED:** Variance to reduce the front setback from 25 ft. to 15 ft. to permit the existing house (Section 5.030).

**LOCATION:** 4311 S DARLINGTON AV E

**ZONED:** RS-3

**PRESENT USE:** Residential

**TRACT SIZE:** 11173.19 SQ FT

**LEGAL DESCRIPTION:** LT 11 BLK 5, MAX CAMPBELL FIFTH ADDN B3-6, City of Tulsa, Tulsa County, State of Oklahoma

**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".

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.

**STAFF COMMENTS:**

Based on the submitted drawing it appears that the existing house has a front (street) setback of 15 ft.; the applicant has requested a variance to reduce the front setback from 25 ft. to 15 ft. to permit the house as built. The applicant provided the following statement: *"It would require extensive demolition of parts of the original structure to comply with the setback requirement. The part in question is part of the original construction and to my knowledge has not been modified."*

**Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a Variance to reduce the front setback from 25 ft. to 15 ft. to permit the existing house (Section 5.030).

- 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;*

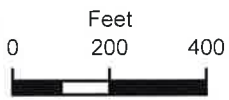
*d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*

*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."*





Subject Tract

**BOA-22337**

19-13 27

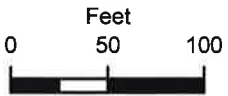
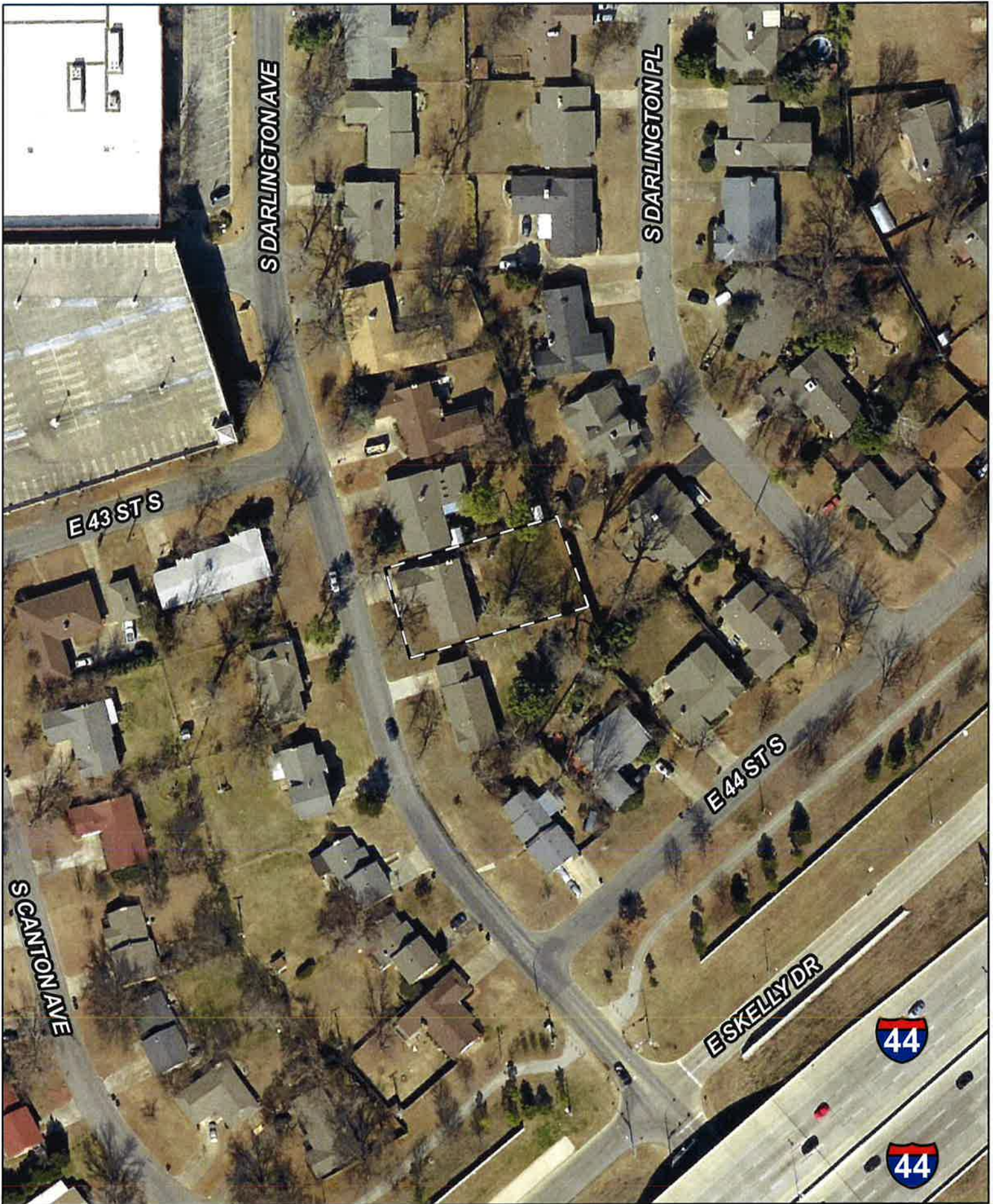
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2016

5.4







Subject  
Tract

**BOA-22337**

19-13 27

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

Aerial Photo Date: February 2016

5.5

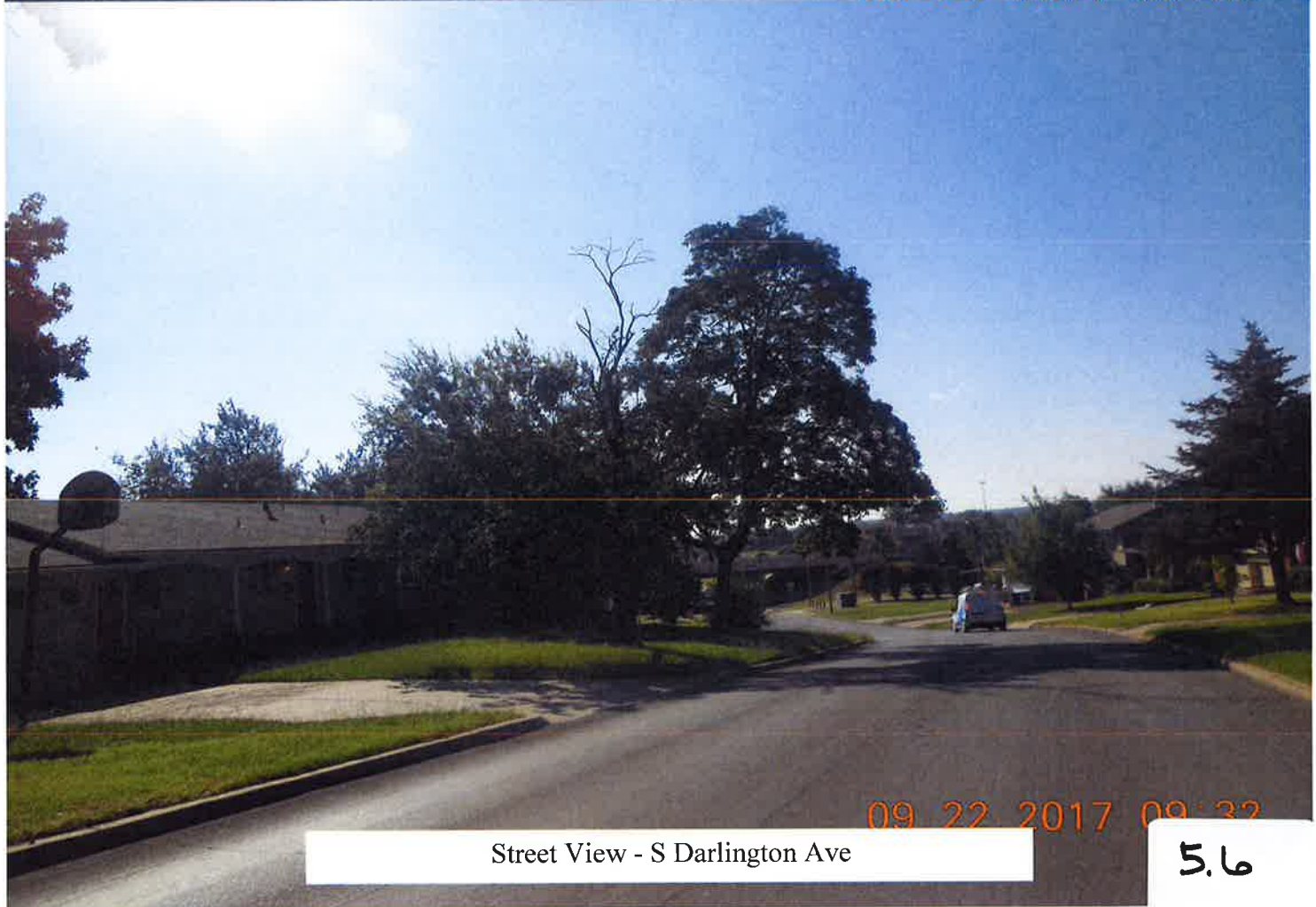






Subject Lot - Looking East

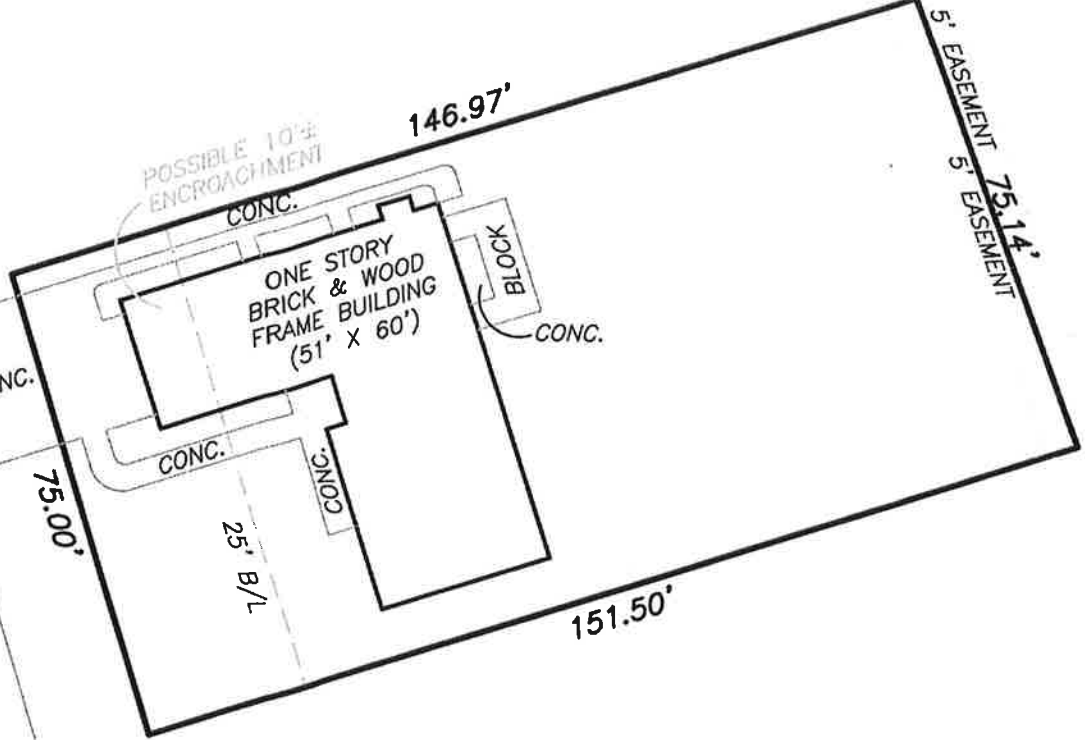
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Street View - S Darlington Ave

09 22 2017 09:32

SOUTH DARLINGTON AVENUE



SITE PHOTO:



SCALE: 1" = 30'



**LINETYPE LEGEND**

	EASEMENT LINE		ROAD CENTERLINE		SUBJECT BOUNDARY LINE
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**LEGAL DESCRIPTION:**

LOT ELEVEN (11), BLOCK FIVE (5), OF BLOCKS 3, 4, 5, 6, MAX CAMPBELL 5TH ADDITION, A SUBDIVISION IN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO RECORDED PLAT THEREOF.

**SCHEDULE B ITEMS:**

- AS SHOWN WITHIN APEX TITLE & CLOSING SERVICES, LLC TITLE COMMITMENT NO.: 17108380, BEARING AN EFFECTIVE DATE OF JULY 7, 2017.
- 04) PLAT NO. 1968. AFFECTS PROPERTY.
- 05) BOOK 3472, PAGE 614. DOES NOT AFFECT PROPERTY.

**NOTES:**

- 1) BUILDING FOOTPRINT SHOWN HEREON IS APPROXIMATE IN NATURE AND DOES NOT INCLUDE THE ARCHITECTURAL FEATURES, IF ANY, OF THE BUILDING.
- 2) EXISTING BUILDING APPEARS TO EXTEND INTO BUILDING SETBACK 10 FEET, MORE OR LESS, AS SHOWN.

**CERTIFICATION:**

THIS MORTGAGE INSPECTION REPORT WAS PREPARED FOR APEX TITLE & CLOSING SERVICES, LLC. IT IS NOT A LAND OR BOUNDARY SURVEY PLAT, AND IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OF FENCE, BUILDING, OR OTHER FUTURE IMPROVEMENT LINES. THE ACCOMPANYING SKETCH IS A TRUE REPRESENTATION OF THE CONDITIONS THAT WERE



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