

SUBJECT TRACT



BOA-22885

5.1



**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9319
CZM: 47
CD: 9

Case Number: **BOA-22885**

HEARING DATE: 06/23/2020 1:00 PM (*Continued from 06/09/2020*)

APPLICANT: Susie Woody

ACTION REQUESTED: Variance to reduce the required 5 foot side yard setback in an RS-3 District (Sec. 5.030, Table 5-3) Variance to reduce the 20 foot side setback for a street facing garage on a corner lot (Sec. 80.020-B)

LOCATION: 1575 E 35 ST S

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 7000.12 SQ FT

LEGAL DESCRIPTION: LT-13-BLK-2, PARRAMORE ADDN

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".

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.

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.

ANALYSIS OF SURROUNDING AREA: The subject tract is Located at the NW/c of S. Trenton Ave. and E. 35th St. S.

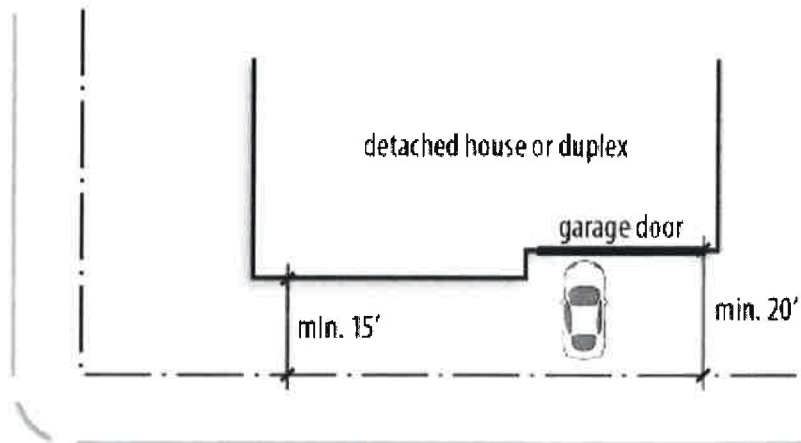
STAFF COMMENTS: The applicant is requesting **Variance** to reduce the required 5 foot side yard setback in an RS-3 District (Sec. 5.030, Table 5-3) **Variance** to reduce the 20 foot side setback for a street facing garage on a corner lot (Sec. 80.020-B)

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
Min. Building Setbacks (ft.)													
Street [3]													
Arterial or fwy service rd.	35	35	35	35	35	35	35	35	35	35	35	35	35
Other streets	35	35	30	25	20	20	25	10	25	25	10	25	25
Side (interior) [4]	15	5	5	5	5	5	5	5[5]	5[6]	5[6]	5[6]	5[7]	10
Rear [4]	25	25	25	20	20	20	20	20	20	20	10	20	15

Chapter 5 | Residential Districts
Section 5.040 | Other Relevant Regulations

[3] For detached houses and duplexes on corner lots, the minimum side street setback along a non-arterial street may be reduced to 15 feet, provided that the minimum setback for street-facing garage doors is 20 feet or 20 feet from the back of the sidewalk, whichever is greater. The street setback specified in Table 5-3 applies along the other street.

Figure 5-1: Street Side Setback on Corner Lots



STATEMENT OF HARDSHIP:

Not Provided by applicant at this time.

SAMPLE MOTION: Move to _____ (approve/deny) a **Variance** to reduce the required 5 foot side yard setback in an RS-3 District (Sec. 5.030, Table 5-3) **Variance** to reduce the 20 foot side setback for a street facing garage on a corner lot (Sec. 80.020-B)

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

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."*



Subject property



Facing West on 35th Pl.



Subject Property

1527 E 34
TULSA, OKLA
74105

TULSA OK 74103

05 JUN 2020 PM 3:1



RECEIVED
JUN 08 2020
BY:

CITY OF TULSA
BOARD OF ADJUSTMENT
2 WEST SECOND STREET
SUITE 800
TULSA, Oklahoma
74103

74103-311600



6-2-20

RE: CASE #

BOA-22885

WE HAVE NO OBJECTION
TO THIS APPLICATION.

THOMAS F. STERLING
1527 E 34

1575 E 35th St S

Lt-13-BLK-2

Miami Home Plate, LLC

March 17, 2020, updated June 16, 2020

Owner requests variance to codify existing legally nonconforming structure and guarantee ability to rebuild as currently exists.

Existing conditions:

1. lot was platted prior to 1970 zoning code
2. west yard is setback 2.1', not 5' - per the 1970 zoning code
3. east garage entry is 9.8', not 20' - per the 1970 zoning code
4. city of Tulsa has approved interior remodel plans and issued permit
5. interior remodel is in progress

Owners plans for remodel:

1. will not change the exterior shape and size of residence
2. demonstrates commitment to maintaining established character of neighborhood.



Subject Tract

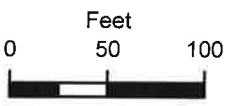
BOA-22885

19-13 19

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

Aerial Photo Date: February 2018

5.10



Subject Tract

BOA-22885

19-13 19

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

Aerial Photo Date: February 2018



5.11

**THIS PAGE
INTENTIONALLY
LEFT BLANK**