

SUBJECT TRACT

BOA-22907

29.1



**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9319

Case Number: **BOA-22907**

CZM: 47

CD: 9

HEARING DATE: 04/28/2020 1:00 PM

APPLICANT: Tony Jordan

ACTION REQUESTED: Variance of the required 35 foot setback from South Lewis Avenue in an RS-2 District (Section 5.030, Table 5-3)

LOCATION: 2258 E 32 PL S

ZONED: RS-2

PRESENT USE: Residential

TRACT SIZE: 11748.18 SQ FT

LEGAL DESCRIPTION: LT 1 BLK 4, OAKNOLL

RELEVANT PREVIOUS ACTIONS:

Subject Property: None

Surrounding properties:

BOA-21972; On 10.13.15 the Board **approved** a variance of the required 35' setback form an arterial street for a detached accessory building on the property located 2410 E. 32nd St.

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 at the SW/c of East 32nd. Place and S. Lewis Ave.

29.2

STAFF COMMENTS: The applicant is requesting **Variance** of the required 35 foot setback from South Lewis Avenue (Section 5.030, Table 5-3)

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: Patio is facing South. There are no trees to Block Sunlight. Owners would like to have covered Patio over existing concrete slab patio.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** of the required 35 foot setback from South Lewis Avenue (Section 5.030, Table 5-3)

- 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:

- 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;*
- That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;*
- 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;*
- That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*
- That the variance to be granted is the minimum variance that will afford relief;*
- 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*
- 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."*

29.3



Facing East on 32nd pl.



Subject Property



Facing West on 32nd Pl.

enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

LT 4 BLK 3, SMITHVIEW ESTATES, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Mr. Henke re-entered the meeting at 2:35 P.M.

21972—Brett Logan

FILE COPY

Action Requested:

Variance of the setback from an arterial street, South Lewis Avenue, from 35 feet to 0 feet to permit a detached accessory building (Section 403, Table 3).

LOCATION: 2410 East 32nd Street South (CD 9)

Presentation:

Brett Logan, 2650 South Utica Avenue, Tulsa, OK; stated this is a residential project with a general remodel of the exterior façade is cosmetic. His clients are elderly and a critical issue for them is security. They live right on Lewis Avenue and have had issues with break ins in the past. The existing garage is a two-car garage but there is no room to keep the trash receptacles inside the garage. The existing fence has a gate near the garage and the couple pay the extra fees to have the trash service open the gate to retrieve the trash receptacles. His clients would like to be able to secure the trash receptacles in a locked area creating a barrier between their back yard and the trash receptacles. His clients like the idea of having an enclosed space for protection from the weather so the idea evolved into a small shed so that was incorporated into the entire remodel of the house. The entire end of the house is well into the 35 foot setback so no matter where the proposed shed is placed it will not be into compliance. The existing concrete slab is used as a third car parking space and the client wants to preserve that concrete drive access to that slab. Placing the trash receptacle shed there on the property makes the most sense and places it up against the existing fence line. The proposal is to tear down one of the existing masonry columns, build the trash receptacle enclosure so that its west façade is in alignment with the masonry columns, restore the fence, and make something that is discreet from Lewis Avenue.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

BOA-21972

FILE COPY

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to **APPROVE** the request for a **Variance** of the setback from an arterial street, South Lewis Avenue, from 35 feet to 0 feet to permit a detached accessory building (Section 403, Table 3), subject to conceptual plans 12.10 and 12.11. Finding there will be no further encroachment into the right-of-way of Lewis Avenue than already exists with the pillars and fence. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

LT 12, BLK 1, FOREST ESTATES, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

OTHER BUSINESS

Review and Approval of the 2016 Board of Adjustment meeting calendar.

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to **APPROVE** the 2016 Board of Adjustment meeting calendar striking the November 22nd and December 27th meeting dates.

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

Tony Jordan
tonyjordanhomes@gmail.com

3/5/2020

APPLICATION NO: BLDR-55090-2020

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 2258 E 32 pl

Description: 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 [] 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
<http://tulsaplanning.org/plans/TulsaZoningCode.pdf>

Application No. **BLDR-55090-2020**

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.

5.030-A: In the RS-2 zoned district the minimum side yard setback from an arterial street shall be 35 feet from the side property line which is along Lewis avenue. The existing ROW width from center of Lewis is 50' plus the required side setback on an arterial street is 35' to equal a total setback distance from center of street to be 85'.

Review Comments: Revise your plans to indicate a 35' side setback to the property line, or apply to INCOG for a variance to allow less than a 35' side setback from Lewis avenue property line.

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.

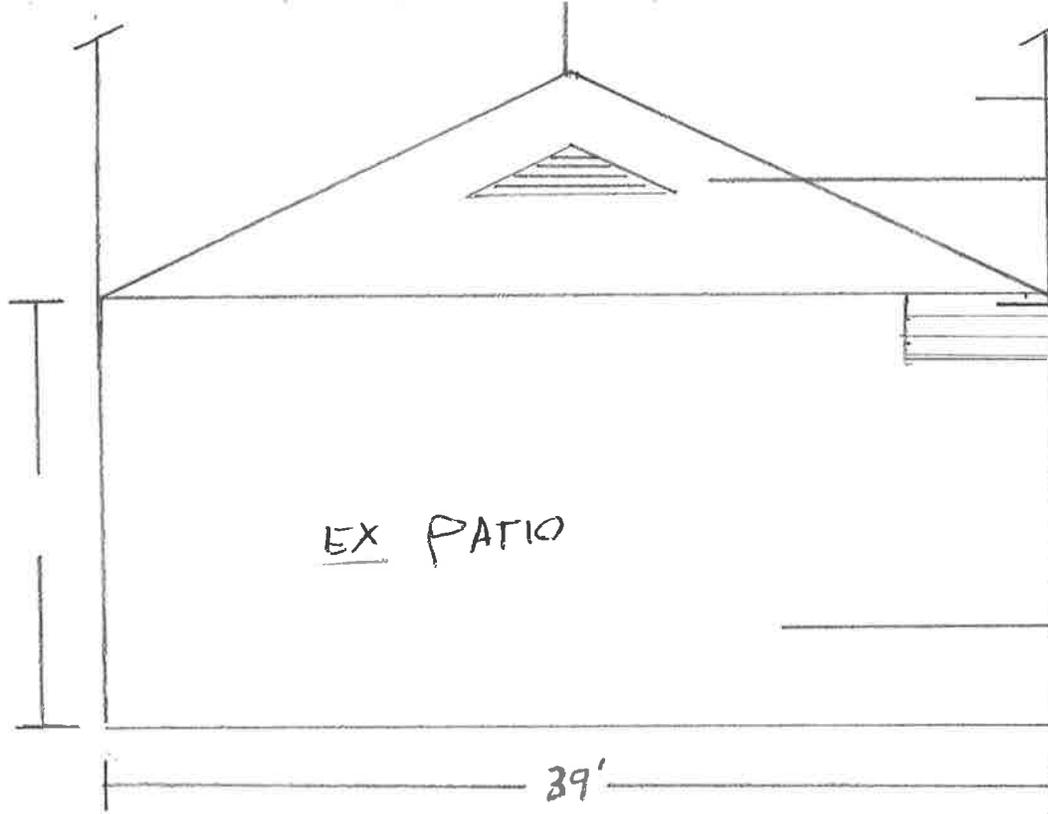
Please Notify Plans Examiner By Email When You Have Submitted A Revision. If you originally submit paper plans, revisions must be submitted as paper plans. If you submit online, revisions must be submitted online

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.

NORTH



EXISTING ROOF "COMP."

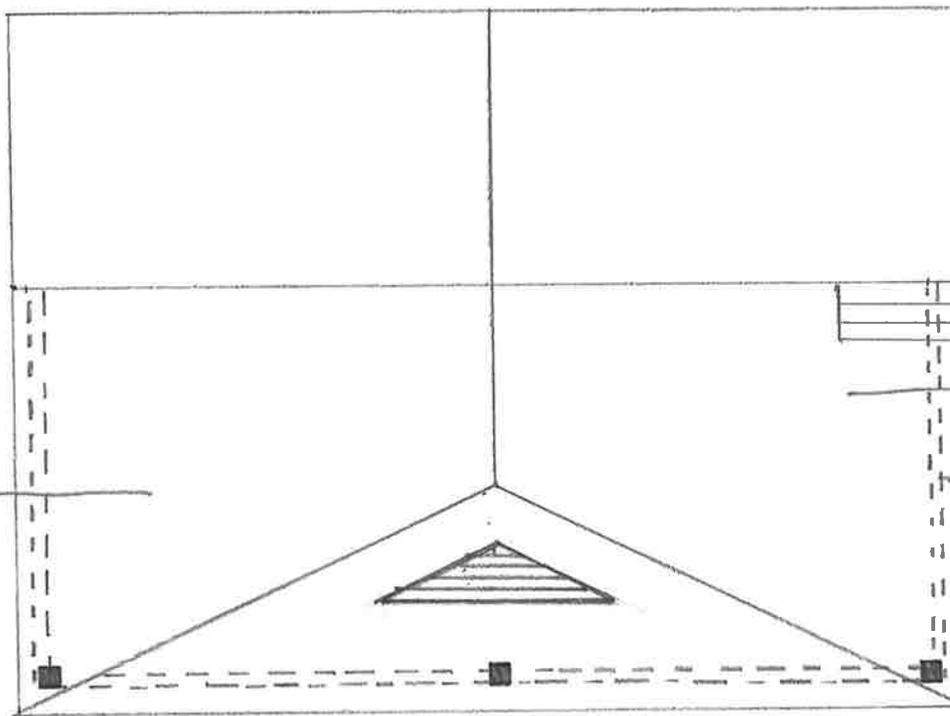
EXISTING ROOF VENT

EXISTING STEPS

EX PATIO

EXISTING CONCRETE PATIO

39'



EXISTING HOUSE

EXISTING STEPS

2" X 10" CEILING JOIST

1 X 6 V-GROOVE CEILING

6" X 12" DOUG FIR TYPICAL

1' OVERHANG

3-6" X 6" DOUG FIR TYPICAL

SOUTH

2258 E. 32ND PL. S. TULSA, OK 74110
 LOT 1 BL 4 OAKNOLL ADDITION
 PLAT #1316

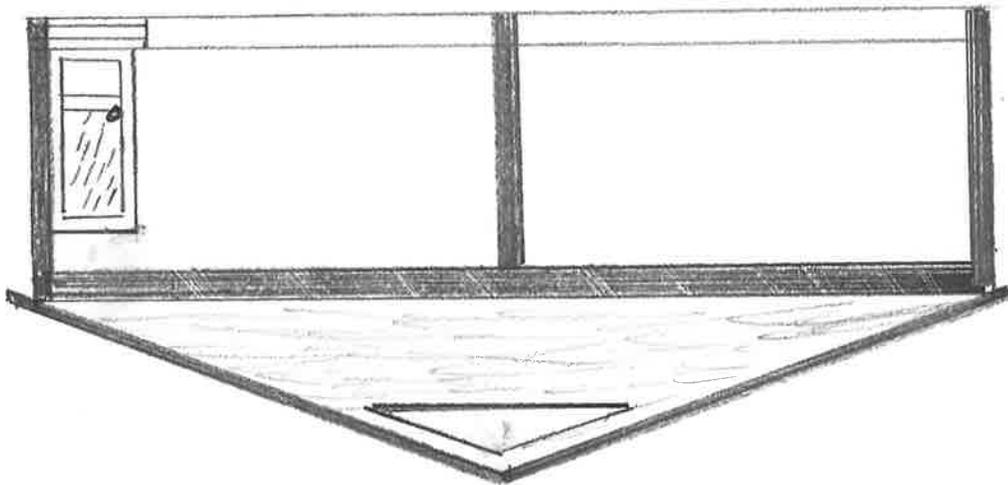
29.10 (1)

09.11
②

2258 E 32nd PL, TULSA, OK 74110
Lot 1 BL 4 OAKNOLL ADDITION
PLAT # 1316

SOUTH

BACK VIEW



NORTH





29.13

LEGEND
 --- FENCE
 U/C UTILITY CASING/UTILITY
 S/W/E BRANCH EXHIBIT
 M/P METERING POINT
 E/E BRANCH ELECTRIC
 T/C TELEPHONE CABLE
 S/L CASING
 C/L CONCRETE
 B/L BUILDING LINE
 C/L CURB/BLINDING LINE
 BEFORE YOU GO:
 CALL US:
 1-800-222-1543

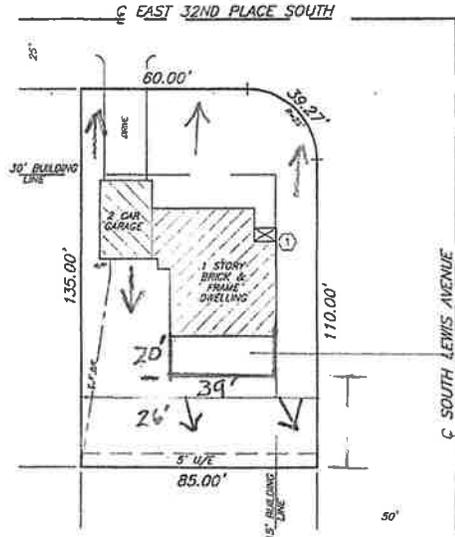
MORTGAGE INSPECTION REPORT

INVOICE NO.: GA 19-97883
 MORTGAGOR: HONDOBOY PROPERTIES, LLC
 CLIENT: GUARANTY ABSTRACT COMPANY
 BANK OF OKLAHOMA, DBA BOKF, NA, ITS SUCCESSORS AND/OR
 ASSIGNS AS THEIR RESPECTIVE INTERESTS MAY APPEAR
 FIDELITY NATIONAL TITLE INSURANCE COMPANY
 G-100000

THIS PROPERTY LIES IN ZONE "X-UNIMPROVED" FLOOD
 HAZARD AREA PER F.I.R.M. COMMUNITY PANEL NO.
 4014300352M, AS LAST REVISED 5/2/19.

NOTE:
 (1) DWELLING & PORCH ARE OVER BUILDING
 LINE AS SHOWN.

Handwritten: 6/11/19
Signature:



Handwritten: PROPOSED
 PATIO COVER OVER
 EXISTING CONCRETE
 PATIO.

LEGAL DESCRIPTION AS PROVIDED:
 LOT ONE (1), BLOCK FOUR (4), OAKHOLL, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA,
 ACCORDING TO THE RECORDED PLAT NO. 1318, AND KNOWN AS 2258 EAST 32ND PLACE SOUTH.

SURVEYOR'S STATEMENT
 WHITE SURVEYING COMPANY, AN OKLAHOMA CORPORATION, AND THE UNDERSIGNED LICENSED PROFESSIONAL LAND SURVEYOR, UNDER CERTIFICATE OF AUTHORIZATION
 NUMBER (LICENSE) DATE: JUNE 30, 2017A, DO HEREBY STATE THAT IN OUR PROFESSIONAL OPINION THE ABOVE INSPECTION PLAT SHOWS THE DWELLING
 AS LOCATED ON THE PRELIMINARY RECORDS, THAT IT IS CORRECTLY WITHIN THE RECORDED TRACT BOUNDARIES, AND THERE ARE NO ENCROACHMENTS, EASEMENTS
 OR OTHER INTERESTS WHICH HAVE BEEN DISCOVERED BY A CASUALTY TITLE OPINION OR BY COMMENT FOR TITLE INSURANCE AND COVER THEREOF PROVIDED
 TO US, THAT THIS INSPECTION PLAT WAS PREPARED FOR COORDINATION PURPOSES ONLY FOR THE MORTGAGEE AND IS NOT A BASIS FOR ANY OTHER PURPOSE.
 NO ENCROACHMENTS OR OTHER INTERESTS WERE NOTED OR IDENTIFIED BY THIS SURVEYOR OR OTHER PROFESSIONALS.
 THAT ENCROACHMENTS OR OTHER INTERESTS WERE NOT FIELD LOCATED AND THEREFORE ARE NOT SHOWN ON THIS INSPECTION PLAT UNLESS SPECIFICALLY
 REQUESTED BY THE CLIENT. THAT THIS INSPECTION PLAT IS PREPARED SOLELY FOR THE CLIENT LISTED HEREON AS OF THE DATE AND MAY NOT BE
 USED FOR ANY SUBSEQUENT LOAN CLOSING, REFERRANCE, OR OTHER TRANSACTION, AND THAT NO RESPONSIBILITY OF LIABILITY IS ASSIGNED HEREON OR
 HEREIN TO THE PRESENT OR FUTURE LENDERS OR OCCUPANTS.
 WITNESS MY HAND AND SEAL THIS DATE: 6/11/19
 [Signature]



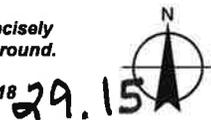
Subject Tract

BOA-22907

19-13 19

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

Aerial Photo Date: February 2018





Subject
Tract

BOA-22907

19-13 19

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Aerial Photo Date: February 2018

