BOARD OF ADJUSTMENT
CASE REPORT

STR: 8305  Case Number: BOA-23235
CZM: 52
CD: 2

HEARING DATE: 01/11/2022 1:00 PM

APPLICANT: Lou Reynolds

ACTION REQUESTED: Variance to reduce the required 25-foot rear setback in the RS-1 district to permit an addition to the existing residence (Sec. 5.030, Table 5-3)

LOCATION: 2630 E 65 PL S  ZONED: RS-1

PRESENT USE: Residential  TRACT SIZE: 18900.76 SQ FT

LEGAL DESCRIPTION: LT-3-BLK-2, TIMBERLANE ROAD ESTATES

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 SW/c of S. Timberlane Rd. and E. 65th Pl. S. The property is immediately East of a parking lot used by Southern Hills Country Club.

STATEMENT OF HARDSHIP: The applicant has provided a separate exhibit included in your packet.

STAFF COMMENTS: The applicant is requesting Variance to reduce the required 25-foot rear setback in the RS-1 district to permit an addition to the existing residence (Sec. 5.030, Table 5-3)
The applicant is seeking to reduce the 25-foot rear setback from 25-feet to 11-feet. The applicant did point out in their statement that the addition would be allowed by right if it were detached. That would only be true if the addition were 40% or less the size of the principal residence. It is unclear if the addition meets those criteria. The hardship stated by the applicant do not appear self-imposed seeing as the existing residence was built with greater front and side setbacks than required by code by a previous property owner.

**SAMPLE MOTION:** Move to _________ (approve/deny) a **Variance** to reduce the required 25-foot rear setback in the RS-1 district to permit an addition to the existing residence (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.”

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**Table 5-3: R District Lot and Building Regulations**

<table>
<thead>
<tr>
<th>Regulations</th>
<th>RE</th>
<th>RS-1</th>
<th>RS-2</th>
<th>RS-3</th>
<th>RS-4</th>
<th>RS-5</th>
<th>RD</th>
<th>RT</th>
<th>RM-0</th>
<th>RM-1</th>
<th>RM-2</th>
<th>RM-3</th>
<th>RMH</th>
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</thead>
<tbody>
<tr>
<td>Min. Building Setbacks (ft.)</td>
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<tr>
<td>Arterial or fwy service rd.</td>
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<td>35</td>
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<td>10</td>
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<tr>
<td>Other streets</td>
<td>35</td>
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<td>30</td>
<td>25</td>
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<td>10</td>
<td>25</td>
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<tr>
<td>Side (interior) [4]</td>
<td>15</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>10</td>
<td>20</td>
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<td>5(6)</td>
</tr>
</tbody>
</table>
Subject property

Facing West on 65th Pl.
Facing East on 65th Pl.
Exhibit “A”

The Applicant requests a Variance from Table 5-3 of the Tulsa Zoning Code (the “Code”) to reduce the rear yard setback in an RS-1 district from twenty-five feet (25’) to ten feet (10’) in order to permit an addition to the existing residence located at 2630 E. 65th Place (the “Property”).

The Property is an approximately half acre lot located on the south side of E. 65th Place. On the north side of 65th Place is one row of houses which back up to Southern Hills Country Club and to the west of the Property is an overflow parking lot for the County Club. The Property is located at the bottom of a steep hill as East 65th Place slopes upward, inclining approximately 30 feet heading east toward Timberlane Road. Additionally, the house on the abutting property to the south is located over 200 feet from the rear Property line and is at a higher elevation of approximately 65 feet.

The Property owners desire to build an addition in the rear yard on the east side of the house. The home is situated in the center of the lot and with a front setback of 42 feet, and side setbacks of 31.5 feet and 14.7 feet, exceeding the minimum Code requirements of 35 feet and 5 feet, respectively. Additionally, the west side of the Property is encumbered by fifteen feet (15’) of utility easements, reducing the available area of buildable side yard by half.

The buildable area on the lot is significantly reduced due to the excessive front setback and the limited side yard, and the twenty-five foot (25’) rear setback requirement results in unnecessary hardship to the Property owner. Moreover, if the proposed addition was detached, it would be permitted in the rear setback by right as an accessory dwelling unit. The house will otherwise meet all of the bulk and area requirements of the RS-1 district. Additionally, because the home sits at the bottom of a hill, the addition to the home will have no effect on the neighboring properties which are at significantly higher elevations. Therefore, the Variance will not cause substantial detriment to the public good and will not impair the spirit and intent of the Code.
APPLICATION NO: BLDR-084005-2021  
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 2630 E. 65th Pl.
Description: Addition

INFORMATION ABOUT SUBMITTING REVISIONS

OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

REVISIONS NEED TO INCLUDE THE FOLLOWING:
1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.

IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.

2. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.

3. A COPY OF A "RECORD SEARCH" IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)
1. 5.030-A Table of Regulations
The lot and building regulations of Table 5-3 apply to all principal uses and structures in R districts, except as otherwise expressly stated in this zoning code. General exceptions to these regulations and rules for measuring compliance can be found in Chapter 90. Regulations governing accessory uses and structures can be found in Chapter 45.

Review Comments: The proposed addition requires a 25 foot setback from the rear property line in an RS-1 zoning district. You may revise the plans to provide for the required 25 foot rear setback, or you may pursue a variance from the BOA (INCOG) to reduce the rear setback to permit an addition in an RS-1 zoning district to be less than 25 feet from the rear property line.

The zoning review will resume after these modified plans are submitted.

Note: Please direct all questions concerning variances, special exceptions, alternative landscape plans, alternative compliance parking ratios and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter. A hard copy of this letter is available upon request by the applicant. Please notify Plans Examiner by email when you have submitted a revision. If you originally submit paper plans, revisions must be submitted as paper plans. If you submit online, revisions must be submitted online.

END - ZONING CODE REVIEW

NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.
PARKER RESIDENCE
MASTER SUITE ADDITION AND OUTDOOR AREA

INSTRUMENT NOTES

1. Issue Instrument Designation:
   A000
   Description:
   Sheet 1 of 3

2. Scale:
   1/128" = 1'-0"

3. Revised Date:
   24-Nov-21

4. Issued For Construction

5. Square Footage Summary:
   Lot A-B
   Site Plan

6. Sheet:
   A000

GENERAL NOTES:

1. All work performed on site is subject to all applicable codes and regulations. The applicant is responsible for coordinating all aspects of the work, including but not limited to water, sewer, electrical, gas, and drainage connections. The applicant is responsible for ensuring that all work is completed in accordance with the approved plans and specifications.

2. All work must be performed by a licensed contractor or a licensed subcontractor. The applicant is responsible for obtaining all necessary permits and licenses for the work to be performed.

3. The applicant is responsible for coordinating all work with the utility companies and obtaining all necessary service lines and connections.

4. The applicant is responsible for ensuring that all work is completed in accordance with the approved plans and specifications. The applicant is responsible for ensuring that all work is completed in accordance with the approved schedule.

5. The applicant is responsible for ensuring that all work is completed in accordance with the approved quality standards. The applicant is responsible for ensuring that all work is completed in accordance with the approved specifications.

6. The applicant is responsible for ensuring that all work is completed in accordance with the approved project information and site plan.

7. The applicant is responsible for ensuring that all work is completed in accordance with the approved budget and schedule.

LEGEND:

1. PROPOSED SITE PLAN
   - S = SITE
   - P = PROPOSED PATH
   - T = TERRAIN
   - R = ROOF
   - D = DRAINAGE

DRAWING INDEX:

A000
- PROJECT INFO / SITE PLAN
- Proposed Elevation Plan
- Proposed Roof Plan
- Section Plan
- Electrical and Plumbing Layout

INDEX:

- SHEET
- DESCRIPTION
- ISSUE DATE
- REV

A000
- PROJECT INFO / SITE PLAN
- Proposed Elevation Plan
- Proposed Roof Plan
- Section Plan
- Electrical and Plumbing Layout

SWITCH & MIRNA PAPER

DRAWING NO.
A000

10.9
BOA-23235

Subject Tract

18-13 05

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

Aerial Photo Date: 2020/2021

N

10.13