BOARD OF ADJUSTMENT
CASE REPORT

STR: 8210
CZM: 51
CD: 2

HEARING DATE: 01.11.22 (Continued from 12/14/2021) 1:00 PM

APPLICANT: Rick Stuber

ACTION REQUESTED: Variance to reduce the required rear setback from 40-feet to 23-feet in the AG District (Sec. 25.020-D, Table 25-2)

LOCATION: 2663 W 73 ST S
ZONED: AG

PRESENT USE: Residential
TRACT SIZE: 102632.14 SQ FT

LEGAL DESCRIPTION: LT 6 BLK 2, ROSEWOOD ACRES 2ND 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".

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 West of the NW/c of S. 26th W. Ave. and W. 73rd St. S.

STAFF COMMENTS: The applicant is requesting Variance to reduce the required rear setback from 40-feet to 23-feet in the AG District (Sec. 25.020-D, Table 25-2)

1.2
The applicant is requesting a reduction of 17-feet for their rear setback for a detached accessory building. The building is an addition to an existing building that does not conform to the zoning code. It is unclear if the existing building is legally non-conforming or illegally non-conforming, though the applicant is correct in that the covenants of the subdivision only require a 10-foot rear setback from the rear property line. The AG zoning at the time the subdivision was filed would have required a 40-foot rear setback. The applicant may wish to expand on their hardship and explain unique condition on the site would prevent them from building a garage further from the rear setback.

**APPLICANT'S STATEMENT OF HARDSHIP:** The current detached garage was built to the plat requirements for setbacks. Current AG zoning now makes the existing garage non-conforming. The wish is to expand the current garage and it will conflict with the AG Zoning.

**SAMPLE MOTION:** Move to _________ (approve/deny) a **Variance** to reduce the required rear setback from 40-feet to 23-feet in the AG District (Sec. 25.020-D, Table 25-2)

- 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:

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**Table 25-2: AG District Lot and Building Regulations**

<table>
<thead>
<tr>
<th>Regulations</th>
<th>AG</th>
<th>AG-R</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Lot Area</td>
<td>2 a</td>
<td>1 a</td>
</tr>
<tr>
<td>Min. Lot Area per Unit</td>
<td>2 a</td>
<td>1 a</td>
</tr>
<tr>
<td>Minimum Lot Width (feet)</td>
<td>200</td>
<td>150</td>
</tr>
<tr>
<td>Min. Lot Frontage (feet)</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>Min. Building Setbacks (feet)</td>
<td>25</td>
<td>25</td>
</tr>
</tbody>
</table>

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**TULSA ZONING CODE | August 31, 2021**

**Chapter 25 | Special Districts**

**Section 25.030 | PK, Parking District**

<table>
<thead>
<tr>
<th>Regulations</th>
<th>AG</th>
<th>AG-R</th>
</tr>
</thead>
<tbody>
<tr>
<td>Side (one side/other side)</td>
<td>10/5</td>
<td>15</td>
</tr>
<tr>
<td>Rear</td>
<td>40</td>
<td>25</td>
</tr>
<tr>
<td>Max. Building Height (feet)</td>
<td>-</td>
<td>35</td>
</tr>
</tbody>
</table>
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 East on 73rd. St.
Facing West on 73rd St.
BOARD OF ADJUSTMENT REQUEST
ALLOW A NEW 24'X40' GARAGE ADDITION TO THE EXISTING GARAGE
THE ORIGINAL PLAT AND CURRENT AG ZONING CONFLICT

1. ALLOW A NEW 24'X40' GARAGE ADDITION TO THE EXISTING GARAGE
2. CLASSIFY THE ADDITION AS AG
3. VERIFY THE ADDITION IS FIELD VERIFIED

EXISTING RESIDENCE SF 4,324 SF
GARAGE SF (EXISTING) 1,680 SF
LOT COVERAGE .059 %

PROPOSED GARAGE ADDITION 960 SF
LOT COVERAGE INCREASE FOR ADDITION .009 %

ZONING CLASSIFICATION
JURISDICTION CITY OF TULSA
EXISTING ZONING AG

PROJECT INFORMATION
LOT INFORMATION (BASED ON TULSA ASSESSOR DATA)
SUBDIVISION ROSEWOOD ACRES, 2ND ADDITION (LOTS, BLOCK2)
LOT AREA 102,630 SF (2.36 ACRES)
RESIDENCE SF 4,324 SF
GARAGE SF (EXISTING) 1,680 SF
LOT COVERAGE .059 %
PROPOSED GARAGE ADDITION 960 SF
LOT COVERAGE INCREASE FOR ADDITION .009 %

BOARD OF ADJUSTMENT REQUEST
ALLOW A NEW 24'X40' GARAGE ADDITION TO THE EXISTING GARAGE
THE ORIGINAL PLAT AND CURRENT AG ZONING CONFLICT

ORIGINAL PLAT SIDE SETBACK FOR ACCESSORY STRUCTURE = 35'
CURRENT AG ZONING SIDE SETBACK ALLOWED = 5' ONE SIDE, 10' OTHER
CURRENT AG ZONING REAR SETBACK ALLOWED = 40'

ARCHITECTURAL SITE PLAN
SCALE: 1" = 50'-0"

EXISTING GARAGE
EXISTING RESIDENCE
POOL

WEST 73RD STREET SOUTH
BOA-23211

Subject Tract

18-12 10

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

Aerial Photo Date: 2020/2021

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