

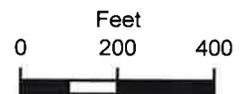
SUBJECT TRACT

PUD-659

PUD-414

BOA-22834

19.1



**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9319

Case Number: **BOA-22834**

CZM: 47

CD: 9

HEARING DATE: 01/14/2020 1:00 PM

APPLICANT: Kyle Gibson

ACTION REQUESTED: Variance of the required 20 foot rear setback and the required 5 foot side setback in an RS-3 district (Section 5.030, Table 5-3)

LOCATION: 1948 E 33 PL S

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 10798.57 SQ FT

LEGAL DESCRIPTION: LT 2 BLK 4, ADAMS 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 E. 33rd Pl. S. and S. Yorktown Ave and is zoned RS-3.

STAFF COMMENTS: The applicant is requesting **Variance** of the required 20-foot rear setback and the required 5-foot side setback in an RS-3 district (Section 5.030, Table 5-3) for an existing structure.

Chapter 5 | Residential Districts
Section 5.030 | Lot and Building Regulations

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
Min. Building Setbacks (ft.)													
Street [3]													
Arterial or fwy service rd.	35	35	35	35	35	35	35	35	35	35	35	35	35
Other streets	35	35	30	25	20	20	25	10	25	25	10	25	25
Side (interior) [4]	15	5	5	5	5	5	5	5[5]	5[6]	5[6]	5[6]	5[7]	10
Rear [4]	25	25	25	20	20	20	20	20	20	20	10	20	15

STATEMENT OF HARDSHIP:

Following coordinates given by the county assessor and verified by a surveyor, we arrived at a conclusion that, due to recent information, we are encroaching on the side and rear yard setback. Field inspector raised concerns during an inspection, the house was adjusted, and we passed inspection. We have continued to pass all inspections throughout the process, but recent information has us needing to apply for a variance in order to continue on a straight path to completion.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** of the required 20-foot rear setback and the required 5-foot side setback in an RS-3 district (Section 5.030, Table 5-3) for an existing structure

- 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.”



Eastern side property line



Western side property line



Subject House



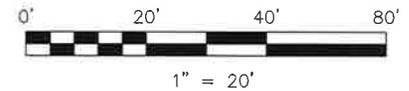
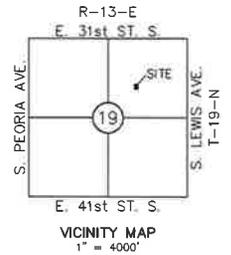
View of Eastern Side of House

LEGAL DESCRIPTION

LOT 2, BLOCK 4, ADAMS ESTATES, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

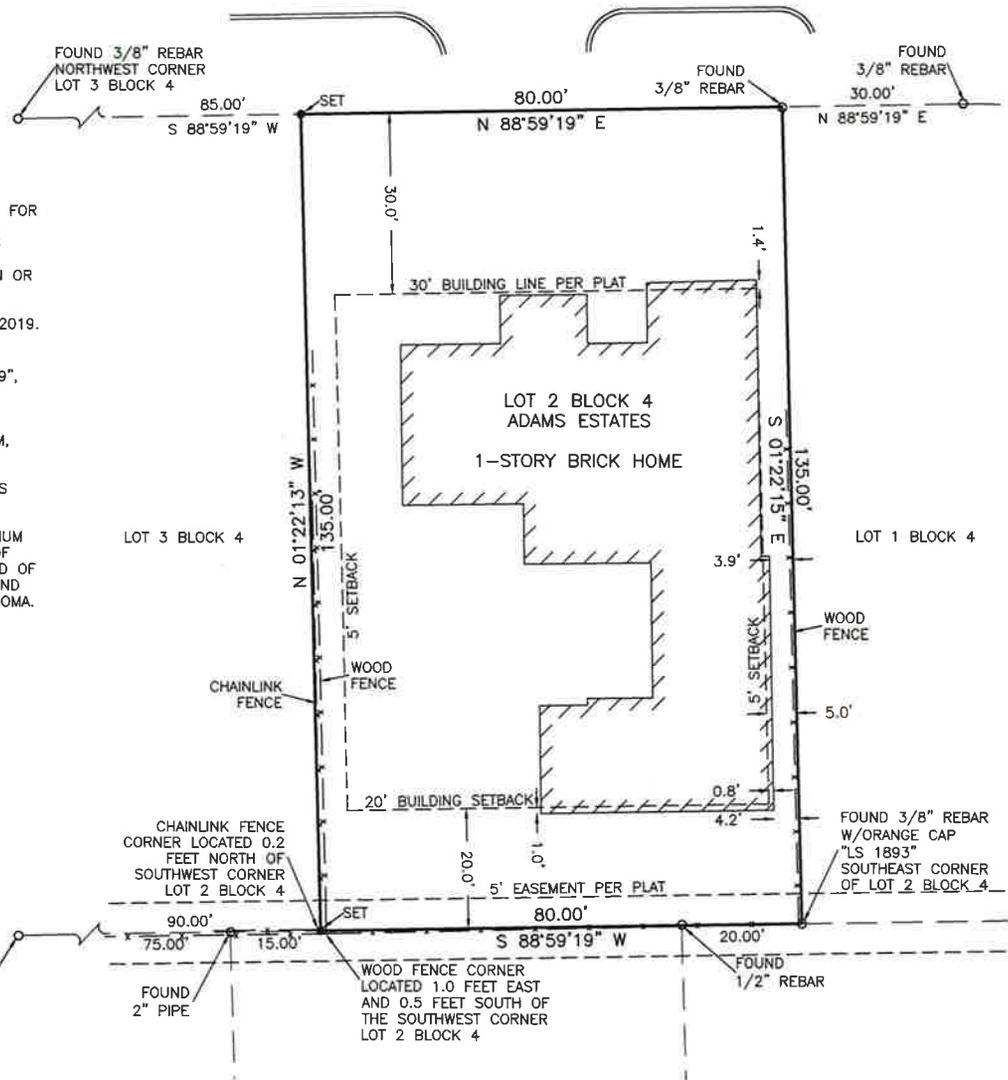
PLAT OF SURVEY

E. 33RD PL. S.



GENERAL NOTES

1. NO CURRENT TITLE OPINION OR COMMITMENT FOR TITLE INSURANCE WAS PROVIDED TO THE SURVEYOR, THEREFORE, NO CERTIFICATION IS MADE OR IMPLIED THAT ALL EASEMENTS, DEDICATIONS OF ENCUMBRANCES ARE SHOWN OR NOTED HEREON.
2. DATE OF LAST FIELD VISIT: DECEMBER 4TH, 2019.
3. ALL CORNERS WERE SET USING 3/8" X 18" REBAR WITH A RED CAP STAMPED "PLS 1909", UNLESS OTHERWISE NOTED.
4. BASIS SHOWN HEREON ARE BASED ON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD 83.
5. THE PROPERTY DESCRIBED HEREON CONTAINS 10,800 SQUARE FEET OR 0.25 ACRES.
6. THIS SURVEY MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS FOR THE STATE OF OKLAHOMA.



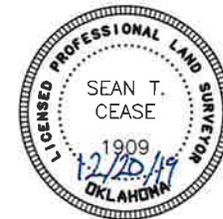
LEGEND

- X- FENCE
- FOUND MONUMENTS
- SET MONUMENTS

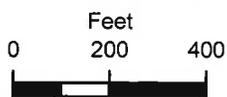
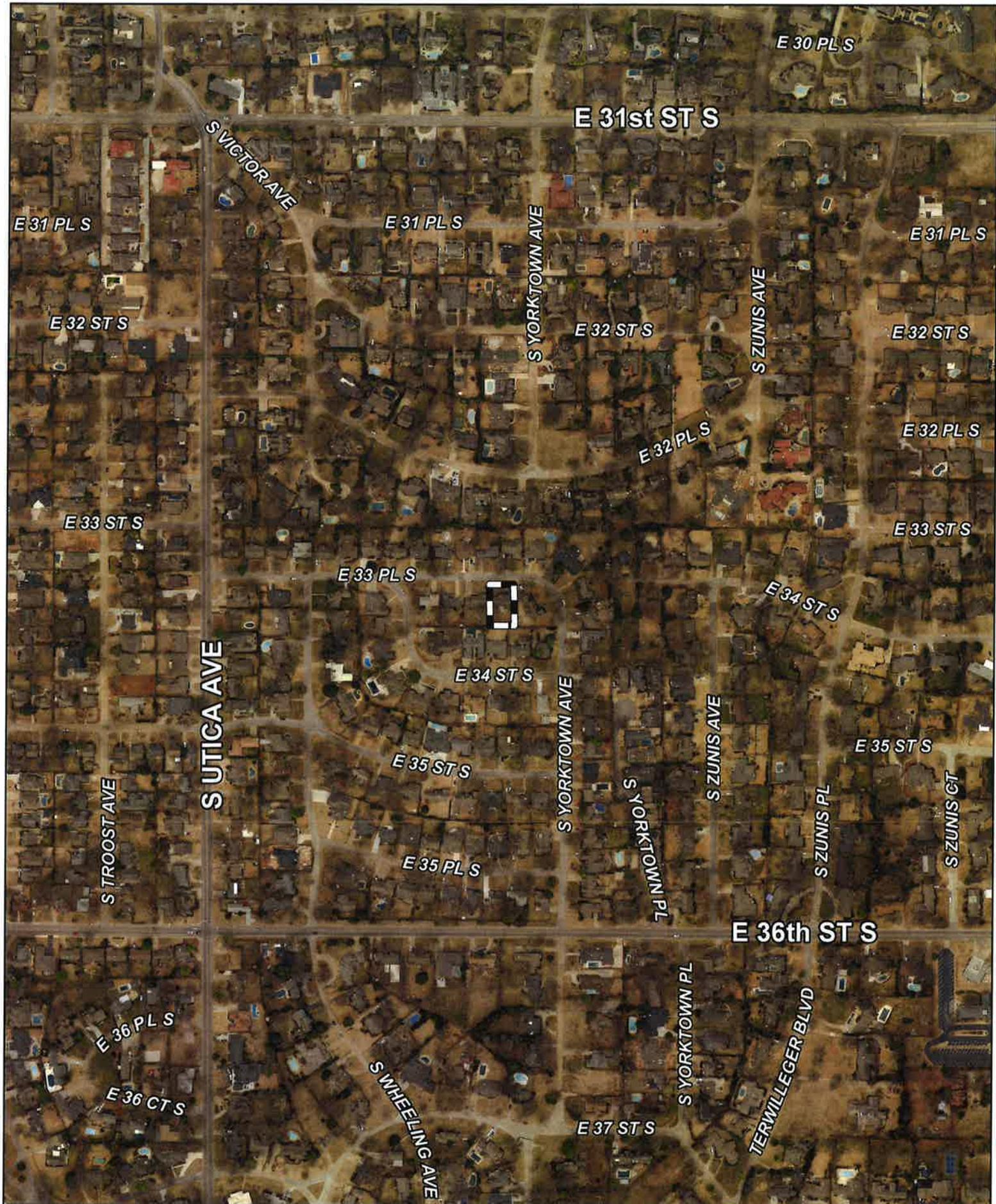
I, SEAN T. CEASE, HEREBY STATE THAT THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Sean T. Cease

SEAN T. CEASE
OKLAHOMA PLS NO. 1909



SEAN T. CEASE
34737 W. 61ST ST. S.
MANNFORD, OK 74044
(918) 933-8406
OK LS#1909
SCEASE923@GMAIL.COM
JOB# 19-034



 Subject Tract

BOA-22834

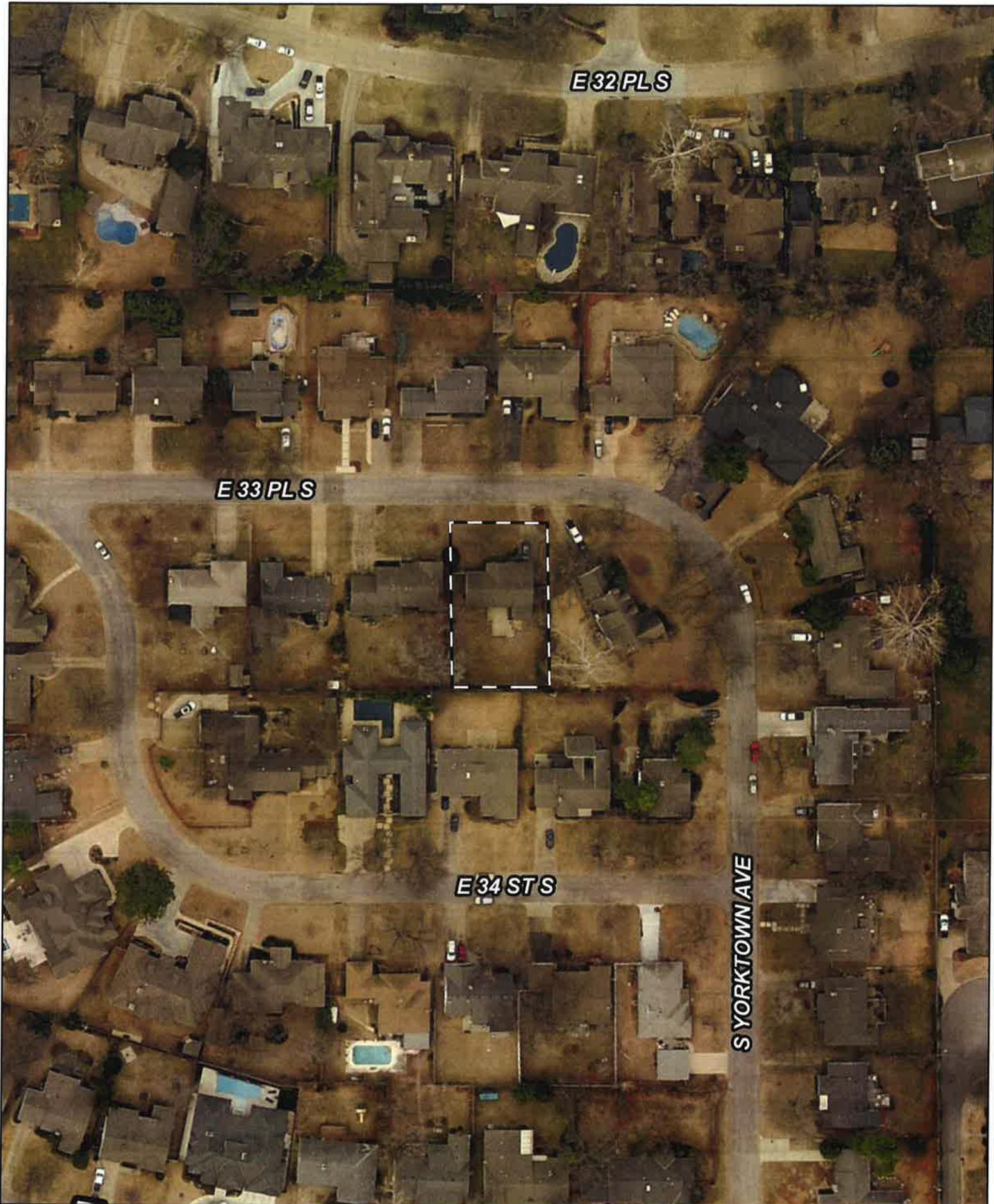
Note: Graphic overlays may not precisely align with physical features on the ground.

19-13 19

Aerial Photo Date: February 2018

19.8





E 32 PLS

E 33 PLS

E 34 STS

SYORKTOWN AVE



Subject Tract

BOA-22834

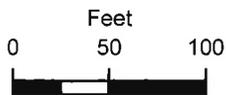
19-13 19

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

Aerial Photo Date: February 2018



19.9



Subject
Tract

BOA-22834

19-13 19

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

Aerial Photo Date: November 2019

19.10

