

**AMENDED-BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:** 8328

Case Number: **BOA-23080**

**CZM:** 56

**CD:** 8

**HEARING DATE:** 02/09/2021 1:00 PM

**APPLICANT:** Gary Holmes

**ACTION REQUESTED:** Variance to allow a Detached Accessory Building to exceed 10 feet in height to the top of the top plate. (Section 90.090-C)

**LOCATION:** 10204 S RICHMOND PL E

**ZONED:** RS-1

**PRESENT USE:** Residential

**TRACT SIZE:** 18038.27 SQ FT

**LEGAL DESCRIPTION:** LT 17 BLK 4, FOREST OAKS

**RELEVANT PREVIOUS ACTIONS:** None.

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

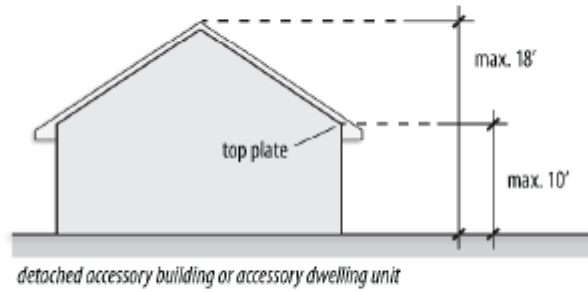
An **Existing Neighborhood** is intended to preserve and enhance Tulsa's existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective 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 located North of the NW/ c of E. 103<sup>rd</sup> St. S. and the cul de sac of S. Richmond Pl.

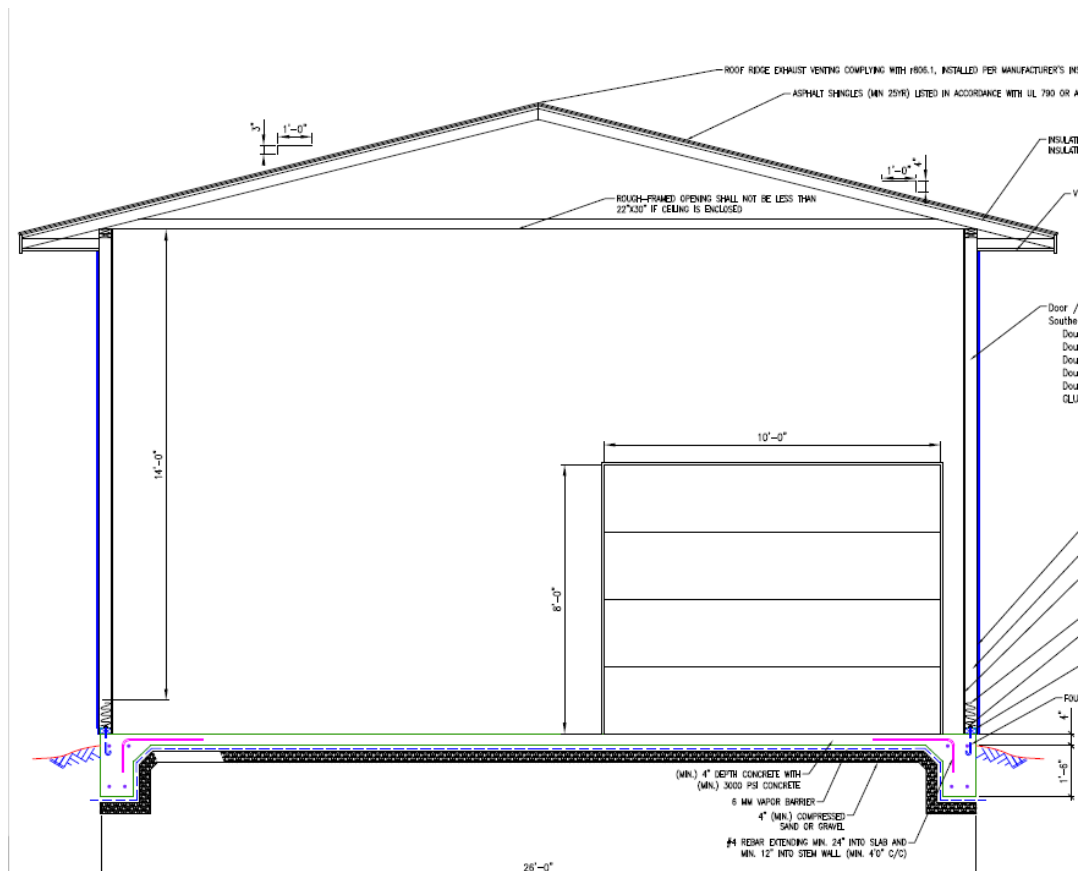
**STAFF COMMENTS:** The applicant is requesting a **Variance** to allow a Detached Accessory Building to exceed 10 feet in height to the top of the top plate. (Section 90.090-C)

Figure 90-9: Maximum Height of Accessory Buildings, Including Accessory Dwelling Units In Rear Setbacks (RE, RS and RD Districts or RM Zoned Lots Used for Detached Houses or Duplexes)



(2) Building coverage in the rear setback does not exceed the maximum limits established in [Table 90-2](#):

The applicant is requesting a 14' high top plate.



**STATEMENT OF HARDSHIP:** The fore mentioned property has two rear setbacks which greatly limits the areas in which an Accessory Building (AB) can be built. To be outside of the rear setback, the (AB) must be at least 25' from the rear setback. This makes it impossible to build the designed AB outside of the 25' rear setback while also staying outside of the 35' front setback. All residents in Cal-de-Sac including myself prefer to have AB built as far as possible from front setback. Constructing the AB as far back as possible from the front setback will better keep with the current look and layout of the area and allows for the residents in Cal-de-Sac to maintain the best view of the entire area. There is no other area on the property that can allow for similar sized AB. Additionally, I believe the designed AB meets the intent of the code, because the overall height is within the allowable height.

**SAMPLE MOTION:** Move to \_\_\_\_\_ (approve/deny) a **Variance** to allow a Detached Accessory Building to exceed 10 feet in height to the top of the top plate. (Section 90.090-C)

- 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.~~

In granting the **Variance** 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."*