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

APPLICANT: Jim Thomason

ACTION REQUESTED: Variance to permit a detached accessory building to exceed 1 story or 18 feet in height and 10 feet to the top of the top plate in the rear setback (Sec. 90.090.C)

LOCATION: 2152 S OWASSO AV E

ZONED: RS-2

PRESENT USE: RS-2

TRACT SIZE: 15455.15 SQ FT

LEGAL DESCRIPTION: LOT 7 BLK 13, SUNSET PARK AMD

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 the West side S. Owasso Ave. in between E. 21st Pl. S. and S. Norfolk Terrace.

STATEMENT OF HARDSHIP:
We are requesting a variance to the height limit, in order to provide enclosed parking for up to 5 vehicles through the use of car lifts, and still maintain a reasonable amount of livability space in the rear yard. The owner has several restoration cars and would like them parked inside. The additional 2nd floor loft space will serve as a pool bath and additional storage for the house. We feel this to be a reasonable request given the historic precedent of 2 story accessory building throughout the neighborhood. The houses on both sides of the subject property, as well as the majority of the houses on the same block have 2 story accessory buildings. The included exhibit drawing indicates all such structures in red, with the subject property noted in blue.
STAFF COMMENTS: The applicant is requesting a Variance to permit a detached accessory building to exceed 1 story or 18 feet in height and 10 feet to the top of the top plate in the rear setback (Sec. 90.090.C)

2. Detached Accessory Buildings, including Accessory Dwelling Units, in RE, RS, RD Districts and RM Zoned Lots Used for Detached Houses or Duplexes.

   a. Detached accessory buildings, including Accessory Dwelling Units, may be located in rear setbacks provided that:

   (1) The building does not exceed one story or 18 feet in height and is not more than 10 feet in height to the top of the top plate; and

   Figure 90-9: Maximum Height of Accessory Buildings, Including Accessory Dwelling Units In Rear Setbacks (RE, RS and RD Districts or RM Zoned Lots Used for Detached Houses or Duplexes)

   (2) Building coverage in the rear setback does not exceed the maximum limits established in Table 90-2:

The stated hardship is a personal inconvenience and is not related the physical surroundings, shape, or topographical conditions of the subject property. Building an accessory building with car lift is going to be difficult in most residential districts regardless of the location. The applicant should speak to the uniqueness of this property and what expectations an owner of a residential property should have of accommodating a garage of this scale for vehicle storage.

SAMPLE MOTION: Move to _________ (approve/deny) a Variance to permit a detached accessory building to exceed 1 story or 18 feet in height and 10 feet to the top of the top plate in the rear setback (Sec. 90.090.C)

   - 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
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)
Policy 15.6

Application

1. 90.090-C.2.a. Detached accessory buildings, including Accessory Dwelling Units, may be located in rear setbacks provided that: (1) The building does not exceed one story or 18 feet in height and is not more than 10 feet in height to the top of the top plate.

Figure 90-9: Maximum Height of Accessory Buildings, Including Accessory Dwelling Units In Rear Setbacks (RE, RS and RD Districts or RM Zoned Lots Used for Detached Houses or Duplexes)

Review Comment: This building is in the 25' rear setback, and the building is two stories, exceeds an overall height of 18', and exceeds 10' in height to the top of the top plate. Apply for a variance from the Board of Adjustment to have a detached accessory building in the rear setback that is a two story building, 23' 3" in overall height, and 18' in height to the top of the top plate.

NOTE: If the loft area in the detached garage will contain a kitchen and sleeping room, or is intended for independent living, long term occupation, or rental, it will qualify as an accessory dwelling unit and will require a special exception from the Board of Adjustment per section 45.031-D.

The zoning clearance review for your permit application will resume after a complete site plan is submitted. Please note that additional deficiencies may be found and will need to be resolved prior to approval of your application.

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 918-4064. 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.
East Garage Elevation

North Elevation
BOA-23241

Subject Tract

19-12 13

Aerial Photo Date: 2020/2021

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