

SUBJECT TRACT



BOA-22867

5.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9416

Case Number: BOA-22867

CZM: 39

CD: 6

HEARING DATE: 03/24/2020 (Continued from 3/10/2020) 1:00 PM

APPLICANT: Amanda Lowe

ACTION REQUESTED: Special Exception to permit carports in the street setback and street yard with modifications to the allowable height, width and length for carports in an R district (Section 90.090-C.1)

LOCATION: 2303 S 137 E AVE; 2302 S 137 E AVE

ZONED: RM-1

PRESENT USE: Apartment Complex

TRACT SIZE: 480900.01 SQ FT

LEGAL DESCRIPTION: LT 3 BLK 1; LT 1 BLK 2, EASTLAND ACRES

RELEVANT PREVIOUS ACTIONS: None.

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

Regional Centers are mid-rise mixed-use areas for large-scale employment, retail, and civic or educational uses. These areas attract workers and visitors from around the region and are key transit hubs; station areas can include housing, retail, entertainment, and other amenities. Automobile parking is provided on-street and in shared lots. Most Regional Centers include a parking management district.

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. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

ANALYSIS OF SURROUNDING AREA: The subject tract is an apartment complex located at the SW/c of E. 137th E. Ave. and E. 23rd. Pl. on the Southern and Western Boundary of the Eastgate Metroplex Business Center.

STAFF COMMENTS: The applicant is requesting a Special Exception to permit carports in the street setback and street yard with modifications to the allowable height, width and length for carports in an R district (Section 90.090-C.1) for the existing carport within the apartment complex.

1. Carports

Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures of Section 70.120. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception process:

- a. A carport may be a detached accessory building or an integral part of the principal building.
- b. The area of a carport may not exceed 20 feet in length by 20 feet in width.
- c. A detached carport may not exceed 8 feet in height at its perimeter or 18 feet in height at its highest point. A carport erected as an integral part of the principal building may not exceed 8 feet in height within 10 feet of a side lot line or 18 feet at its highest point.
- d. The carport structure must be setback from side lot lines by a minimum distance of 5 feet or the depth of the principal building setback, whichever is a greater distance from the side lot line.
- e. The carport structure may project into the required street setback by a maximum distance of 20 feet. This distance must be measured from the required street setback line or the exterior building wall of the principal building, whichever results in the least obstruction of the street setback.
- f. All sides of a carport that are within the required street setback must be open and unobstructed, except for support columns, which may not obstruct more than 15% of the area of any side.
- g. The entire area under a carport may be used only for storage of operable, licensed motor vehicles (i.e., cars, boats, pickup trucks, vans, sport utility vehicles), which are customarily accessory to the dwelling. No other use of the carport area is allowed.

The are multiple carports in the complex with heights of the top plate of the carport ranging from 7.3' to 9.9' .

SAMPLE MOTION:

Move to _____ (approve/deny) a **Special Exception** to permit carports in the street setback and street yard with modifications to the allowable height, width and length for carports in an R district (Section 90.090-C.1)

- 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.



Photo of portion of the existing carports



Facing North on 137th



Photo of portion of the existing carports

Attachment 1
Legal Description

Lot One (1), Block Two (2), and Lot Three (3), Block One (1), EASTLAND ACRES, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat No. 3217.

Attachment 2
Action Requested

The Subject Property is used as a multi-family dwelling and is zoned RM-1.

In or around 2013, carports were constructed on the Subject Property to provide covered parking for the residents of the multi-family dwelling. Following a recent survey, it was discovered that portions of particular carports were partially constructed in street setbacks. Pursuant to the Tulsa Zoning Code, carports are allowed in street setbacks in "R" Districts only if approved by special exception. *See* § 45.030-B. Other than the partial presence in street setbacks, as discussed above, the carports at issue are in compliance with the regulations enumerated in § 90.090-C1.

Accordingly, the Applicant seeks a Special Exception to allow for carports in street setbacks.

Attachment 3
Survey



E 16 PL S

E 17 ST S E 17 ST S

E 17 PL S
S 132 E CT

S 137 E AVE S 138 E AVE S 139 E AVE S 140 E AVE S 141 E AVE

E 18 PL S
E 19 ST S
E 19 ST S
S 143 E AVE

E 19 ST S

E 19 PL S

E 19 PL S

S 131 E AVE

E 21st ST S

S 131 E AVE

E 23 ST S

S 133 E AVE

S 145th E AVE



E 23 PL S

E 24 ST S

E 24 ST S

E 24 ST S

E 24 PL S

E 24 PL S

S 139 E AVE

S 140 E AVE

S 141 E AVE

E 24 PL S

S 144 E AVE

S 132 E AVE

S 133 E AVE

S 135 E AVE

E 26 ST S

E 27 ST S

S 137 E AVE

E 27 PL S

S 140 E AVE

E 28 ST S

S 132 E AVE

S 133 E AVE

S 134 E AVE

S 136 E AVE

S 136 E PL

E 28 ST S

E 28 ST S

E 28 PL S

E 28 ST S



Subject Tract

BOA-22867

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

19-14 16

Aerial Photo Date: February 2018



Chapman, Austin

From: alowe@HallEstill.com
Sent: Tuesday, March 3, 2020 8:51 AM
To: Chapman, Austin
Cc: MChenoweth@HallEstill.com
Subject: RE: [EXTERNAL]:RE: BOA-22867 (Gold Wynn Metroplex LLC)

Hi Austin,

We've had a conflict come up and need to continue this matter from the BOA meeting on March 10, to the BOA meeting on March 24.

Please let me know if you need anything further from me to request this continuance.

Thanks,

Amanda

From: Chapman, Austin [mailto:AChapman@incog.org]
Sent: Monday, February 17, 2020 8:58 AM
To: Amanda Lowe <alowe@HallEstill.com>
Subject: [EXTERNAL]:RE: BOA-22867 (Gold Wynn Metroplex LLC)

Received, thank you.

From: alowe@HallEstill.com <alowe@HallEstill.com>
Sent: Friday, February 14, 2020 3:10 PM
To: Chapman, Austin <AChapman@incog.org>
Subject: RE: BOA-22867 (Gold Wynn Metroplex LLC)


Austin—

Got the dimensions exhibit. I've attached above. We will also need to request a special exception for length, width, and height as we discussed last week. I've also updated our application attachments to reflect that and attached above.

Let me know if you need anything else from me.

Thank you and have a great weekend!

Amanda

 <p>HALL ESTILL ATTORNEYS AT LAW</p>	<p>AMANDA LOWE ASSOCIATE 320 S. Boston Ave. Suite 200 Tulsa, OK 74103 Office: 918-594-0810 Bio</p>
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