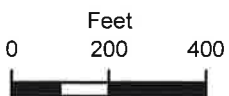


SUBJECT TRACT

BOA-22848

5.1



19-14 10



BOARD OF ADJUSTMENT CASE REPORT

STR: 9410

Case Number: **BOA-22848**

CZM: 40

CD: 6

HEARING DATE: 02/11/2020 1:00 PM

APPLICANT: William Farmer

ACTION REQUESTED: Variance to allow a detached accessory building to exceed 40% of the size of the principal residential structure in an RS-3 district (Sec. 45.030-A).

LOCATION: 14557 E 13 ST S

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 23126.1 SQ FT

LEGAL DESCRIPTION: LT-12-BLK-4, CAROL ACRES

RELEVANT PREVIOUS ACTIONS:

Subject Property: None

Surrounding Properties:

BOA-19703: On 11.25.03 the Board *denied* a variance of the allowable size for an accessory building from 500 sf to 1,685.2 sf. Property located 14567 E. 13th Street, immediately East of the Subject property.

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.

5.2

ANALYSIS OF SURROUNDING AREA: The subject tract is Located West of the NW/c of S. 149th E. Ave and E. 13th Street S.

STAFF COMMENTS: The applicant is requesting a Variance to allow a detached accessory building to exceed 40% of the size of the principal residential structure in an RS-3 district (Sec. 45.030-A)

2. **RS-2, RS-3, RS-4, RS-5 and RM Districts**

In RS-2, RS-3, RS-4, RS-5 or RM, zoned lots used for detached houses or duplexes, the total aggregate floor area of all detached accessory buildings, including accessory dwelling units, and accessory buildings not erected as an integral part of the principal residential building may not exceed 500 square feet or 40% of the floor area of the principal residential structure, whichever is greater. [1]

The applicant is requesting to add 672 sf to an existing accessory building for a total of 1,392 sf. The code limits the applicant to 798 sf based on the size of the existing residence at 1,996 sf.

STATEMENT OF HARDSHIP: Applicant has not provided statement as of the writing of this staff report.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** to allow a detached accessory building to exceed 40% of the size of the principal residential structure in an RS-3 district (Sec. 45.030-A)

- 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."*



Facing East on 13th Street



Facing West on 13th Street



Subject property

Case No. 19703

Action Requested:

Variance of the allowable size for an accessory building from 500 square feet to 1,685.2 square feet. SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions, located: 14567 E. 13th St.

Presentation:

Fred Pearce, 14567 E. 13th St., stated he proposed to construct an addition to the existing accessory building. It would be strictly for a hobby shop and personal use and no commercial use. He indicated the neighbors would not be able to see the addition.

Comments and Questions:

Ms. Turnbo asked what kind of shop. Mr. Pearce replied he wanted to work on hobbies, cars and motorcycles he owns mainly on weekends. Ms. Perkins asked for a hardship. Mr. Pearce could not provide a hardship.

Interested Parties:

James Mautino, 14628 E. 12th, stated he is on the Board of the Tower Heights Association. He stated that Mrs. Neeley was present, and she lives just north abutting the subject property. She has expressed concern that he wants to add on in closer proximity to her property line. He submitted photographs (Exhibit B-1) of the existing building and home. He suggested other options, such as adding onto the one-car garage attached to his home.

Applicant's Rebuttal:

Mr. Pearce stated he has lived there for ten years and has proven to be a quiet neighbor. He assured the Board there will be no commercial use. Mr. White asked if the access would be through the front of the existing building, to which he replied in the affirmative. He considered placing one door on the side to use for his lawn equipment. Mr. Pearce told the Board that a large portable building and bushes on the neighbors properties that block the view so they would not be able to see his building.

Comments and Questions:

Ms. Turnbo stated she could not find a hardship. She also pointed out that the staff could not find a building permit had been issued for the existing large accessory building. Mr. White asked Mr. Romig if they could approve the existing accessory building. Mr. Romig stated it is less square footage than was requested and the Board could approve the existing building.

Board Action:

On **Motion of Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a **Variance** of the allowable size for an accessory building from 500 square feet to 1,685.2

FILED

square feet; and instead **APPROVE** the existing 1,072.4 sq. ft. accessory building, finding lack of a hardship, on the following described property:

Lot 13, Block 4, Carol Acres, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19704

Action Requested:

Variance to permit a detached accessory building to extend into the front yard setback. SECTION 402.B. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6; a Variance of required 15' side yard to 0' to permit a carport. SECTION 403.A.5. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; and a Variance to permit parking of an RV within the required front and side yards. SECTION 402.B.7.a. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions, located: 105 S. 169th E. Ave.

Presentation:

William J. Yankee, 105 S. 169th E. Ave., proposed to park their motor home on their property. He informed the Board that they have experienced vandalism of their motor home on commercial storage lots. They are on a corner lot and they considered parking in the back yard, but they would have to remove several large trees. There is also a storm drain in the way that has occasionally flooded. They contacted three of the neighbors and they were in support.

Comments and Questions:

Mr. Dunham commented there are numerous carports in the neighborhood and several more objectionable problems.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Dunham**, the Board voted 3-2-0 (White, Dunham, Stephens "aye"; Turnbo, Perkins "nay"; no "abstentions"; no "absences") to **APPROVE** a **Variance** to permit a detached accessory building to extend into the front yard setback; a **Variance** of required 15' side yard to 0' to permit a carport; and a **Variance** to permit parking of an RV within the required front and side yards, with conditions: the side walls extend down no further than 8' above the ground level, per plan, finding the hardship: there is no place to park in the back yard with the drainage problems and the existing trees; it is at the end of a dead end street with a vacant field abutting the subject property; and numerous other carports in the neighborhood, on the following described property:

Lot 1, Block 1, Rose Dew Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Jeff S. Taylor
Zoning Official
Plans Examiner III
TEL(918) 596-7637
jstaylor@cityoftulsa.org



DEVELOPMENT SERVICES
175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103

ZONING CLEARANCE PLAN REVIEW

William Farmer
14557 E 13th St S
Tulsa OK 74108

12/19/2019

APPLICATION NO: BLDR-49331-2019 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 14557 E 13th St S

Description: Detached Accessory Building 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)
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 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-49331-2019**

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.

45.030-B RS-2, RS-3, RS-4, RS-5 or RM Districts

In RS-2, RS-3, RS-4 and RS-5 districts, the total aggregate floor area of all detached accessory buildings and accessory buildings not erected as an integral part of the principal residential building may not exceed 500 square feet or 40% of the floor area of the principal residential structure, whichever is greater.

Review comments: You are proposing to add 672 sq ft of accessory building to an existing accessory building for a total of 1392 sq ft of detached accessory structure floor area. The proposed detached structure exceeds 500 sq ft and 40% of the size of your house. Based on the size of your house (1996 sq ft) you are allowed 798 sq ft of detached accessory structure floor area on your lot. Reduce the size of your proposed combined detached accessory structures to be less than 798 sq ft of total floor area or apply to BOA for a variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure.

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

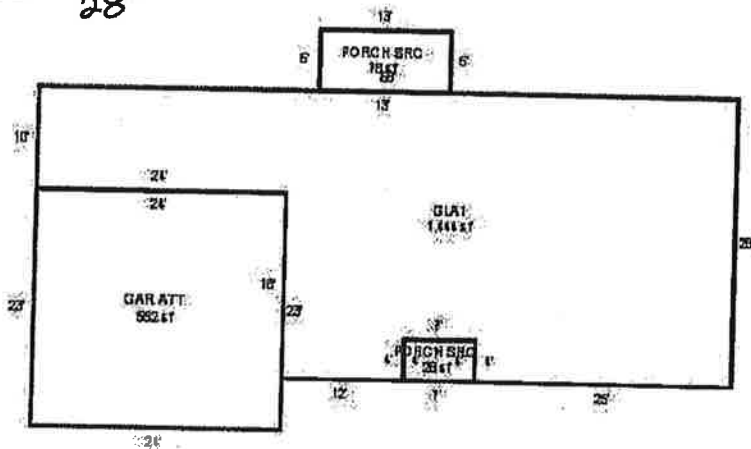
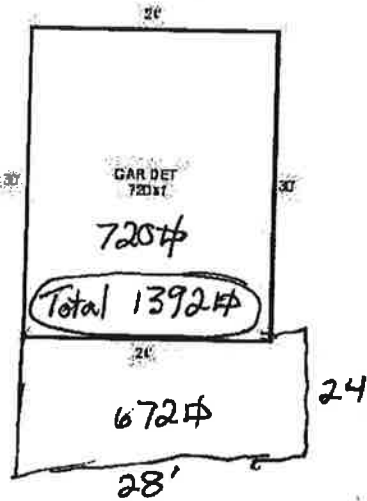
END -ZONING CODE REVIEW

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.

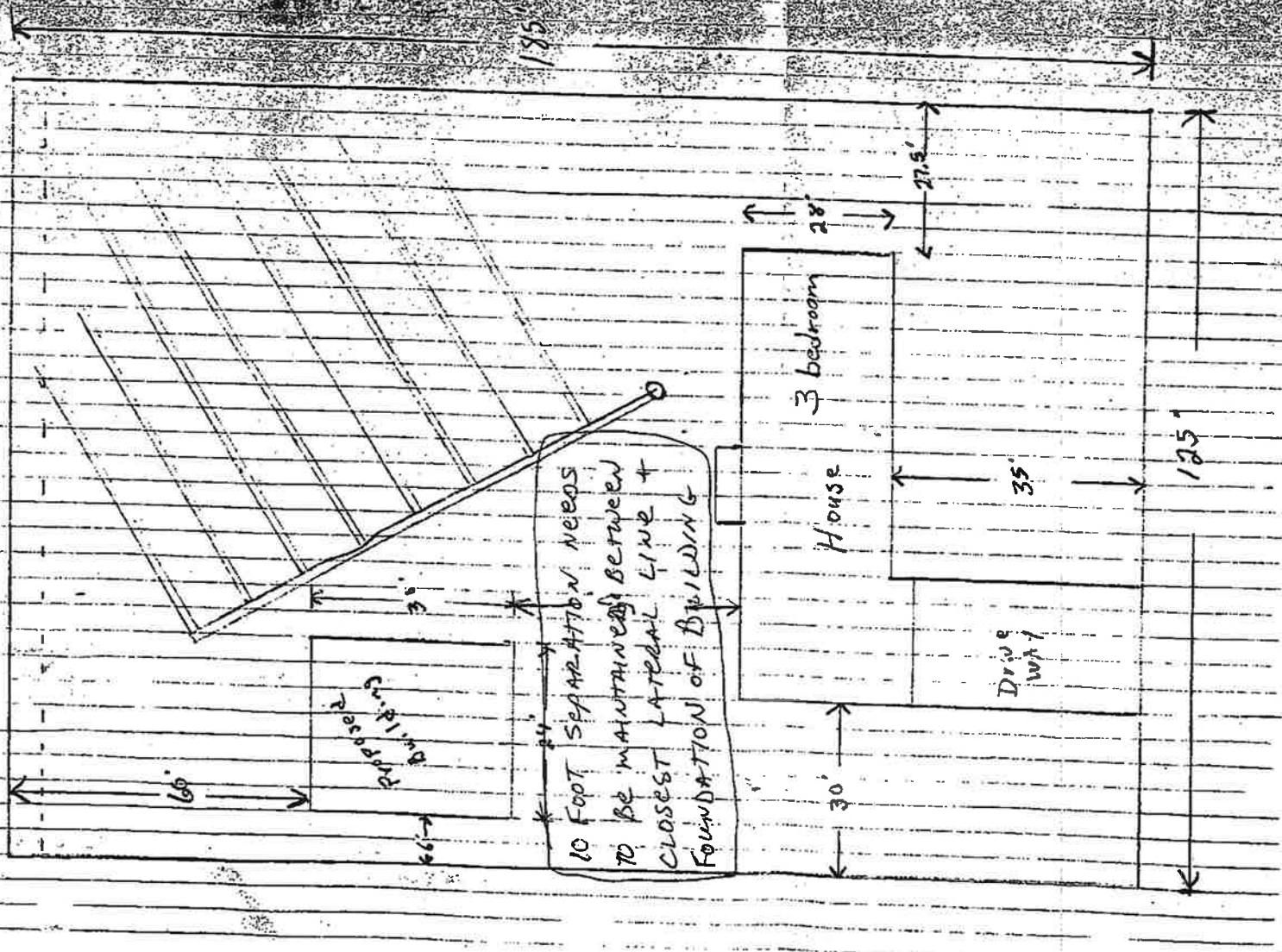
RS-3

Accessory building addition



- 1. House $1996 \text{ sq ft} \times .40 = 798 \text{ sq ft}$ allowed. Proposing 1392 sq ft (LOD)
- 2. ~~Structure Height?~~ not in rear setback.

Lot 12 BIK 4 CAROL ACRES



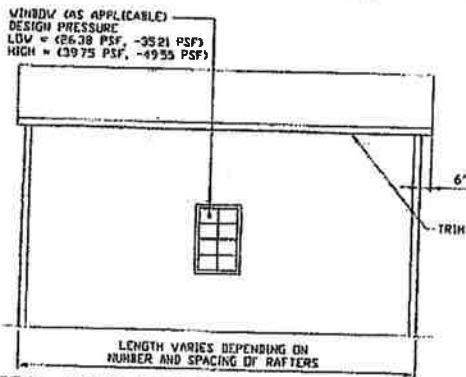
10 FOOT SEPARATION NEEDS
 TO BE MAINTAINED BETWEEN
 CLOSEST LATERAL LINE +
 FOUNDATION OF BUILDING

"Change in plot plan
 must be submitted
 for approval."

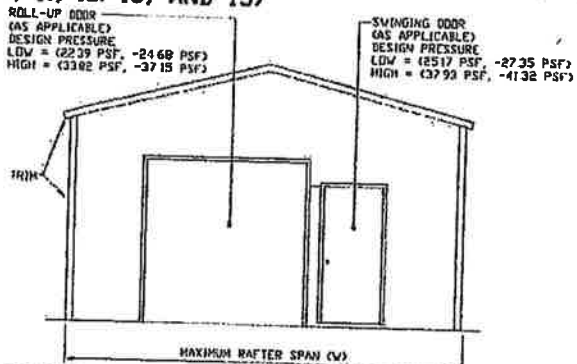
Permit must be obtained from
 County Health Department be-
 fore starting construction.

APPROVED 12/11/22
 TULSA COUNTY HEALTH DEPARTMENT
 BY: *[Signature]*

BOX EAVE FRAME RAFTER STRUCTURE (Sheets 4, 4A, 4B, 4C, 4D, 5, 5A, 5B, 5C, 5D, 5E, 5F, 5G, 8, 9, 11, 12, 13, AND 15)

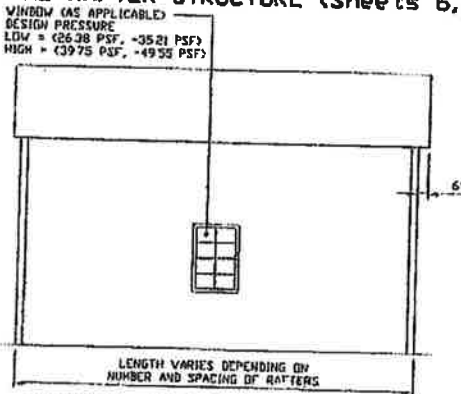


TYPICAL SIDE ELEVATION-HORIZONTAL ROOF
SCALE: NTS

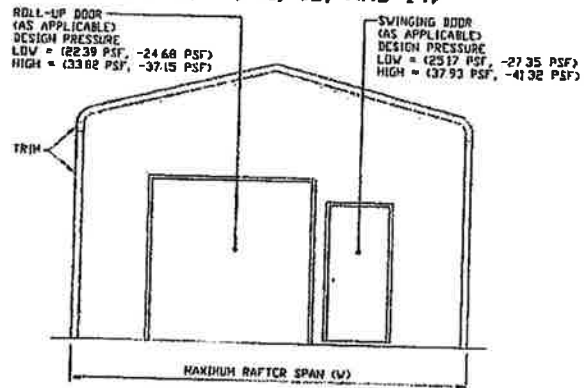


TYPICAL END ELEVATION-HORIZONTAL ROOF
SCALE: NTS

BOW FRAME RAFTER STRUCTURE (Sheets 6, 6A, 7, 7A, 7B, 7C, 8, 10, 11, 12, AND 14)



TYPICAL SIDE ELEVATION
SCALE: NTS



TYPICAL END ELEVATION
SCALE: NTS

INSTALLATION NOTES AND SPECIFICATIONS

1. DESIGN IS FOR MAXIMUM 30' WIDE x 20' EAVE HEIGHT ENCLOSED STRUCTURES
2. DESIGN WAS DONE IN ACCORDANCE WITH THE 2014 FLORIDA BUILDING CODE (FBC) 5TH EDITION, 2012 NORTH CAROLINA BUILDING CODE, 2006 INTERNATIONAL BUILDING CODE (IBC), 2009 IBC 2012 IBC AND 2015 IBC
3. DESIGN LOADS ARE AS FOLLOWS:
 - A) DEAD LOAD = 1.5 PSF
 - B) LIVE LOAD = 12 PSF
 - C) GROUND SNOW LOAD = 30 PSF ($\leq 24'$), 35 PSF ($24' < W \leq 30'$), 35 PSF @ 4'-0" O.C. SPACING ($\leq 24'$) (MAXIMUM 45 PSF FOR EXPOSURE B AND 55 PSF FOR EXPOSURE C AT 4'-0" O.C. SPACING)
4. LOW ULTIMATE WIND SPEED (LW) 105 TO 140 MPH (NOMINAL WIND SPEED 81 TO 108 MPH); MAXIMUM RAFTER/POST AND END POST SPACING = 5.0 FEET
5. HIGH ULTIMATE WIND SPEED (HW) 141 TO 170 MPH (NOMINAL WIND SPEED 109 TO 132 MPH); MAXIMUM RAFTER/POST AND END POST SPACING = 4.0 FEET
6. LOW HAZARD RISK CATEGORY I (WIND)
7. WIND EXPOSURE CATEGORY B OR C
8. SPECIFICATIONS APPLICABLE TO 29 GAUGE METAL PANELS FASTENED DIRECTLY TO 2 1/2" x 2 1/2" - 14 GAGE TUBE STEEL (TS) FRAMING MEMBERS (UNLESS NOTED OTHERWISE)
9. AVERAGE FASTENER SPACING ON-CENTERS ALONG RAFTERS OR HAT CHANNELS, AND COLUMNS (INTERIOR OR END) = 8" O.C. (MAX)
10. FASTENERS CONSIST OF #12-14x3/4" SELF-DRILLING FASTENER (SDF), USE CONTROL SEAL WASHER WITH EXTERIOR FASTENERS. SPECIFICATIONS APPLICABLE ONLY FOR MEAN ROOF HEIGHT OF 20 FEET OR LESS, AND ROOF SLOPES OF 14° (3:12 PITCH) OR LESS SPACING REQUIREMENTS FOR OTHER ROOF HEIGHTS AND/OR SLOPES MAY VARY
11. ANCHORS SHALL BE INSTALLED THROUGH BASE RAIL WITHIN 6" OF EACH RAFTER COLUMN ALONG SIDES
12. GROUND ANCHORS (SOIL NAILS) CONSIST OF #4 REBAR W/ WELDED NUT x 30" LONG IN SUITABLE SOIL CONDITIONS. OPTIONAL ANCHORAGE MAY BE USED IN SUITABLE SOILS AND MUST BE USED IN UNSUITABLE SOILS AS NOTED. NOT ALLOWED FOR HIGH WIND APPLICATION
13. WIND FORCES GOVERN OVER SEISMIC FORCES. SEISMIC PARAMETERS ANALYZED ARE:
 - SDIL SITE CLASS = D
 - RISK CATEGORY I/II/III
 - R = 3.25 $I_e = 1.0$
 - $S_{ps} = 1522$ $V = C_s V$
 - $S_{01} = 0.839$

**MOORE AND ASSOCIATES
ENGINEERING AND CONSULTING, INC.**

DRAWN BY: JRS

CHECKED BY: PDH

PROJECT MGR: WSH

CLIENT: CAROLINA
CARPORTS

CAROLINA CARPORTS, INC.
187 CARDINAL RIDGE TRAIL
DOBSON, NC 27017
30'x20' ENCLOSED STRUCTURE

DATE: 4-6-17

SHT. 3

SCALE: NTS

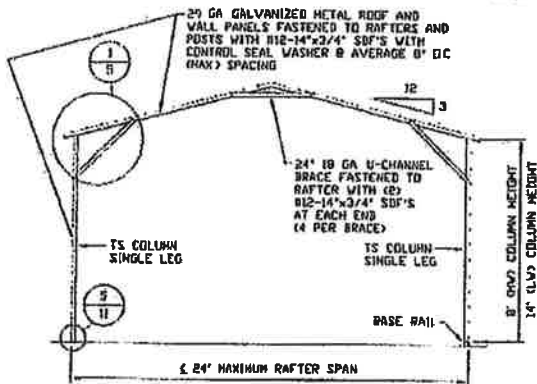
DWG. NO: SK-3

JOB NO: 151565
161355

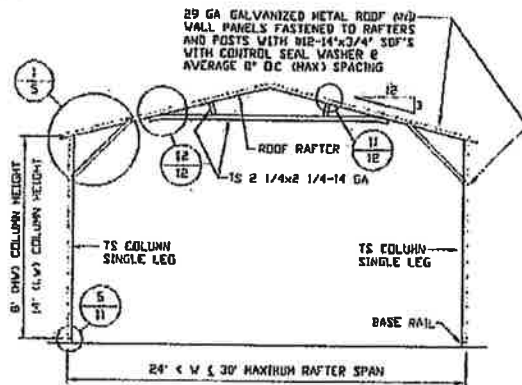
REV: 6

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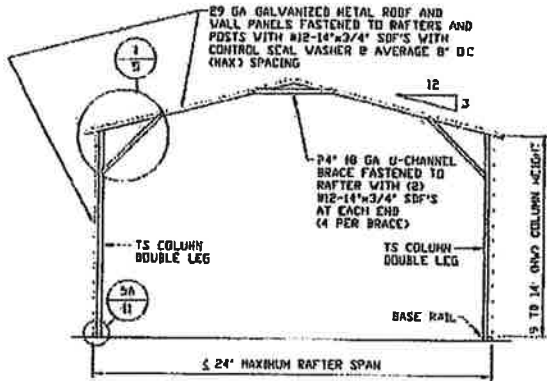
EXPOSURE C



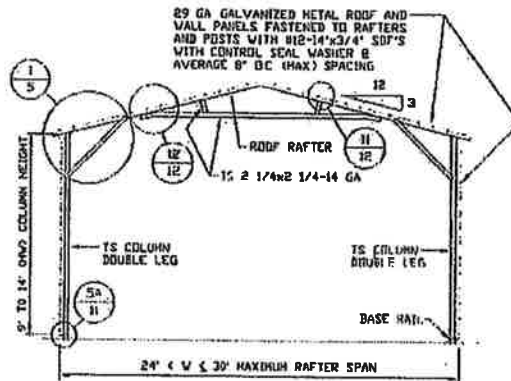
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SCALE: NTS



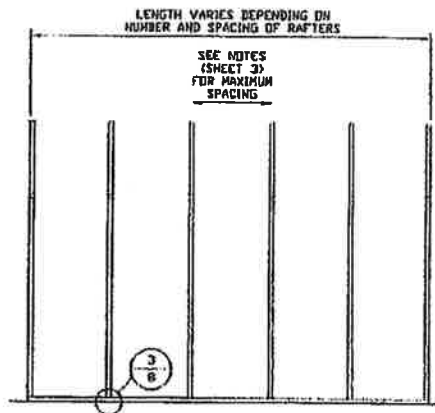
TYPICAL RAFTER/COLUMN END FRAME SECTION
SCALE: NTS



TYPICAL RAFTER/COLUMN END FRAME SECTION
SCALE: NTS



TYPICAL RAFTER/COLUMN END FRAME SECTION
SCALE: NTS



TYPICAL RAFTER/COLUMN SIDE FRAMING SECTION
SCALE: NTS

**MOORE AND ASSOCIATES
ENGINEERING AND CONSULTING, INC.**

DRAWN BY: JRS
CHECKED BY: PMH

CAROLINA CARPORTS, INC.
187 CARDINAL RIDGE TRAIL
DOBSON, NC 27017
30'x20' ENCLOSED STRUCTURE

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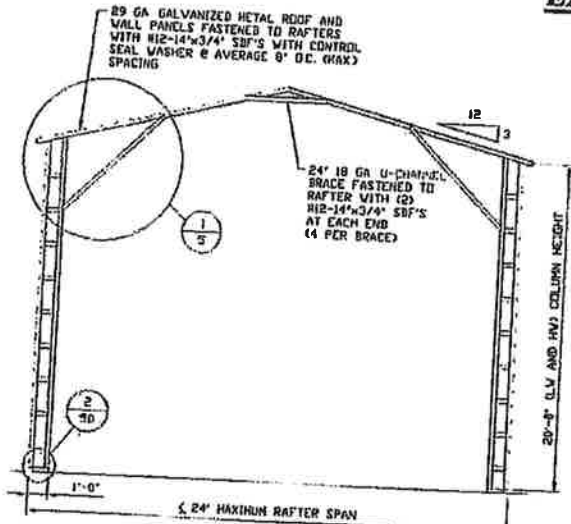
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CLIENT: CAROLINA CARPORTS

DATE: 4-6-17
SHT. 4A

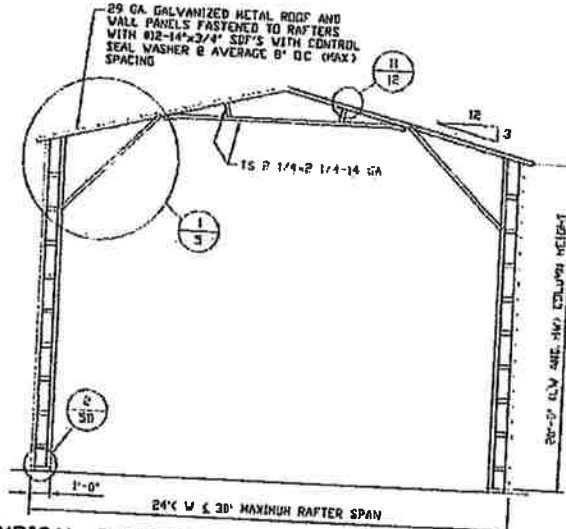
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DVG. NO: SK-3

JOB NO: 151565
161355
REV: 6

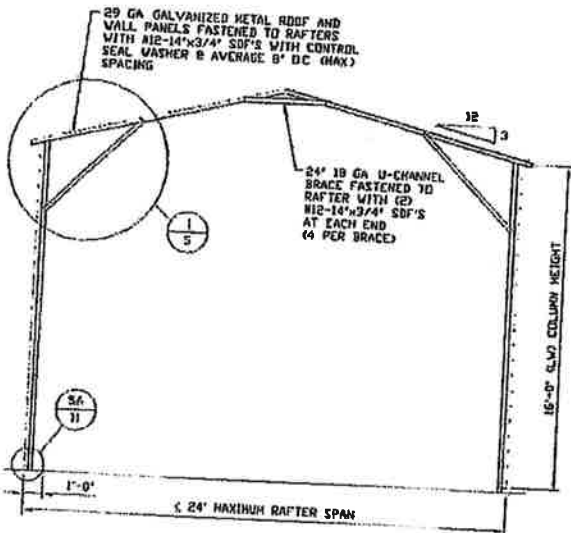
EXPOSURE C



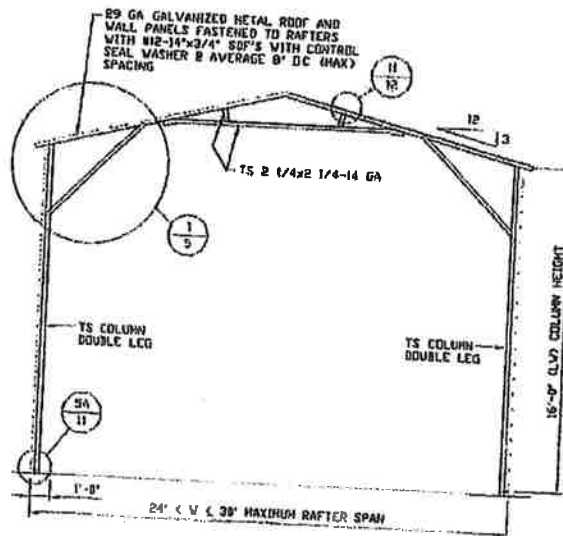
TYPICAL RAFTER/COLUMN END FRAME SECTION
SCALE: NTS



TYPICAL RAFTER/COLUMN END FRAME SECTION
SCALE: NTS



TYPICAL RAFTER/COLUMN END FRAME SECTION
SCALE: NTS



TYPICAL RAFTER/COLUMN END FRAME SECTION
SCALE: NTS

**MOORE AND ASSOCIATES
ENGINEERING AND CONSULTING, INC.**

DRAWN BY: JRS

CHECKED BY: PDH

PROJECT MGR: VSM

CLIENT: CAROLINA
CARPORTS

CAROLINA CARPORTS, INC.
187 CARDINAL RIDGE TRAIL
DOBSON, NC 27017
30'x20' ENCLOSED STRUCTURE

DATE: 4-6-17

SCALE: NTS

JOB NO: 15156S

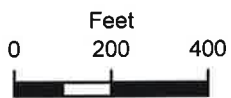
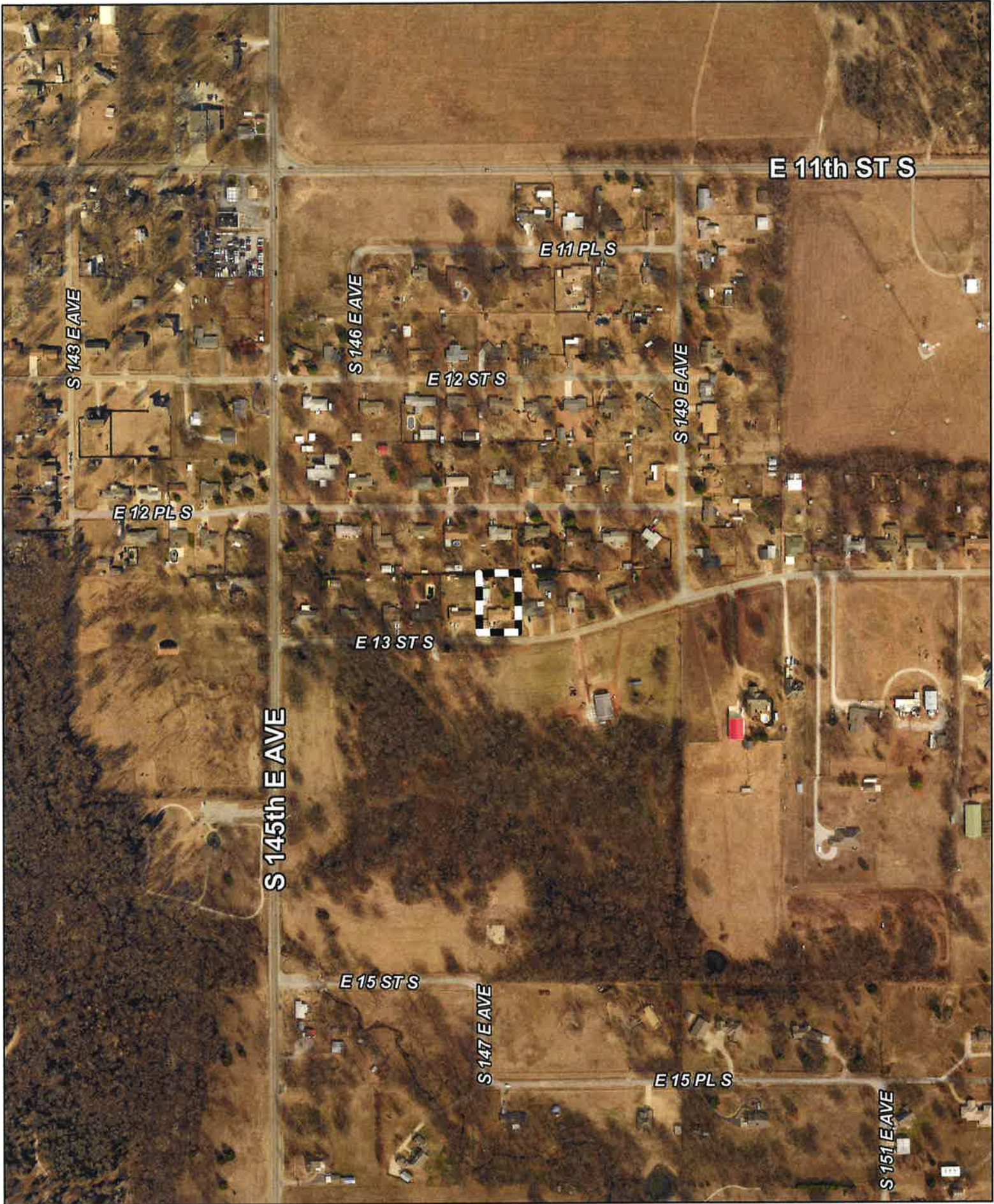
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SHT. 4C

DWG. NO: SK-3

REV: 6

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 Subject Tract

BOA-22848

19-14 10

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

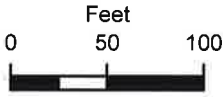
Aerial Photo Date: February 2018





E12 PLS

E13 ST S



Subject Tract

BOA-22848

19-14 10

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

Aerial Photo Date: February 2018

