BSK: 9330  Case Number: BOA-23242
CZM: 47
CD: 9

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

APPLICANT: Lou Reynolds

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

LOCATION: 4620 S VICTOR AV E  ZONED: RS-1

PRESENT USE: Residential  TRACT SIZE: 21597.14 SQ FT

LEGAL DESCRIPTION: LT 5 BLK 3, BOLEWOOD 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 on the West side of S. Victor Ave. in between E. 47th St. S. and E. 46th Pl. S.

STATEMENT OF HARDSHIP: The statement prepared by the applicant is included as a separate exhibit.

STAFF COMMENTS: The applicant is requesting a Variance to reduce the 25-foot rear setback in an RS-1 District to permit an addition to the residence (Sec 5.030, Table 5-3)

16.2
The applicant may want to provide details into the current status of the Utica ROW on the West of the property. If vacated by the City the property owner would acquire 30 feet of that property and the variance request would be moot.

**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.”**

16.3
Subject property

16.4
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 fifteen feet (15’) in order to permit an addition to the residence located at 4620 S. Victor Ave. (the "Property").

The Property is a half-acre lot located at 46th Place and South Victor Avenue. The back yard of the Property abuts what is platted as S. Utica Ave. However, S. Utica Ave. is not an open street between E. 45th Place and E. 47th Street (aerial photographs show it has not been a street since at least 1985 and it was likely never opened since Bolewood Estates was platted in 1960). Moreover, this portion of S. Utica Ave. was closed by ordinance in 1990 and there is currently not enough existing right-of-way for S. Utica Ave. to be opened as a street.

The backyards of the houses located along this portion of Victor Ave., including the Property, extend an additional thirty feet (30’) to encompass closed S. Utica Ave. The existing residence is located approximately thirty-four feet (34’) from the rear property line of the platted lot and over sixty feet (60’) from the existing rear fence line along closed S. Utica Ave. The owners desire to build an addition to the back of their home to extend approximately ten feet (10’) into the twenty-five foot (25’) required rear setback.

Accounting for the additional thirty feet (30’) of closed S. Utica Ave., there will be over forty-five feet (45’) of rear yard between the proposed addition and the existing rear fence. Therefore, the required twenty-five foot (25’) setback results in unnecessary hardship to the Property owner. The requested Variance does not impair the spirit and intent of the Code nor cause substantial detriment to the public good or impair the use or development of adjacent properties.