BOARD OF ADJUSTMENT
CASE REPORT

STR: 9203
CZM: 36
CD: 4

Case Number: BOA-23082

HEARING DATE: 02/23/2021 1:00 PM

APPLICANT: Troy Trower

ACTION REQUESTED: Special Exception to allow an addition to a non-conforming structure that has a non-conforming side setback less than 5' from the side property line (Sec.80.030-D)

LOCATION: 1716 W CAMERON ST N
ZONED: RS-3

PRESENT USE: Residential
TRACT SIZE: 7278.91 SQ FT

LEGAL DESCRIPTION: ALL LT 4 E 2 LT 5 BLK 17, IRVING PLACE

RELEVANT PREVIOUS ACTIONS:

Subject Property: None.

Surrounding properties:

BOA-23056; On 01.12.21 the Board approved a Special Exception for an Accessory Dwelling Unit and a Variance of the required 3' setback for a Detached Accessory Building in the rear setback. Property located 1723 W. Reconciliation Way N.

BOA-19081; On 05.22.01 the Board approved a Variance of the required 3' setback for a Detached Accessory Building in the rear setback. Property located 1711 W. Cameron St.

BOA-17018; On 04.11.95 the Board Approved a Minor Special Exception to reduce the front setback to allow the replacement of a non-conforming porch. Property located 1717 W. Brady.

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 on W. Cameron St. in between N. Vancouver and Union Avenues. The property is in the Owen Park Neighborhood.

**STAFF COMMENTS:** The applicant is Special Exception to allow an addition to a non-conforming structure that has a non-conforming side setback less than 5' from the side property line (Sec.80.030-D)

The applicant is seeking to add a second story to a structure that has non-conforming side setback.

**SAMPLE MOTION:** Move to ________ (approve/deny) a Special Exception to allow an addition to a non-conforming structure that has a non-conforming side setback less than 5' from the side property line (Sec.80.030-D)
- 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.
Subject property

Facing East on Cameron
Facing West on Cameron
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; for the following property:

E.10-LT-18-ALL LT-19-BLK-8, WILDWOOD, City of Tulsa, Tulsa County, State of
Oklahoma

23051—William Bell

Action Requested:
Special Exception to permit a 12-foot wall in the front street setback and a 10-foot
wall around the perimeter (Section 45.080-A); Variance to allow a wall to be
located inside the City of Tulsa right-of-way or planned right-of-way (Section
90.090-A). LOCATION: 3514 South Yale Avenue East (CD 9)

Presentation:
The applicant was not present. Mr. Van De Wiele moved this case to the end of the
agenda to allow time for the applicant to arrive.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
No Board action required at this time; for the following property:

PRT SE NE BEG NEC N/2 S/2 SE NE TH W280 S195.11 E280 N195.11 POB LESS E50
THEREOF FOR RD SEC 21 19 13 1.03AC, City of Tulsa, Tulsa County, State of
Oklahoma

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NEW APPLICATIONS

23056—Tom Neal

Action Requested:
Special Exception to allow an accessory dwelling unit in an RS-3 District (Section
45.031-D); Variance of the required 3-foot setback for a detached accessory
building located in a rear setback (Section 90.090-C). LOCATION: 1723 West
Reconciliation Way North (CD 4)

01/12/2021-1264 (21)
Presentation:
Tom Neal, 2507 East 11th Place, Tulsa, OK; stated the homeowner has an existing garage that has been on the property since the 1920s and they would like to change the garage to a small mother-in-law suite. There would be no change in the footprint but there would be windows added to allow light filtration and for egress. There will be a small bath and a small kitchenette added. The existing structure is about two and a half feet off the rear property line.

Ms. Shelton asked Mr. Neal about the window in the gable if there is a second floor. Mr. Neal stated there is not a second floor but there will be a storage loft, but it will not be a habitable space. There are currently no windows in the structure, and he suggests adding a narrow slider over the bed, and above in the storage loft just to allow light in.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of RADNEY, the Board voted 5-0-0 (Bond, Brown, Radney, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to APPROVE the request for a Special Exception to allow an accessory dwelling unit in an RS-3 District (Section 45.031-D); Variance of the required 3-foot setback for a detached accessory building located in a rear setback (Section 90.090-C), subject to conceptual plan 6.6 of the agenda packet. The Board finds the hardship to be that the existing structure was built in 1910 with a 2'-6" setback from the rear lot line that does not conform with the current Code. 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

01/12/2021-1264 (22)
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; for the following property:

LT 7 BLK 17, IRVING PLACE, City of Tulsa, Tulsa County, State of Oklahoma

23057—KEO Construction, LLC – Kevin O’Brian

Action Requested:
Variance of the required height limitations for a detached accessory building to
amend the previously approved plans in BOA-22453 (Section 90.090-C); Variance
to allow the floor area of a detached accessory building to exceed 40% of the floor
area of the principal residential structure (Section 45.030-A). LOCATION: 2430
East 22nd Place South (CD 4)

Presentation:
Kevin O’Brian, 2430 East 22nd Place, Tulsa, OK; stated his client has a garage that
was built in 2018 before he purchased the subject property, and it was approved by the
City. The footprint of the existing structure will not be changed but his client would like
to convert it to living space and a mother-in-law suite or pool house. There is an
existing pool on the property. The structure is 1,476 square feet which includes the
garage. The building has an existing half bath and existing plumbing for a kitchenette,
his client would like to finish that out and install a wall to separate the two-car garage
portion. The staircase would be to allow a workspace or an upstairs office. A dormer
will be added to the structure to allow for head height and a sliding door.

Mr. Van De Wiele asked Mr. O’Brian if the existing structure is single story. Mr. O’Brian
stated that it has full head height attic space upstairs. Mr. Van De Wiele asked Mr.
O’Brian if they would just be finishing out the second story. Mr. O’Brian answered
affirmatively; the dormer and deck would be added, and the deck would overlook the
homeowner’s pool not a neighbor.

Mr. Van De Wiele asked Mr. Chapman how this structure did not have an issue about
the floor area before. Mr. Chapman stated the structure went before the Board
previously for the height, and when it was described at that point it was looked at as a
one-story structure with unfinished attic space. At this point, the applicant is coming
back to the Board through permitting because he is adding the usable space in the
existing attic space which increases the floor area of the building. To the applicant’s
point, it is not really the footprint of the building it’s just usable space within the existing
footprint.

Mr. Brown asked Mr. O’Brian if there was a balcony on the second floor. Mr. O’Brian
answered affirmatively stating the deck will be on the east side of the garage and will
look into the homeowner’s pool.
to be the size of the lot and the adjoining properties are not being used for residential purposes, on the following described property:

West 62’ Lot 23 and 26, Block 1, Boston Addition, City of Tulsa, Tulsa County, Oklahoma.

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Case No. 19080
Action Requested:
Special Exception for a Use Unit 4 "utility facilities" in an OL zoned district. SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS -- Use Unit 4, and a Variance of one-story height limit in an OL zoned district to two-story for enlargement of existing building. SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS, located 5303 E. 71st St. S.

Presentation:
Barbara Larson, 5929 N. Main, Oklahoma City, Oklahoma, stated she is an architect representing Southwestern Bell. They propose to expand the existing southern most building up one story for switching equipment.

Interested Parties:
There were no interested parties present who wished to speak.

Board Action:
On MOTION of Dunham, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "abstentions") to APPROVE a Special Exception for a Use Unit 4 "utility facilities" in an OL zoned district; and a Variance of one-story height limit in an OL zoned district to two-story for enlargement of existing building, on condition that the relief is only for the southern most building, finding the hardship to be the size of the lot, per plan, on the following described property:

Beg. at the SW/c SE/4 SW/4 Section 3, T-18-N, R-13-E, thence N 00°00'34" E a distance of 1,321.04'; thence S 89°50'27"E a distance of 329.98'; thence S 00°00'43" W a distance of 1,321.12' to a point on the S line of Section 3; thence N 89°49'38" W a distance of 329.93' to the POB, City of Tulsa, Tulsa County, Oklahoma.

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Case No. 19081
Action Requested:
Variance of 3' requirement from property line for an accessory building down to 17". SECTION 402.B.1.c. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions --- Use Unit 6, located 1711 W. Cameron St.
Presentation:
Frances Walker, 1711 W. Cameron St., stated that she needs the variance down to 19'. They built a storage building that is less than 100 square feet in size. The existing garage needs to be torn down and replaced. The hardship is that they cannot build it toward the back because of power lines within 10'.

Comments and Questions:
Mr. White asked if they use the alley to access the garage. Ms. Walker replied that the garage is too small for a vehicle and they park in the driveway. Mr. White asked if the storage building is on blocks. Ms. Walker replied that it is on blocks.

Interested Parties:
There were no interested parties present who wished to speak.

Board Action:
On MOTION of Dunham, the Board voted 4-1-0 (White, Dunham, Turnbo, Perkins "aye"; Cooper "nay"; no "abstentions"; no "abseions") to APPROVE a Variance of 3' requirement from property line for an accessory building down to 19", finding the hardship to be the size of the lot and that it is consistent with the neighborhood, on the following described property:

Lot 10, Block 16, Irving Place, City of Tulsa, Tulsa County, State of Oklahoma.

* * * * * * *

Case No. 19082
Action Requested:
Special Exception to permit 300' high monopole communication tower for Union Public Schools and co-location for other communication companies. SECTION 1204.C.3.g.1. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, Use Conditions; and a Special Exception to permit 300' tower within 25' of adjoining residential lot. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS, located 600' E of SE/c E. 62nd St. & 101st E. Ave.

Presentation:
John Moody, stated he is an attorney and represented Union Public Schools and Hemphill Public Schools. They propose to place a 300' monopole behind the 6th and 7th grade center as the primary redundant backup system for the Union Schools microwave system. It would be engineered for collocation. The school system owns the subject property including a residential adjoining lot and the lot to the south. The tower would be located 358' from the nearest residential lot not owned by the Union school system. Responses to factors to be considered, site plan, and a letter (Exhibits G-1, G-2, and G-3) from Union Public School were submitted.

White out at 3:16 p.m.
Case No. 17016 (continued)

**Board Action:**

On **MOTION** of WHITE, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to **APPROVE** a **Minor Special Exception** to amend a previously approved plot plan (BOA No. 13978) to permit a 24’ by 48’ maintenance building and a shelter - Use Unit 2; per plan submitted; finding that the proposed improvements will be compatible with the area and in harmony with the Code; on the following described property:

Part of the E/2, SW/4, and part of the NW/4, Section 19, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17018

**Action Requested:**

Minor Special Exception to reduce the front yard setback from 55’ to 52’ to allow replacement of a porch on an existing dwelling - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1717 West Brady.

**Presentation:**

The applicant, Janet Henderson, 1717 West Brady, submitted photographs (Exhibit F-1) and requested permission to replace an old porch that is in bad repair. She pointed out that the older area has numerous structures that are encroaching into the current required setback.

**Protestants:**

None.

**Board Action:**

On **MOTION** of WHITE, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to **APPROVE** a **Minor Special Exception** to reduce the front yard setback from 55’ to 52’ to allow replacement of a porch on an existing dwelling - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; finding that there are numerous encroachments in the older area; and finding that approval of the request will not be detrimental to the neighborhood; on the following described property:

Lot 9, Block 17, Irving Place Addition, City of Tulsa, Tulsa County, Oklahoma.
80.030-D Alterations, Enlargements and Expansions

Alterations, including enlargements and expansions, are permitted if the proposed alteration or expansion complies with all applicable lot and building regulations and does not increase the extent of the nonconformity. A building with a nonconforming street setback, for example, may be expanded to the rear as long as the rear expansion complies with applicable rear setback regulations and all other applicable lot and building regulations. Horizontal and vertical extensions of an exterior wall that is nonconforming with regard to applicable setbacks may be approved in accordance with the special exception procedures of Section 70.120.

Corrective Action

Review Comments: You are proposing to add a second story to a structure that has a non-conforming side setback being less than 5' from the side property line. Apply to BOA for a special exception to allow an addition to a non-conforming structure.
Subject Tract

BOA-23082

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

Aerial Photo Date: February 2018

19-12 03
Feet
0 50 100
BOA-23082
Note: Graphic overlays may not precisely align with physical features on the ground.
Subject Tract
Aerial Photo Date: February 2018
BOA-23082
19-12 03