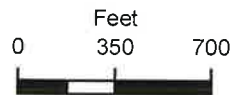


SUBJECT TRACT

LEGEND

- Broken Arrow Corporate Limits
- Tulsa Corporate Limits



BOA-22894

8.1



**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9422

Case Number: **BOA-22894**

CZM: 50

CD: 6

HEARING DATE: 06/23/2020 1:00 PM (*Continued from 06/09/2020*)

APPLICANT: Jorge Fernandez

ACTION REQUESTED: **Special Exception** to increase the maximum driveway width, ~~within the right-of-way and~~ inside the street setback. (Section 55.090-F.3)

LOCATION: 3747 S 152 AV E

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 9286.03 SQ FT

LEGAL DESCRIPTION: LOT 1 BLOCK 10, CROSSING AT BATTLE CREEK PHASE II BLOCKS 7-13

RELEVANT PREVIOUS ACTIONS: None.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "New Neighborhood" and an "Area of Growth".

The **New Neighborhood** designation is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity and shall be paired with an existing or new Neighborhood or Town Center.

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 located at the NE/c of E 38th St. S. and S. 152nd E. Ave.

STAFF COMMENTS: The applicant is requesting **Special Exception** to increase the maximum driveway width, ~~within the right-of-way and~~ inside the street setback. (Section 55.090-F.3)

3.] In RE and RS zoning districts, driveways serving residential dwelling units may not exceed 50% of the lot frontage or the following maximum widths, whichever is less, unless a greater width is approved in accordance with the special exception procedures of Section 70.120, or, if in a PUD, in accordance with the amendment procedures of Section 30.010-1.2. (Refer to the City of Tulsa Standard Specifications and Details for Residential Driveways #701-704).

Maximum Driveway Width

Lot Frontage	75'+	60' - 74'	46' - 59'	30' - 45'	Less than 30' [2]
Driveway Within Right-of-Way (feet) [1]	27'	26'	22'	20'	12'
Driveway Within Street Setback (feet)	30'	30'	--	--	--

[1] Maximum width applies to the composite of all driveways if multiple curb cuts are provided.

[2] Provided that for lot frontages less than 24 feet, a driveway up to 12 feet in width is permitted.

The aggregate width including the expansion appears to bring the total width of the driveway on the lot to 36'. Originally the application was noticed to include the width of the driveway inside the right-of-way, but the applicant confirmed they are not planning on increasing the size of the curb-cut.

SAMPLE MOTION :

Move to _____ (approve/deny) a **Special Exception** to increase the maximum driveway width, ~~within the right of way and inside the street setback.~~ (Section 55.090-F.3)

- 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.



Facing North on 152nd E. Ave. (subject property has the dark pick-up in driveway)



Southern dead end of 152nd E. Ave.



Subject property

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

Jorge Fernandez
jorgepina1986@gmail.com

2/1/2020

APPLICATION NO: ZCO-52437-2020

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 3747 S 152nd Ave E

Description: Driveway Expansion

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. **ZCO-52437-2020**

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.

55.090-F3 Surfacing. In RE and RS zoning districts, driveways serving residential dwelling units may not exceed the following maximum widths unless a greater width is approved in accordance with the special exception procedures of Section 70.120. Maximum Driveway Width allowed is 30' on your lot.

Review Comments: The submitted site plan proposes a driveway width of more than 30' in width on the lot in the street setback which exceeds the maximum allowable driveway width on this lot. Revise plans to indicate the driveway shall not exceed the maximum allowable width or apply to the BOA for a special exception for the proposed driveway width on this lot.

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.

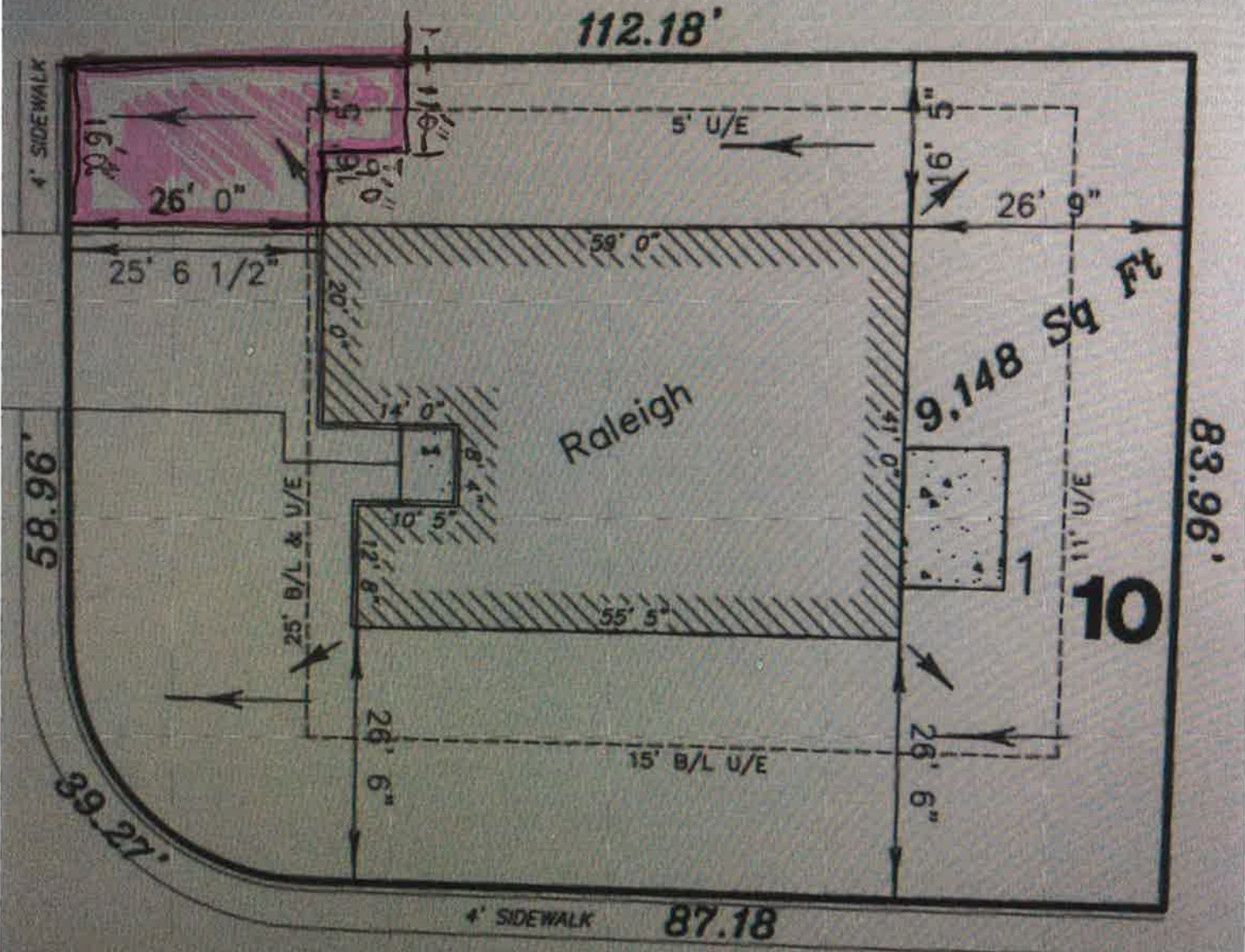
Please Notify Plans Examiner By Email When You Have Submitted A Revision. If you originally submit paper plans, revisions must be submitted as paper plans. If you submit online, revisions must be submitted online

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.

3747 S 152nd Ave E
Lot 1 of Block 10



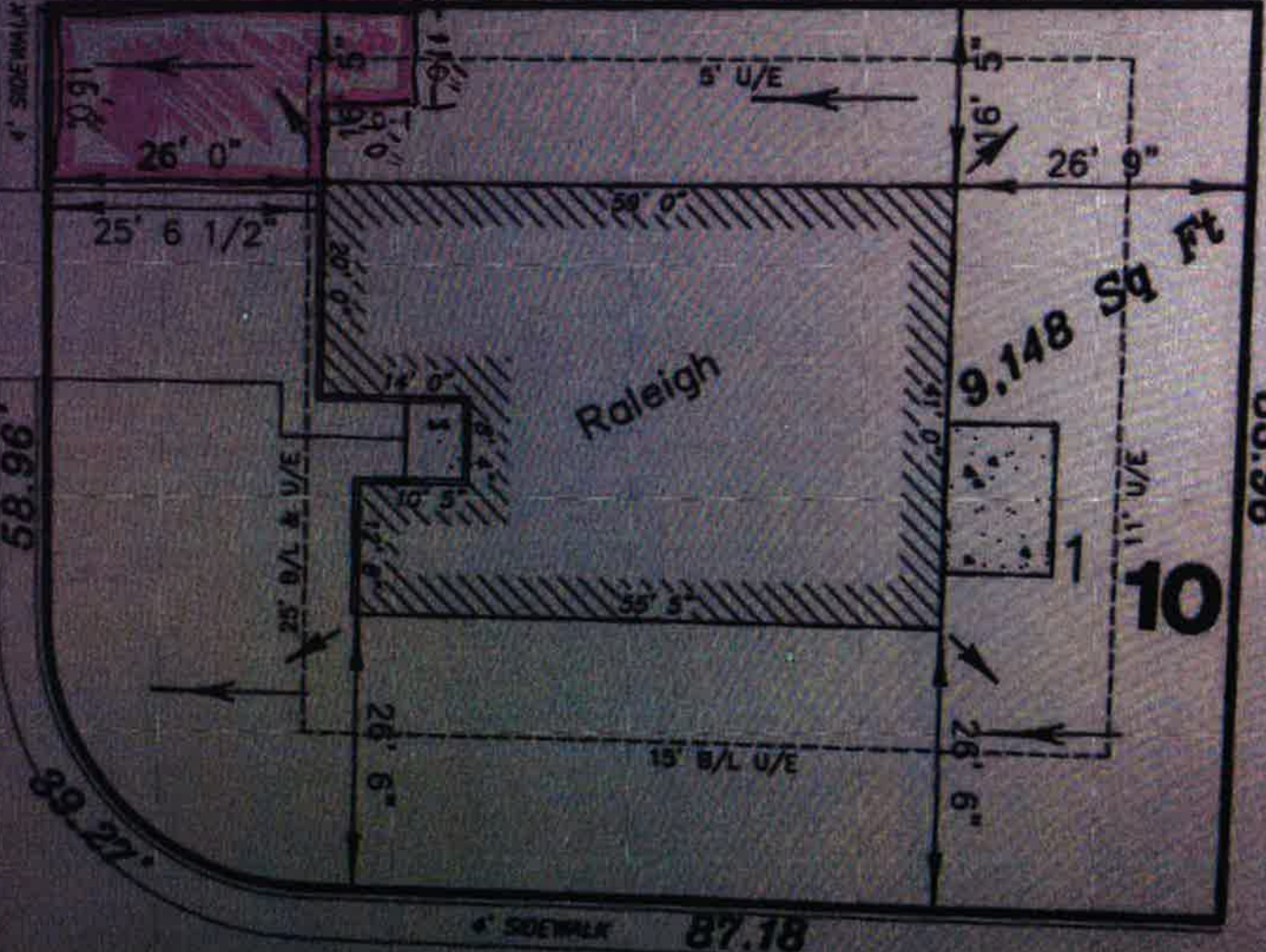
sq = 9,148 Sq. Ft.
ea = 6,300 Sq. Ft.

New Site Plan.

3747 S 152nd Ave E
Lot 1 of Block 10



112.18'



89.96'

9.148 Sq Ft

10

87.18

9.148 Sq. Ft.
6.300 Sq. Ft.

8.9



S 145th E AVE

N ASPEN AVE

S 146 E AVE

S 147 E AVE

S 148 E AVE

S 148 E AVE

S 149 E AVE

S 149 E AVE

N POPLAR AVE

W ZILLAH ST

W XENIA ST

E 33 ST S

E 33 PL S

E 34 ST S

E 34 PL S

S 748 E AVE

S 748 E PL

S 749 E AVE

S 750 E AVE

S 751 E AVE

E 35 PL S

S 151 E PL

E 36 ST S

E 36 PL S

E 37 ST S

S 152 E AVE

E 37 PL S

E 38 ST S

E 39 PL S

E 40 PL S

E 41st ST S



Subject Tract

BOA-22894

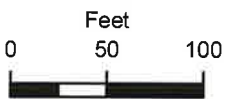
19-14 22

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

Aerial Photo Date: February 2018



8.10



 Subject Tract

BOA-22894

19-14 22

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

Aerial Photo Date: February 2018



8.11

242.74 FEET; THENCE SOUTH 88'53'06" WEST FOR 10.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE SOUTH 01 '06'54" EAST PARALLEL WITH AND 10.00 FEET WESTERLY OF THE EASTERLY LINE OF SAID BLOCK 4 FOR 127.84 FEET; THENCE NORTH 88'53'06" EAST FOR 5.00 FEET; THENCE SOUTH 01 '06'54" EAST PARALLEL WITH AND 5.00 FEET WESTERLY OF THE EASTERLY LINE OF SAID BLOCK 4 FOR 133.93 FEET TO A POINT ON THE SOUTHERLY LINE OF LOT 20 OF SAID BLOCK 4; THENCE SOUTH 89'39'49" WEST ALONG THE SOUTHERLY LINE OF LOTS 20 AND 31 OF SAID BLOCK 4 FOR 207.12 FEET; THENCE NORTH 80'49'36" WEST FOR 108.94 FEET TO A POINT ON THE WESTERLY LINE OF SAID BLOCK 4; THENCE NORTH 01 '06'54" WEST ALONG SAID WESTERLY LINE FOR 189.50 FEET; THENCE NORTH 88'53'06" EAST FOR 107.06 FEET; THENCE SOUTH 01 '06'54" EAST FOR 58.03 FEET; THENCE NORTH 88'53'06" EAST FOR 95 .00 FEET; THENCE NORTH 01 '06'54" WEST FOR 108.03 FEET; THENCE NORTH 88'53'06" EAST FOR 107.24 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND. SAID TRACT OF LAND CONTAINING 1 .478 ACRES, OR 64,382 SQUARE FEET, MORE OR LESS., City of Tulsa, Tulsa County, State of Oklahoma

Ms. Shelton re-entered the meeting at 2:40 P.M.

22894—Jorge Fernandez

FILE COPY

Action Requested:

Special Exception to increase the maximum driveway width, within the right-of-way and inside the street setback. (Section 55.090-F.3). **LOCATION:** 3747 South 152nd Avenue East (CD 6)

Presentation:

Jorge Fernandez, 3119 South 145th East Avenue, Tulsa, OK; he would like to have an extension for an existing driveway. The homeowners have several work trucks and six cars and currently they are parking most of them on the street.

Mr. Van De Wiele asked if everything colored pink on exhibit page 18.8 would be paved. Mr. Fernandez answered affirmatively. Mr. Van De Wiele asked if that would be all the way to the property line. Mr. Fernandez answered affirmatively.

Mr. Chapman stated that the applicant will not be adding any more curb cuts and the width that the applicant is only concerned about is within the street setback, not the right-of-way.

Mr. Van De Wiele asked Mr. Chapman how much is within the street setback? Mr. Chapman stated that it would be all of it. Mr. Chapman stated that it is all within the street setback, and the pink is all on the owner's property, so it is within his lot.

Ms. Ross stated that they are also looking to place that over utility easements. Mr. Chapman stated that he thinks the applicant may be able to do that through a construction agreement. There is not relief that the Board has to grant that. Ms. Ross stated that will be a problem when the owner goes to resell.

Mr. Van De Wiele asked Mr. Chapman what the maximum driveway width would be allowable? Mr. Chapman stated that it would be 30 feet. Mr. Chapman stated that he spoke with the applicant yesterday and the total width is going to be 36 feet.

Mr. Fernandez stated that he is looking for an additional 14 or 15 feet, and the current drive is about 16 feet. Mr. Van De Wiele stated that the applicant has 16 feet for a drive plus asking for another 16 feet so that would be 32 feet total, and they are allowed 30 feet. Mr. Chapman confirmed Mr. Van De Wiele's statement.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Ms. Ross stated she is not in favor of this. She knows the area and she is familiar with the houses that are built there, there are no three-car garages. To extend a driveway when there is no three-car garage and it is going to be used to house a bunch of work trucks and cars, she thinks that is injurious to the neighborhood. If a person has six cars and has a two-car garage, she is not sure why you would buy a house with a two-car garage with that many vehicles, but she can say because of driving by the area all the time that is not the norm in the neighborhood.

Mr. Van De Wiele asked Ms. Ross if she would still think that way because it was only a two-foot Variance. Ms. Ross answered affirmatively stating because that extra space will constantly be filled up with cars and vehicles as opposed to an entrance to a third car garage.

Mr. Bond stated the extra space would keep the vehicles off the street. Ms. Ross stated that the extra space is not going to hold six vehicles. These vehicles will be angle parked and this is a brand-new subdivision.

Mr. Van De Wiele stated that by granting this, if the Board conditioned it on not widening the curb cut. He would rather see this with a narrower curb cut than a 27-foot curb cut. Right now, there is maybe an 18-foot, or 20-foot curb cut, and he would rather see a little wider driveway on a narrower curb cut than a 30-foot wide driveway on a 27-foot wide curb cut. To Ms. Ross's point if the applicant concreted all the way to the property line there will be cars hanging over the property line.

Ms. Ross stated that she does not think the owner's of this property understand that when they concrete over an easement and they want to sell this property it is going to show up as an encroachment, and it won't be insurable for title insurance purposes. This hurt the value of the property to cover up an easement.

BOA-22894

FILE COPY

Ms. Radney stated this is not her favorite thing, but what she also recognizes in this neighborhood is that today's property owners do tend to have many more vehicles than the 2.1 vehicles, and vehicles are bigger than they used to be. Ms. Radney asked if the applicant would be parking a trailer in the area.

Mr. Van De Wiele asked Mr. Fernandez to come back to the microphone and asked him about the area that is behind the existing fence. Mr. Fernandez stated his client wanted that area for the trash containers. Mr. Van De Wiele asked Mr. Fernandez if the fence was going to be moved. Mr. Fernandez answered no and stated that his client intends to keep the gate. Mr. Van De Wiele asked Mr. Fernandez if part of the concrete being discussed was going to be behind the fence. Mr. Fernandez answered affirmatively.

Ms. Radney stated that what is objectionable to her about this is the aesthetics, it is just a great big concrete rectangular blob, but a person does often see in other subdivisions turn-out drives. If this were more stylistically drawn she thinks she would less of an emotional negative response, truth be told this is on a corner and she is sympathetic to the fact that if the Board does not grant the Variance that the neighbors would later object to a lot of cars being parked along the driveway. On the basis of that, she is willing to grant this to the applicant.

Ms. Shelton stated that she thinks the applicant is asking for more than two feet, she thinks he is asking for closer to six feet. She agrees with Ms. Radney, she will vote for this, but she does not like it. She would like to see it kept off the north property line and center it on where it is now.

Mr. Bond stated that before he was thinking this is just two feet, but he has done a 180. This is a house 41 feet across and if they have 30 feet use by right that would be enough in this situation.

Mr. Van De Wiele stated he does not know he would want to see cars parking in front or to the right of the driveway. He would not vote for this to go all the way to the property line, he would want to keep it at least a foot off the property line to prevent this creeping over the property line. He wouldn't want it to connect to the sidewalk because he does not want people to park on the sidewalk, and he wouldn't want the curb cut widened.

Mr. Van De Wiele stated the Board has seen another case similar to this in a different part of the city where the Board has given an applicant an opportunity to come back with a better and different plan; something closer to use by right. Mr. Van De Wiele stated that what the Board seems to be headed toward is continuing this case until the next meeting to give Mr. Fernandez an opportunity to go back to the drawing board and tweak the plan. Mr. Van De Wiele asked Mr. Fernandez if he would like to continue this case to June 9, 2020. Mr. Fernandez answered affirmatively.

BOA-22894

Board Action:

On **MOTION** of **BOND**, the Board voted 5-0-0 (Bond, Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the request for a Special Exception to increase the maximum driveway width, within the right-of-way and inside the street setback. (Section 55.090-F.3) to the June 9, 2020 Board of Adjustment meeting; for the following property:

LOT 1 BLOCK 10, CROSSING AT BATTLE CREEK PHASE II BLOCKS 7-13, City of Tulsa, Tulsa County, State of Oklahoma

22895—Israel Sanchez

Action Requested:

Variance to reduce the required 25-foot street setback in an RM-1 District (Section 5.030, Table 5-3). **LOCATION:** 119 North Wheeling Avenue East (CD 3)

Presentation:

The applicant was not present. Mr. Van De Wiele moved this item to the end of the agenda.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required at this time.

22897—Dustin Alphin

Action Requested:

Special Exception to allow a fence to exceed 4 feet in height in a front street setback (Section 45.080-A); Variance to permit a structure in the City of Tulsa right-of-way or planned right-of-way along East Admiral Place North (Section 5.030-A, Table 5-3 & Section 90.090-A). **LOCATION:** 10623 East Admiral Place North (CD 3)

Presentation:

Dustin Alphin, 17697 South 49th West Avenue, Mounds, OK; stated his client has concerns with trespassers on his property, so he built a fence in line with his neighbor's fence. He has built the columns but not the actual fence sections. His client plans to have chain link sections, but he was stopped by the City.

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