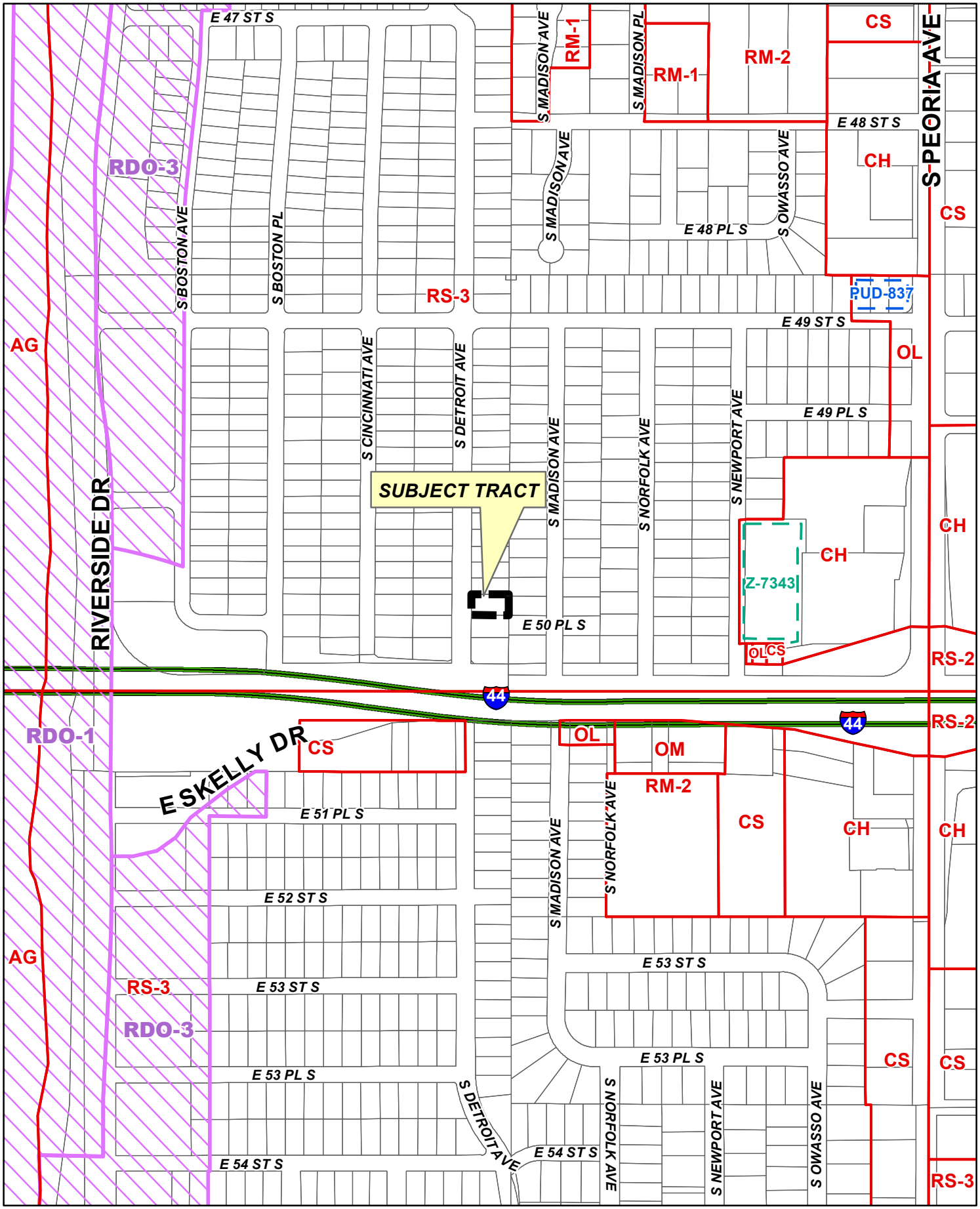

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BOA-23285

19-12 25

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BOARD OF ADJUSTMENT
CASE REPORT

STR: 9225
CZM: 46
CD: 9

Case Number: **BOA-23285**

HEARING DATE: 03/08/2022 1:00 PM

APPLICANT: Jeremy Perkins

ACTION REQUESTED: Variance to reduce the required 15-foot side street setback in the RS-3 District on a corner lot (Sec. 5.030-B, Table Note 3); Special Exception to permit a carport inside the street yard and street setback with modifications of the allowable dimensions (Section 90.090-C.1)

LOCATION: 4971 S DETROIT AV E

ZONED: RS-3

PRESENT USE: Single-family residential

TRACT SIZE: 7801.63 SQ FT

LEGAL DESCRIPTION: LT-17-BLK-2, RIVERVIEW VILLAGE AMD

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 the NE/c of E. Skelly Drive and S. Detroit Ave. it should be noted the lots in between the subject property and Skelly Drive were acquired as Right-of-way by the State of Oklahoma. On the Zoning Map it would appear that there are residential lots, the aerial makes it clear they are used as ROW for Skelly Drive.

STATEMENT OF HARDSHIP: See atatched statement included in the agenda packet.

STAFF COMMENTS: The applicant is requesting a **Variance** to reduce the required 15-foot side street setback in the RS-3 District on a corner lot (Sec. 5.030-B, Table Note 3); **Special Exception** to permit a carport inside the street yard and street setback with modifications of the allowable dimensions (Section 90.090-C.1)

5.030-B Table Notes

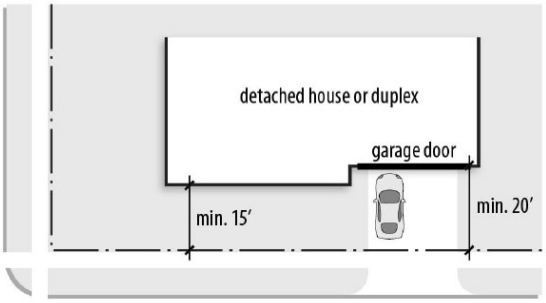
The following notes refer to the bracketed numbers (e.g.," [1]") in Table 5-3:

[1] See Section 40.240 for detailed regulations governing mobile home parks.

[2] Minimum street frontage requirements apply to townhouse developments, not to individual townhouse units. Cottage house developments require minimum street frontage of 75 feet. Minimum street frontage requirements do not apply to nonresidential uses.

[3] For detached houses and duplexes on corner lots, the minimum side street setback along a non-arterial street may be reduced to 15 feet, provided that the minimum setback for street-facing garage doors is 20 feet or 20 feet from the back of the sidewalk, whichever is greater. The street setback specified in Table 5-3 applies along the other street.

Figure 5-1: Street Side Setback on Corner Lots



1. Carports

Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures of Section 70.120. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception process:

a. A carport may be a detached accessory building or an integral part of the principal building.

b. The area of a carport may not exceed 20 feet in length by 20 feet in width.

c. A detached carport may not exceed 8 feet in height at its perimeter or 18 feet in height at its highest point. A carport erected as an integral part of the principal building may not exceed 8 feet in height within 10 feet of a side lot line or 18 feet at its highest point.

d. The carport structure must be setback from side lot lines by a minimum distance of 5 feet or the depth of the principal building setback, whichever is a greater distance from the side lot line.

e. The carport structure may project into the required street setback by a maximum distance of 20 feet. This distance must be measured from the required street setback line or the exterior building wall of the principal building, whichever results in the least obstruction of the street setback.

f. All sides of a carport that are within the required street setback must be open and unobstructed, except for support columns, which may not obstruct more than 15% of the area of any side.

g. The entire area under a carport may be used only for storage of operable, licensed motor vehicles (i.e., cars, boats, pickup trucks, vans, sport utility vehicles), which are customarily accessory to the dwelling. No other use of the carport area is allowed.

The applicant is seeking to reduce the side street setabck from 15-feet to 7-feet 6-inches for an additon to the exisitng house and a carport inside the side street setback and yard that would be 25-long by 13-feet wide.

SAMPLE MOTION:

Variance:

Move to _____ (approve/deny) a **Variance** to reduce the required 15-foot side street setback in the RS-3 District on a corner lot (Sec. 5.030-B, Table Note 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."

SPECIAL EXCEPTION: Move to _____ (approve/deny) a **Special Exception** to permit a carport inside the street yard and street setback with modifications of the allowable dimensions (Section 90.090-C.1)

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions (including time limitation, if any):
  _____.

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Subject property

Subject property from Skelly Drive

Intersection of Skelly Drive and S. Detroit Ave.

Lauren Parker
PLANS EXAMINER

TEL (918) 596-9499
laurenparker@cityoftulsa.org

DEVELOPMENT SERVICES

175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103-3227

ZONING CLEARANCE PLAN REVIEW

LOD Number: 01

January 19, 2022

Jeremy Perkins
Perkins Architecture
20 S. Lewis Ave.
Tulsa, OK 74104

Phone: (918) 284-2757

APPLICATION NO: **BLDR-106935-2021** (*PLEASE REFERENCE WHEN CONTACTING OUR OFFICE*)
Location: **4971 S. Detroit Ave.**
Description: **Residential - 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)

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. 1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.

2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.

3. 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.

4. A COPY OF A "RECORD SEARCH" **[] IS [X] 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**)**

REVIEW COMMENTS		
SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT WWW.CITYOFTULSA-BOA.ORG		
Application No. BLDR-106935-2021	4971 S. Detroit Ave.	January 19, 2022

This letter of deficiencies covers building plan review items only. You may receive additional letters from other disciplines such as Zoning or Water/Sewer/Drainage for items not addressed in this letter.

1. **Site Plan:** There is a discrepancy between the site plan and the recorded plat. The recorded plat has the lot depth as 120'; the site plan shows the lot depth as 150'. Please review and revise the site plan to the accurate dimension.

2. **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 required side-street setback on a corner lot in an RS-3 district is 15 feet. Please revise plans to show the addition within the required setback or apply for a variance through the board of adjustments to allow the side setback to be 7'-5".

3. **Sec.90.090-C.1 Carports:** Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures of Section 70.120. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception process:

   a. A carport may be a detached accessory building or an integral part of the principal building.

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   d. The carport structure must be setback from side lot lines by a minimum distance of 5 feet or the depth of the principal building setback, whichever is a greater distance from the side lot line.

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   f. All sides of a carport that are within the required street setback must be open and unobstructed, except for support columns, which may not obstruct more than 15% of the area of any side.

   g. The entire area under a carport may be used only for storage of operable, licensed motor vehicles (i.e., cars, boats, pickup trucks, vans, sport utility vehicles), which are customarily accessory to the dwelling. No other use of the carport area is allowed.

   Review comment: The proposed carport is located in the street setback and yard area and requires special exception granted by the BOA. Please contact an INCOG representative at 918-584-7526 for further assistance. Please note: If the regulations above cannot be met, you will need to address these items as part of the special exception process as the proposed structure is not in compliance with said regulations as submitted. If approved, submit a copy of the approved special exception as a revision to your application.

Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code:
http://www.tmapc.org/Documents/TulsaZoningCodeAdopted110515.pdf

Please notify the reviewer via email when your revisions have been submitted

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.

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.

918-743-9444
20 South Lewis Avenue
Tulsa, Oklahoma 74104
PerkinsArchitecture.com

perkins
architecture

City of Tulsa Board of Adjustment application 02.03.22
Addendum

Action(s) Requested:

Requesting the south required side yard setback be reduce from 15'-0 to 7'-6"

Requesting a special exception for the covered parking to be located as designed to match the roofline of the residence w/ a 2'-0" overhang in the required front yard setback and 8'-0" in the required side yard setback if the variance request for reduction to 7'-6" is not granted.

Hardship Statement:

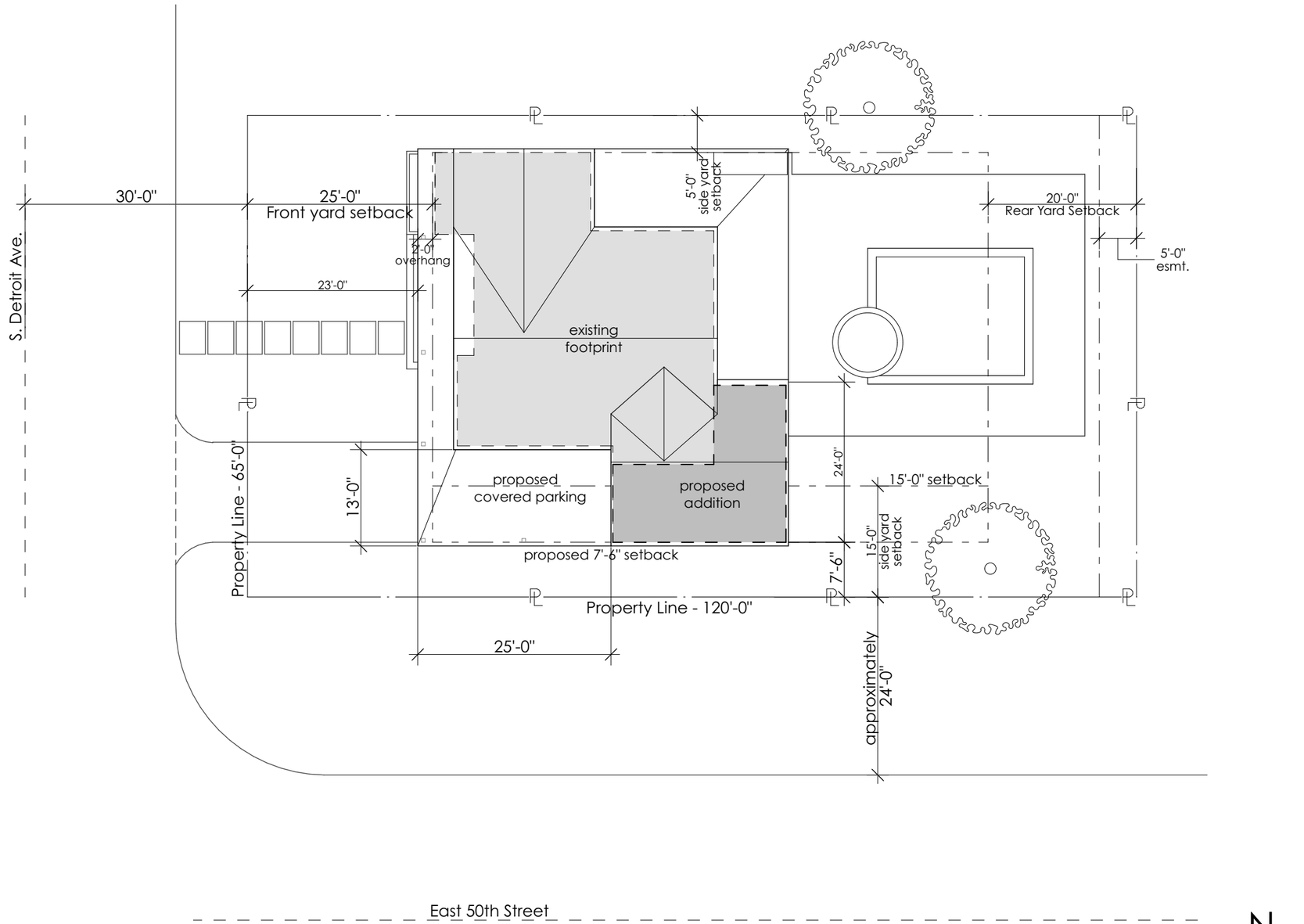
The residence located at 4971 South Detroit was originally built on as an interior lot. Due to the creation of East 50th street this lot has become a corner lot as the house to the south was removed and now is right-of-way space. As this is an RS-3 lot the required side yard setback is now15'-0" vs. the original dimension of 5'-0".

The existing garage on the North side of the residence is built to the North setback line and the width of the garage is undersized for modern day vehicles. This space is also offset 18" below the existing residence finished floor. These two issues make for an additional hardship to expand the current garage space for covered parking.

We are requesting a variance to move the south 15'-0" setback to 7'-6" to allow for an expansion of the residence and covered parking that would meet the original setback requirements of this property.

Thank you,
Jeremy Perkins AIA

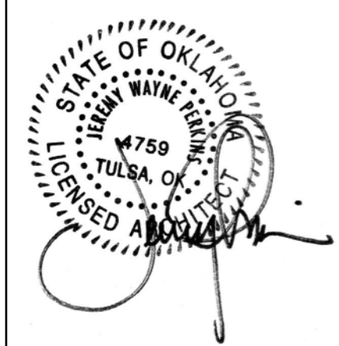
STATE OF OKLAHOMA
JEREMY WAYNE PERKINS
4759
TULSA, OK
LICENSED ARCHITECT



1 Proposed Site Plan
SCALE: 1/16" = 1'-0"

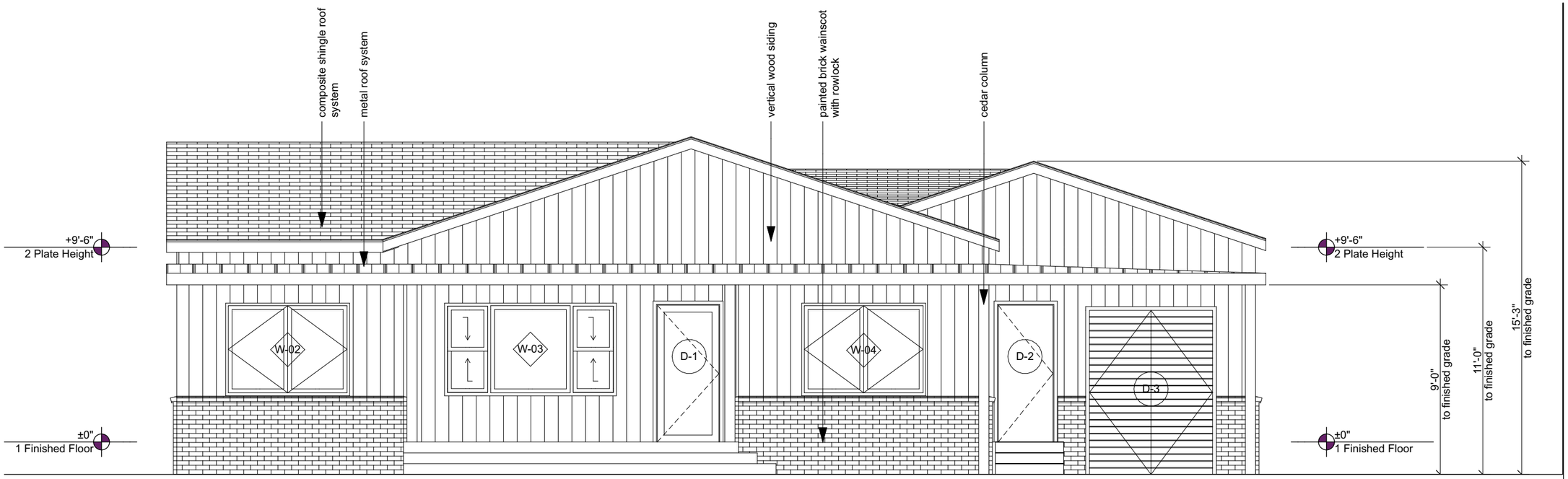
perkins
architecture
perkinsarchitecture.com
918.743.9444

GOOCH RESIDENCE
4971 South Detroit Avenue
Tulsa, OK 74105



drawing:
Site Plan

13.11 date: 3/1/22



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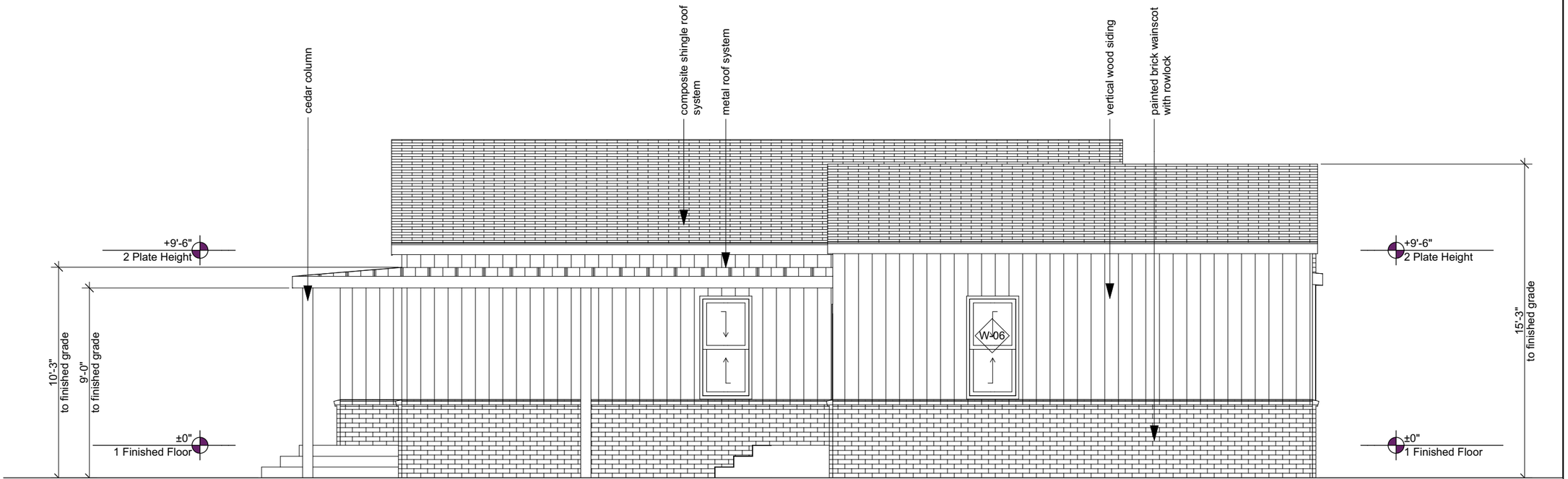
SCALE: 3/16" = 1'-0"



2 South Elevation
SCALE: 3/16" = 1'-0"

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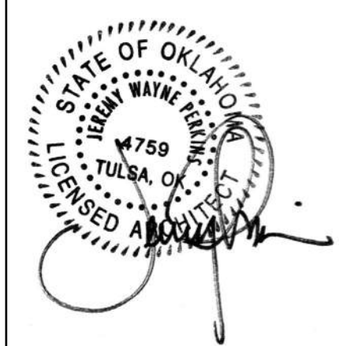
perkinsarchitecture.com
918.743.9444

GOOCH RESIDENCE
4971 South Detroit Avenue
Tulsa, OK 74105



drawing:
Elevations

13.12

date: 2/3/22

perkins
architecture

o: 918.743.9444 | perkinsarchitecture.com

preliminary document
not for construction

GOOCH RESIDENCE

4971 South Detroit Avenue
Tulsa, OK 74105

drawing:
RENDERING

13.13 date: 11/19/21

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architecture

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preliminary document
not for construction

GOOCH RESIDENCE

4971 South Detroit Avenue
Tulsa, OK 74105

drawing:
RENDERING

13.14

date: 11/19/21

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preliminary document
not for construction

GOOCH RESIDENCE
4971 South Detroit Avenue
Tulsa, OK 74105

drawing:
RENDERING

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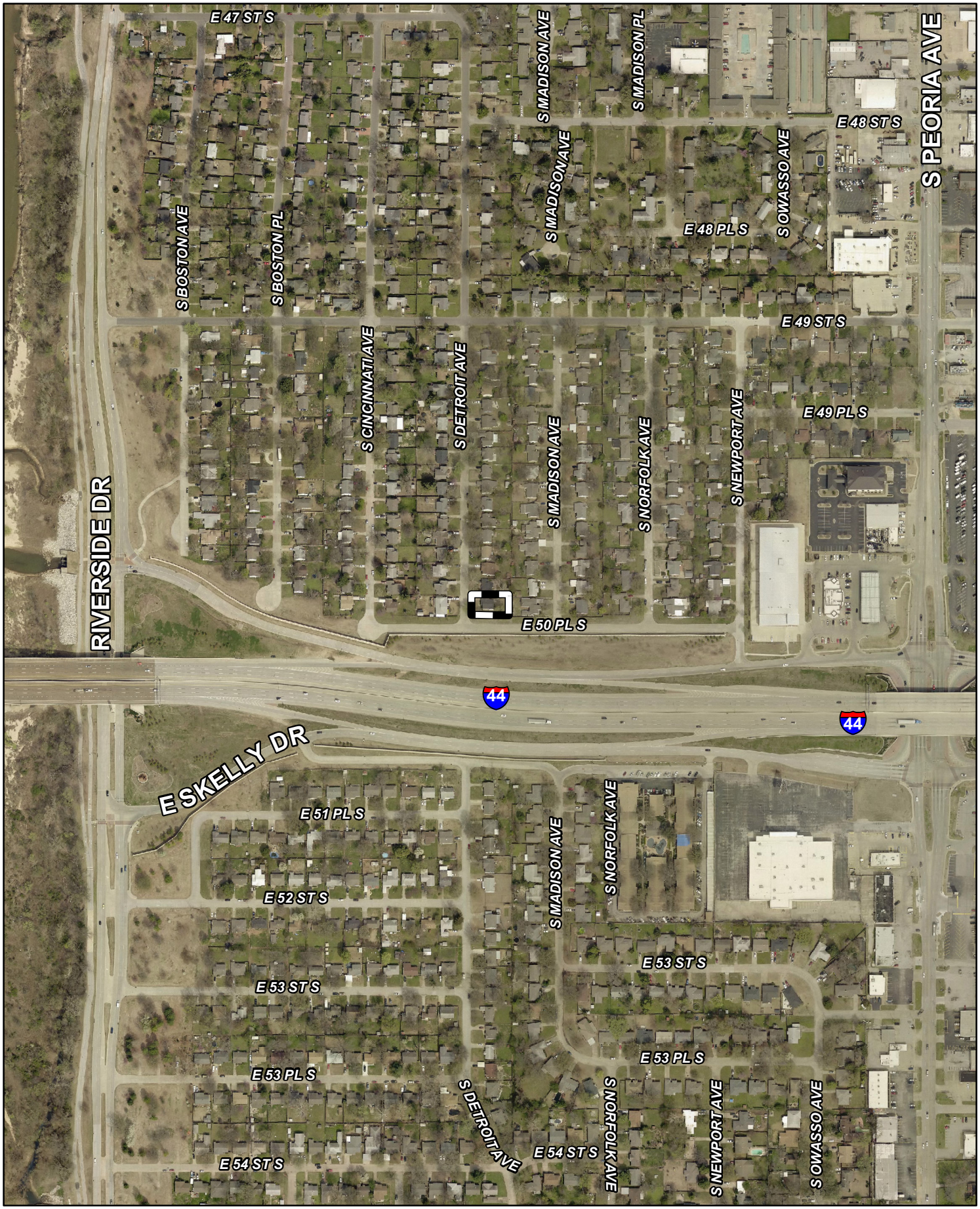
date: 11/19/21



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Subject Tract

BOA-23285

19-12 25

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

Aerial Photo Date: 2020/2021

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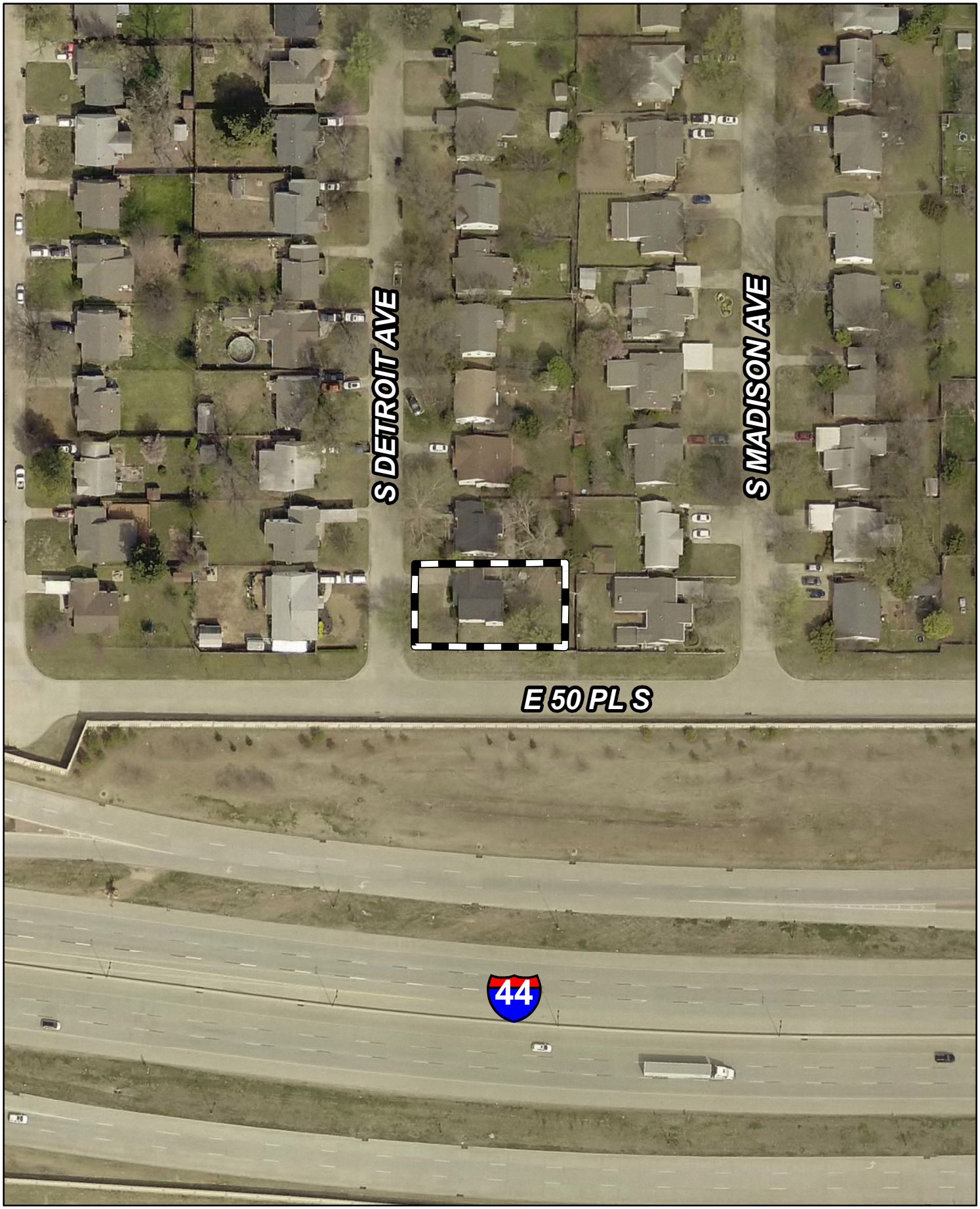

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Subject Tract

BOA-23285

19-12 25

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

Aerial Photo Date: 2020/2021

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