BOARD OF ADJUSTMENT
CASE REPORT

STR: 218
CZM: 29
CD: 3

HEARING DATE: 03/09/2021 1:00 PM

APPLICANT: Josh Kunkel

ACTION REQUESTED: Variance to reduce the required 35-foot setback from an arterial street (Harvard Ave.) (Sec. 5.030, Table 5-3)

LOCATION: 106 N HARVARD AV E; 116 N HARVARD AV E; 3243 E ARCHER ST N

TRACT SIZE: 21074.41 SQ FT

ZONED: RM-2

PRESENT USE: Vacant

LEGAL DESCRIPTION: LT 26 BLK 1; S/2 LT 1 & 2 BLK 1; LT 25 BLK 1, LINDELL PARK

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 at the NW/c of E. Archer St. and N. Harvard Ave.

STAFF COMMENTS: The applicant is requesting Variance to reduce the required 35-foot setback from an arterial street (Harvard Ave.) (Sec. 5.030, Table 5-3)

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REVISED 2/26/2021
STATEMENT OF HARDSHIP:
We seek this hardship because; 1) Harvard Ave. is a primary arterial and requires a significant setback, which would render the property un-developable for Multi-family if not afforded relief; 2) These lots are a combination of parcels platted prior to the adoption of the Zoning code; 3) We are aesthetically trying to match the surrounding context/ setbacks by placing parking to the West of the proposed building.

SAMPLE MOTION:
Move to ________ (approve/deny) a Variance to reduce the required 35-foot setback from an arterial street (Harvard Ave.) (Sec. 5.030, Table 5-3)

- 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."

REVISED 2/28/2021
Subject tract
BOA-23089

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

Aerial Photo Date: February 2018
Note: Graphic overlays may not precisely align with physical features on the ground.
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