

SUBJECT TRACT

BOA-22936

16.1



**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9332
CZM: 47
CD: 9

Case Number: **BOA-22936**

HEARING DATE: 06/23/2020 1:00 PM

APPLICANT: D. Robert Neil

ACTION REQUESTED: Variance of the required 30' front street setback and 15' side street setback in an RS-2 district (Sec. 5.030, Table 5-3)

LOCATION: 2506 E 57 ST S

ZONED: RS-2

PRESENT USE: Residential

TRACT SIZE: 10498 SQ FT

LEGAL DESCRIPTION: LT 7 BLK 6, SOUTH LEWIS TERRACE AMD

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.

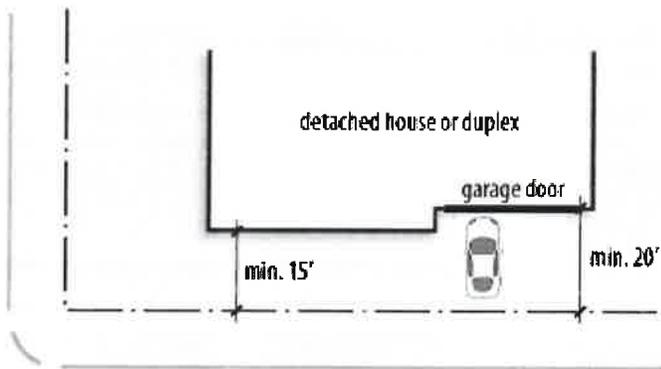
ANALYSIS OF SURROUNDING AREA: The subject tract is located at the SE/c of E. 57th St. S. and S. Atlanta Ave. South Atlanta dead ends at the along the West property line of this tract.

STAFF COMMENTS: The applicant is requesting **Variance** of the required 30' front street setback and 15' side street setback in an RS-2 district (Sec. 5.030, Table 5-3)

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

[3] For detached houses and duplexes on corner lots, the minimum side street setback along a non-arterial street may be reduced to 15 feet, provided that the minimum setback for street-facing garage doors is 20 feet or 20 feet from the back of the sidewalk, whichever is greater. The street setback specified in Table 5-3 applies along the other street.

Figure 5-1: Street Side Setback on Corner Lots



STATEMENT OF HARDSHIP:

1. The existing home was built on the minimum front and side setbacks in the 1950s with a small one car garage. The small garage is not big enough for a modern car, our family of four currently parks one car in the driveway, three cars and one work truck on the street. The most practical way to minimize parking congestion on the street is to enlarge the existing garage by expanding it forward towards E. 57th St. and expanding the width towards S. Atlanta Ave. for a modern two car garage.
2. The intended purpose of maintaining a right of way for future city infrastructure expansion is not affected as both streets involved dead-end; E. 57th St. ends with the properties backed up to Joe Creek and S. Atlanta Ave. ends at our rear property line backed up to the large commercial assisted living property of The Villages at Southern Hills.
3. The conditions leading to the need of a variance are unique due to the age, design and layout of the existing home. Not only was the house built at the minimum setbacks, it was built with a small one car garage, unlike the homes in the immediate vicinity that have two car garages as do modern homes.
4. The hardship comes from the age of the home and the need to modernize it to accommodate modern living and the number and sizes of automobiles for the average family.

5. The variance requested is the minimum that will afford relief, allowing the garage to be expanded. The extension forward also adds curb appeal.

6. The requested variance will maintain the character of the neighborhood and will in no way impair the use or development of adjacent properties. The addition will expand toward the front and side street, not towards any adjacent property

7. The requested variance will not be a detriment to the public good or go against the spirit and intent of the zoning code or comprehensive plan. As stated above in #2, expansion of the street or neighborhood is not likely. The requested variance will in fact bring the property more in compliance with the spirit and intent of the zoning code, eliminating vehicle congestion on the street will improve the look and safety of the neighborhood by giving neighbors a less obstructed view.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** of the required 30' front street setback and 15' side street setback in an RS-2 district (Sec. 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:

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 South towards the dead end of S. Atlanta Place.



Facing North on S. Atlanta Pl.



Side Yard of Subject Property



Subject property



Facing West on E. 57th St.



Facing East on 57th St.

Sort

Correction Order ▼

Correction Order:

1

Type:

General

Resolved:

No

Resolved On:

Comments

5.030-A :Setback(s) (Residential): In the RS-2 zoned district the minimum street setback shall be 30 feet from the property line and 55' measured from the centerline of the abutting street.

Corrective Action

Review Comments: Revise your plans to indicate a 30" front setback to the property line and 55' from center of street, or apply to INCOG for a variance to allow less than a 30" front setback and less than 55' from center of street.

Correction Order:

2

Type:

General

Resolved:

No

Resolved On:

Comments

5.030-A: In the RS-2 zoned district on a corner lot the minimum side street setback shall be 15 feet from the side property line.

Corrective Action

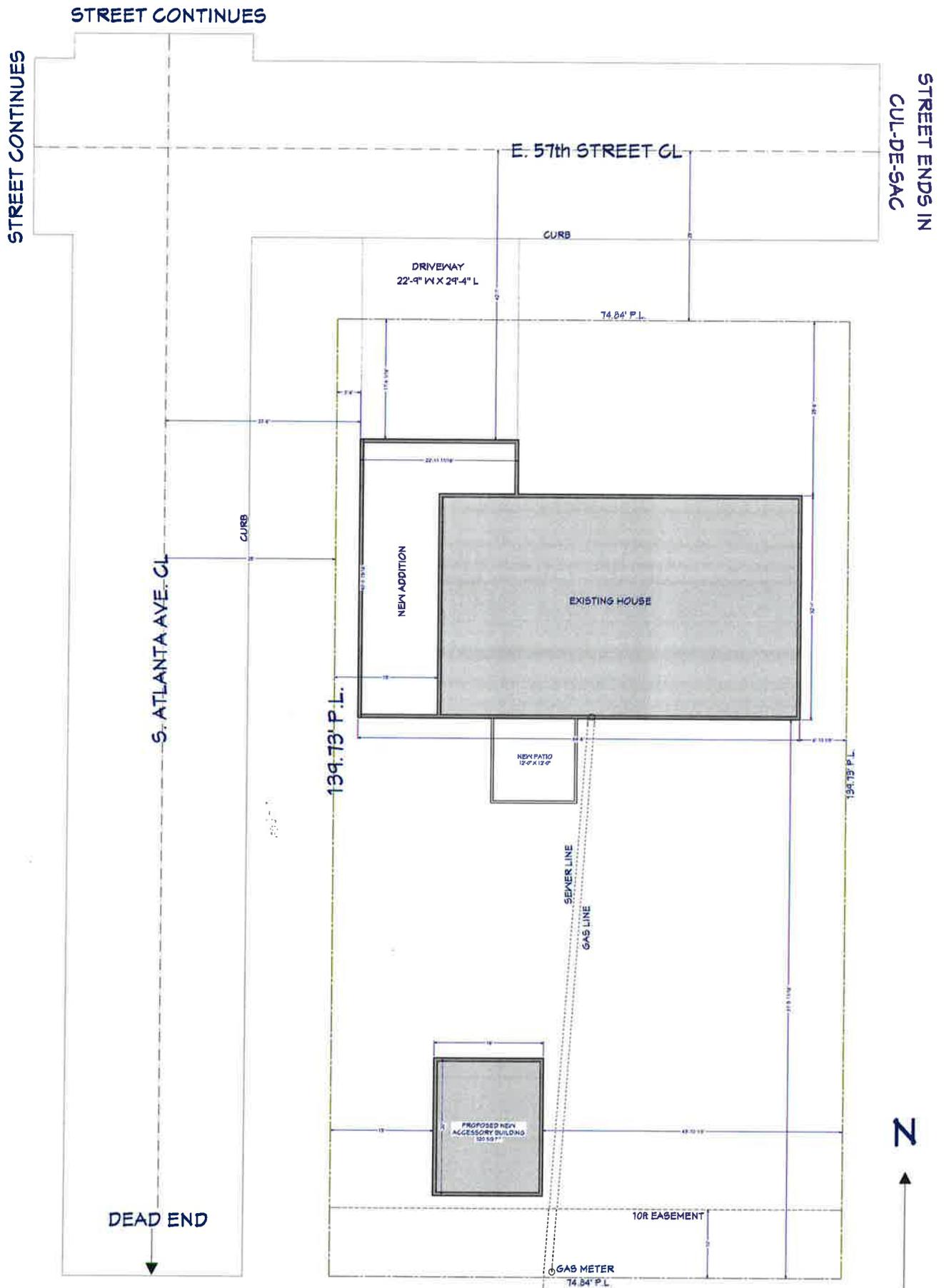
Review Comments: Revise your plans to indicate a 15' side street setback to the property line, or apply to INCOG for a variance to allow less than a 15' side setback.

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Results per page 1 - 2 of 2

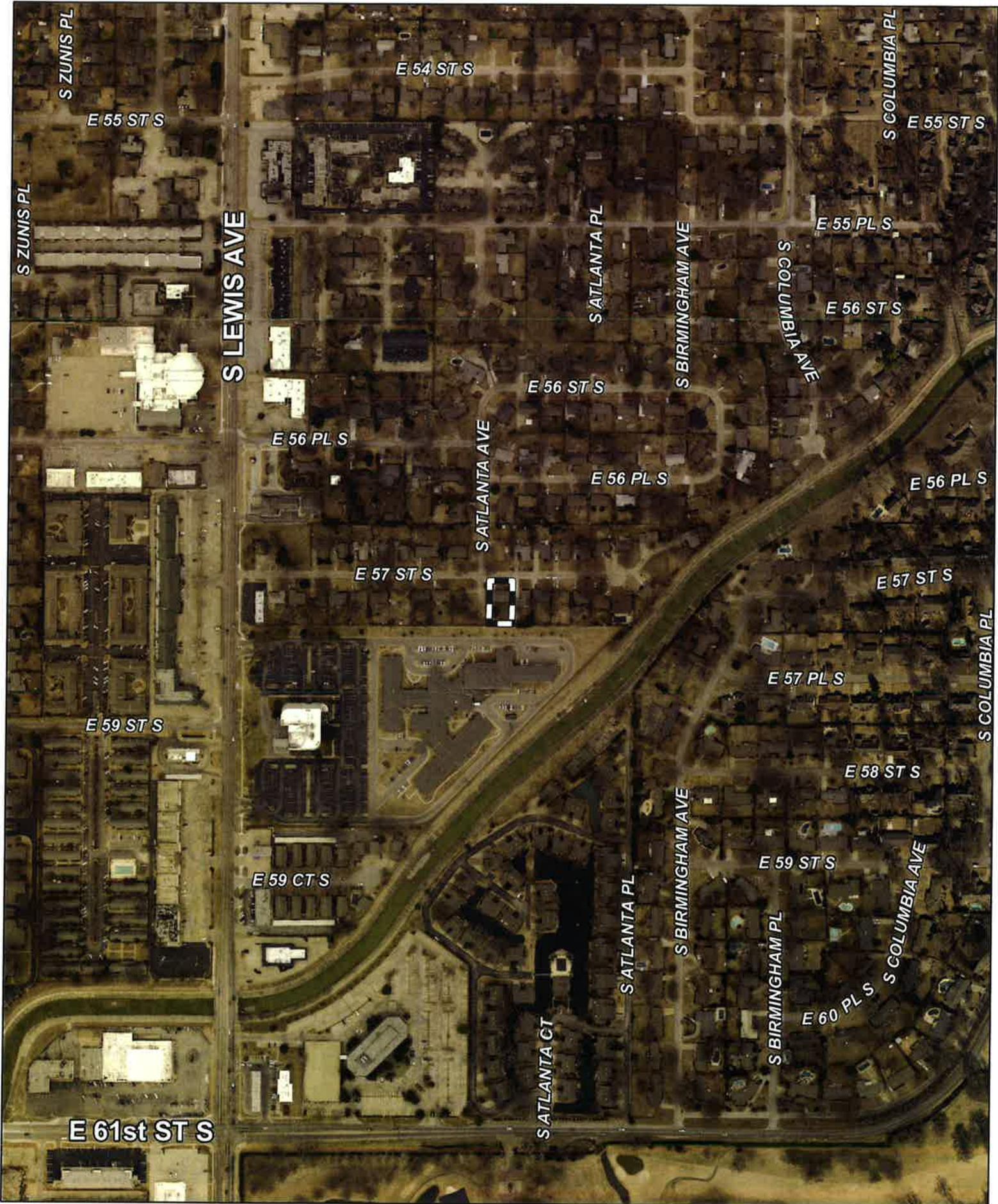
Need Help? Email (<mailto:cotdevsvcs@cityoftulsa.org?subject=CSS%20Help>) or call us at (918) 596-9456

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SITE PLAN SCALE 1"=20'

OWNERS: DONALD & ANGEL NEIL
 ADDRESS: 2506 E. 57TH STREET - LOT SIZE = 74.84' W x 139.72' L
 SUBDIVISION: SOUTH LEWIS TERRACE AMD, LOT 7 BLOCK 6, SECTION 32, TOWNSHIP 19, RANGE: 13



Subject Tract

BOA-22936

19-13 32

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

Aerial Photo Date: February 2018



16.11



E 56 PLS

S ATLANTA AVE

E 57 STS



Subject Tract

BOA-22936

19-13 32

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

Aerial Photo Date: February 2018

