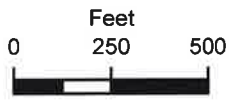


**SUBJECT TRACT**



**BOA-22842**

6.1



# BOARD OF ADJUSTMENT CASE REPORT

STR: 9416

Case Number: **BOA-22842**

CZM: 39

CD: 6

**HEARING DATE:** 01/28/2020 1:00 PM

**APPLICANT:** Karl Yang

**ACTION REQUESTED:** Variance to reduce the required frontage requirement from 30 feet to 0 feet in a Residential District (Sec. 5.030, Table 5-3) Variance of the dustless, all-weather surfacing requirement to permit a gravel driveway (Section 55.090-F)

**LOCATION:** 13334 E 21<sup>st</sup> St S

**ZONED:** RS-2

**PRESENT USE:** Vacant

**TRACT SIZE:** 93061.97 SQ FT

**LEGAL DESCRIPTION:** BEG 635.746S & 1649.425E NWC TH N305.257 E304.89 S305.233 W304.885 POB SEC 16 19 14

**RELEVANT PREVIOUS ACTIONS:** None.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of a "Mixed-Use Corridor" and an "Area of Growth".

**Mixed-Use Corridors** are Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is an RS-2 zoned tract located at the NW/c of E. 21<sup>st</sup> PL. S. and S. 135<sup>th</sup> E. Ave. The intersection only consists of dedicated right-of-way and at the current time no road has been built.

6.2

**STAFF COMMENTS:**

The applicant is requesting Variance to reduce the required frontage requirement from 30 feet to 0 feet in a Residential District (Sec. 5.030, Table 5-3) Variance of the dustless, all-weather surfacing requirement to permit a gravel driveway (Section 55.090-F)

Table 5-3: R District 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
Minimum Street Frontage													
Residential bdgs/uses [2]	30	30	30	30	30	30	30	30	30	30	30	30	30

**55.090-F Surfacing**

1. All off-street parking areas must be surfaced with a dustless, all-weather surface unless otherwise expressly stated in this zoning code. Pervious pavement or pervious pavement systems are allowed subject to the supplemental regulations of Section 55.090-F.4. Parking area surfacing must be completed prior to initiation of the use to be served by the parking.

**STATEMENT OF HARDSHIP:**

There will be an access easement going through other property owned by the Hmong Alliance Church to the North. The Gravel Driveway variance is due to the extra long Driveway.

**SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a **Variance** to reduce the required frontage requirement from 30 feet to 0 feet in a Residential District (Sec. 5.030, Table 5-3) **Variance** of the dustless, all-weather surfacing requirement to permit a gravel driveway (Section 55.090-F)

- 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.”*



***Existing gravel driveway leading from Hmong Alliance Church Property to the subject property.***



***Facing East on 21<sup>st</sup> Street from Hmong Alliance Church property***



***View of Subject Property from Hmong Alliance Church property***

**Jeff S. Taylor**  
Zoning Official  
Plans Examiner II

TEL(918) 596-7637  
jstaylor@cityoftulsa.org



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### ZONING CLEARANCE PLAN REVIEW

**Karl Yang**

6/14/2019

**APPLICATION NO: BLDR-00000-2019** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

**Project Location: 13334 E 21 street S**

**Description: New House**

#### 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 2<sup>nd</sup> 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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
3. A COPY OF A "RECORD SEARCH"  IS  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)

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## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT  
[WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

Application No. **BLDR-00000-2019**

**Note:** As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans 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.

1. **55.080-A General** - Except as otherwise expressly stated in this chapter, required off-street parking areas must be located on the same lot as the building or use they are required to serve.

**Review Comments:** You are proposing a driveway on a separate lot. Provide an access easement agreement to allow driveway access across a separate lot. Access easement agreement must have the county recording sticker/stamp on the document.

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:** Residential lots must have a minimum street frontage of 30'. Apply to BOA for a variance to allow a lot to have less than a 30' street frontage.

3. **55.090-F Surfacing.** All off-street parking areas must be surfaced with a dustless, all-weather surface unless otherwise expressly stated in this zoning code. Pervious pavement or pervious pavement systems are allowed subject to the supplemental regulations of §55.090-F4. Parking area surfacing must be completed prior to initiation of the use to be served by the parking.

**Review Comments:** Provide a dustless all-weather parking surface from the public street to the proposed garage or apply to the Board of Adjustment for a Variance (section 70.120) to allow a material other than an approved material meeting the requirements of 55.090-F.

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.



*Tulsa Hmong Alliance church*

*13350 East 21<sup>st</sup> Street Tulsa, OK 74134 (918) 549 - 1730*

*LIVING THE CALL TOGETHER MATTHEW 28:18 - 20*

October 21, 2015

To: Karl X. Yang

Thank you for submitting the requested documents for the roadway access to your property. The BOE has taken your proposal to the floor during the Church's Annual meeting. After a few debates and phone calls, the majority of Tulsa Hmong Alliance Church's members and the Board of Elders have agreed to approve a mutual access or easement constructed to your property. The easement is to be 40 feet wide and stretch from 21<sup>st</sup> Street to your property. You may begin construction as soon as time permits.

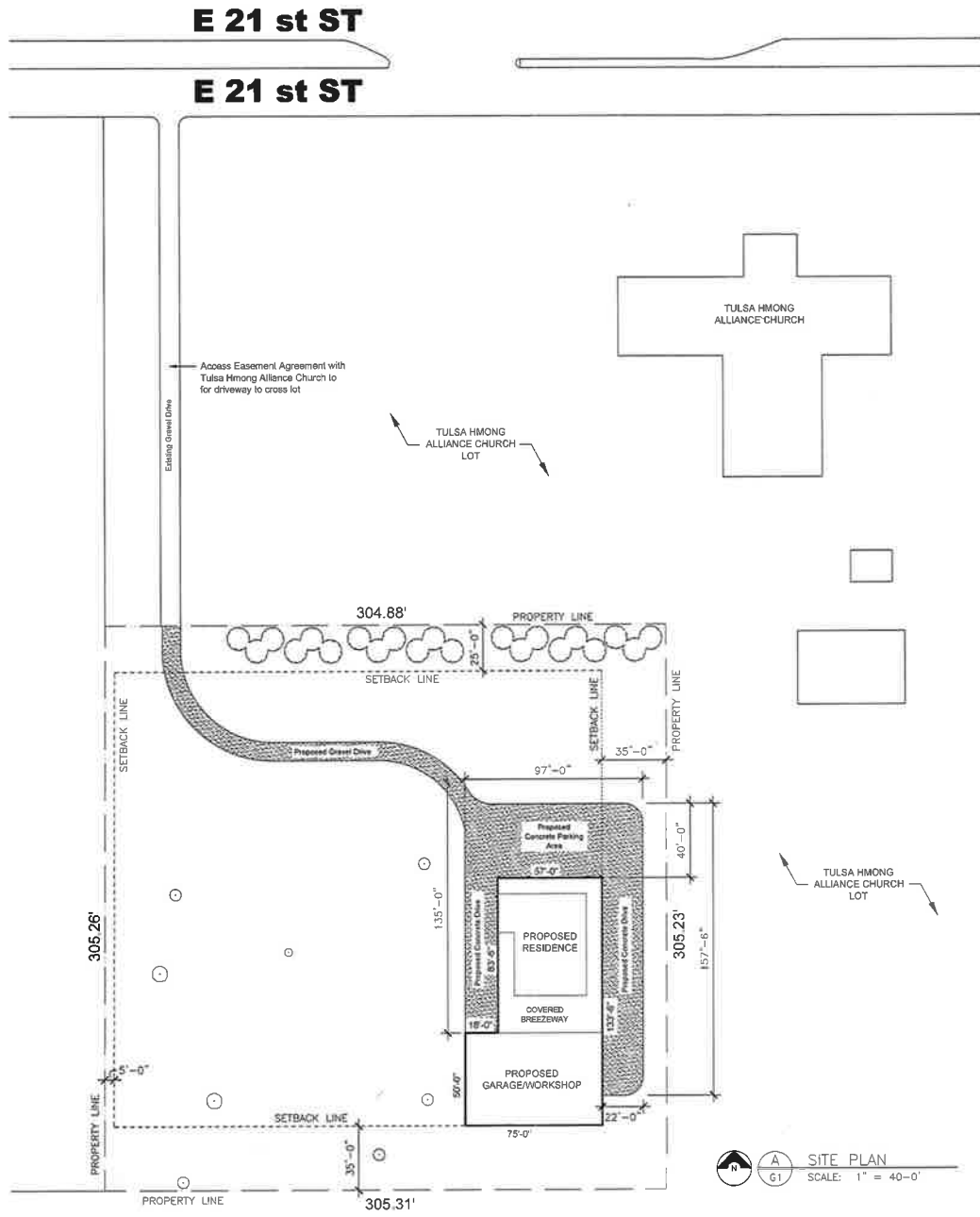
God Bless and have a nice day.

Sincerely,

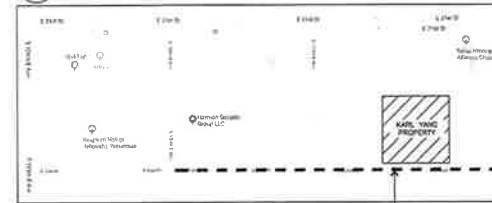
Kao Yang

THAC Secretary

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**KEY PLAN - OVERALL VIEW WITH ADJACENT PROPERTIES**



Dashed line indicates the portion of E 21st St that was not developed/constructed and was not used to create a street frontage for the Owner's lot

**KARL YANG PROPOSED RESIDENCE SITE LOCATION**

**LEGAL DESCRIPTION:**  
Subdivision: UNPLATTED  
Lot: BEP 435.7465 & 1649.4336 NMC TH (305.257 E304.89 S305.233 W204.885 P08 SEC 18 19 14)  
Section: 18 Township: 19 Range: 14  
Zoning Type: RS-2 Residential Single-Family  
Acres: 4.93  
Building Floor Area: 8510 sf

**Tulsa Zoning Code Requirements for RS-2:**  
Min. Lot Area for Detached House: 5,000 sf  
Min. Lot Width for Detached House: 75 feet  
Min. Street Frontage: 30 feet  
Min. Building Setback:  
Arterial or Jwy Arterial: 35 feet  
Other streets: 30 feet  
Side (Rear): 5 feet  
Rear: 25 feet  
Max Building height: 35 feet

**DESCRIPTION OF VARIANCE REQUEST**

The Owner's lot is landlocked. No existing street, major street, or highway abuts the lot. There is no street frontage since E 21st St south of the lot was never developed/constructed.

The lot owner has an access easement agreement to access his property from 21st Street through the Tulsa Hmong Alliance Church lot.

- The lot owner is requesting a variance to allow his lot to have less than a 30' street frontage.
- The lot owner is also requesting a variance to allow a gravel driveway and gravel parking in lieu of a driveway, all-weather surface.

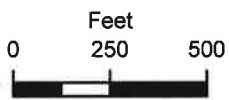
30A-22842

KARL YANG RESIDENCE  
SITE PLAN  
VARIANCE REQUEST

DATE: 12/18/2018

PREPARED BY: [ ]  
DATE: [ ]

SHEET  
**G1**  
1 of 1



Subject  
Tract

**BOA-22842**

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

19-14 16

Aerial Photo Date: February 2018



E 21st ST S

S 133 E AVE



Subject Tract

**BOA-22842**

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

19-14 16

Aerial Photo Date: February 2018

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