

BOA-22941

20.1



**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9306

Case Number: **BOA-22941**

CZM: 37

CD: 4

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

APPLICANT: Dustin Justice

ACTION REQUESTED: Variance to reduce the required 20' front street setback and a Variance to reduce the required 20' rear setback in an RS-4 District (Sec. 5.030, Table 5-3)

LOCATION: 1540 E 8 ST S

ZONED: RS-4

PRESENT USE: Vacant

TRACT SIZE: 2761.72 SQ FT

LEGAL DESCRIPTION: W46 LT 1 N10.63 OF W46 LT 2 & S14.37 OF W38.88 LT 2 & N4.55 OF W38.88 LT 3 BLK 6, PARK DALE AMD

RELEVANT PREVIOUS ACTIONS:

Subject property: None.

Surrounding property:

BOA-4386; On 06.10.1964 the Board **approved** a variance of the rear setback. Property located immediately West of the Subject Property.

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

Downtown Neighborhoods are located outside but are tightly integrated with the Downtown Core. These areas are comprised of university and higher educational campuses and their attendant housing and retail districts, former warehousing and manufacturing areas that are evolving into areas where people both live and work, and medium- to high-rise mixed-use residential areas. Downtown Neighborhoods are primarily pedestrian-oriented and are well connected to the Downtown Core via local transit. They feature parks and open space, typically at the neighborhood scale.

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 West of the SW/c of E. 8th Street and S. Trenton Ave.

20.2

STAFF COMMENTS: The applicant is requesting **Variance** to reduce the required 20' front street setback and a **Variance** to reduce the required 20' rear setback in an RS-4 District (Sec. 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
Duplex	-	-	-	9,000	9,000	3,300	6,900	6,900	6,900	6,900	6,900	6,900	-
Multi-unit house	-	-	-	-	-	3,300	6,900	5,500	5,500	5,500	5,500	5,500	-
Apartment/condo	-	-	-	-	-	-	-	-	10,000	10,000	6,000	24,000	-
Mobile home park	-	-	-	-	-	-	-	-	-	-	-	-	[1]
Other allowed buildings/uses													
Permitted by right	22,500	13,500	9,000	6,900	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500
Special exceptions	22,500	13,500	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000
Min. Lot Area per Unit (sq. ft.)													
Detached house	22,500	13,500	9,000	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	-
Patio house	-	-	-	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	-
Townhouse	-	-	-	4,500	4,500	2,200	2,750	1,600	1,600	1,600	1,600	1,600	-
Cottage house dev't	-	-	-	-	-	2,750	2,750	2,750	2,750	2,750	2,750	2,750	-
Duplex	-	-	-	4,500	4,500	1,650	3,450	3,450	3,450	3,450	3,450	3,450	-
Multi-unit house	-	-	-	-	-	1,100	1,800	1,800	1,800	1,375	1,100	900	-
Apartment/condo	-	-	-	-	-	-	-	-	2,900	1,750	1,100	400	-
Other allowed buildings/uses													
Permitted by right	-	-	-	-	-	-	-	-	5,500	5,500	5,500	5,500	5,500
Special exceptions	22,500	13,500	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000
Minimum Lot Width (ft.)													
Detached house	150	100	75	60	50	30	50	50	50	50	50	50	-
Patio house	-	-	-	60	50	30	50	50	50	50	50	50	-
Townhouse	-	-	-	30	30	20	25	20	20	20	20	20	-
Cottage house dev't	-	-	-	-	-	75	75	75	75	75	75	75	-
Duplex	-	-	-	75	75	30	60	60	60	60	60	60	-
Multi-unit house	-	-	-	-	-	30	50	50	50	50	50	50	-
Apartment/condo	-	-	-	-	-	-	-	-	100	100	50	100	-
Other allowed buildings/uses													
Permitted by right	150	100	75	60	50	50	50	50	50	50	50	50	50
Special exceptions	150	100	100	100	100	100	100	100	100	100	100	100	100
Minimum Street Frontage													
Residential bldgs/uses [2]	30	30	30	30	30	30	30	30	30	30	30	30	30
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
Min. Open Sp./Unit (sq. ft.)	12,000	7,000	5,000	4,000[8]	2,500	600	2,000	1,200	1,200	600	200	-	2,500
Max. Building Height (feet)	35	35	35	35	35	35	35	35	35	35	35	-	35

The applicant is asking to reduce the rear setback to 5' from 20' and the front setback to 9.8' from 20'.

STATEMENT OF HARDSHIP:

20.3

THE LOT ITSELF IS NON-CONFORMING MEASURING ONLY 46' WIDE AT THE STREET AND ONLY HAVING AN AREA OF 2400 SQUARED FEET. THE PROPERTY IS ALSO VERY DATED, BEING PLATTED IN 1912 ORIGINALLY, AND AT THAT TIME THE LOTS MEASURED 25' X 140'. OVER THE YEARS IT HAS BEEN WHITTLED, AND AT SOME POINT THE PROPERTY LINE WAS DRAWN AROUND A TREE.

Applicant Signature: _____

SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** to reduce the required 20' front street setback and a Variance to reduce the required 20' rear setback in an RS-4 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."*



Property immediately East of the Subject Property with Similar Building Line being requested.



Facing West on 8th Street



Subject Tract



Facing East on 8th Street



Subject Tract

MOVED by Galbreath (Shaul) that this application be approved. All members voting yea. Carried.

Case No. 4385
 Victory Baptist Church
 Lots 4,5,6, Block 8,
 Suburban Acres
 Addition

Victory Baptist Church request for a modification of front set-back requirements from 25 feet to 18 feet in a U-1-C District on Lots 4, 5, 6, Block 8, Suburban Acres Addition.

MOVED by Sublett (Shaul) that this application be approved subject to the applicant obtaining a letter from the adjoining property owners on Lot 1, 2, 3, Block 8, Suburban Acres Addition.

All members voting yea. Carried.

Case No. 4386
 Howard Stout
 W.80' of Lots 31,32,
 Block 6, Parkdale
 Addition

Howard Stout request for a modification of rear yard requirements to permit extension of attached garage 5 feet into rear yard on the West 80 feet of Lots 31 & 32, Block 6, Parkdale Addition a U-2-B District.

MOVED by Sublett (Avery) that this application be approved.

All members voting yea. Carried.

Case No. 4387-Beck Homes request for permission to project dwelling 4 feet into required 23 foot rear yard in a U-1-C District on Lot 1, Block 16, Briarwood Addition

MOVED by Sublett (Avery) that this application be approved.

All members voting yea. Carried.

Case No. 4388
 Episcopal Church
 Council of Tulsa, Inc.
 Lot 11, Block 2,
 College Addition

The Episcopal Church Council of Greater Tulsa, Inc. request for permission to establish a student center for the Tulsa University Students in a U-2-B District on Lot 11, Block 2, College Addition.

MOVED by Sublett (Avery) that this application be approved.

All members voting yea. Carried.

Case No. 4389
 Philip N. Brownstien
 Lot 16, Block 13,
 Devonshire Place
 Addition

Philip N. Brownstein, as Commission of Federal Housing Administration request for permission to divide Lot 16, Block 13, Devonshire Place Addition. This matter was approved by the Tulsa Metropolitan Area Planning Commission, subject to the approval of this Board.

MOVED by Sublett (Avery) that this application be approved.

All members voting yea. Carried.

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

Dustin Justice
justicedetailing409@gmail.com

3/11/2020

APPLICATION NO: ZCO-55857-2020

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 1540 E 8th Street

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

Application No. **ZCO-55857-2020**

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.

1. **5.030-A: Setback(s) (Residential):** In the RS-4 zoned district the minimum front setback shall be 20' from the front property line.

Review Comments: Revise your plans to indicate a 20' front setback to the property line, or apply to INCOG for a variance to allow less than a 20' front setback.

2. **5.030-A:** In the RS-4 zoned district the minimum rear yard setback shall be 20 feet from the rear property line.

Review Comments: Revise your plans to indicate a 20' rear setback to the property line, or apply to INCOG for a variance to allow less than a 20' rear setback.

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

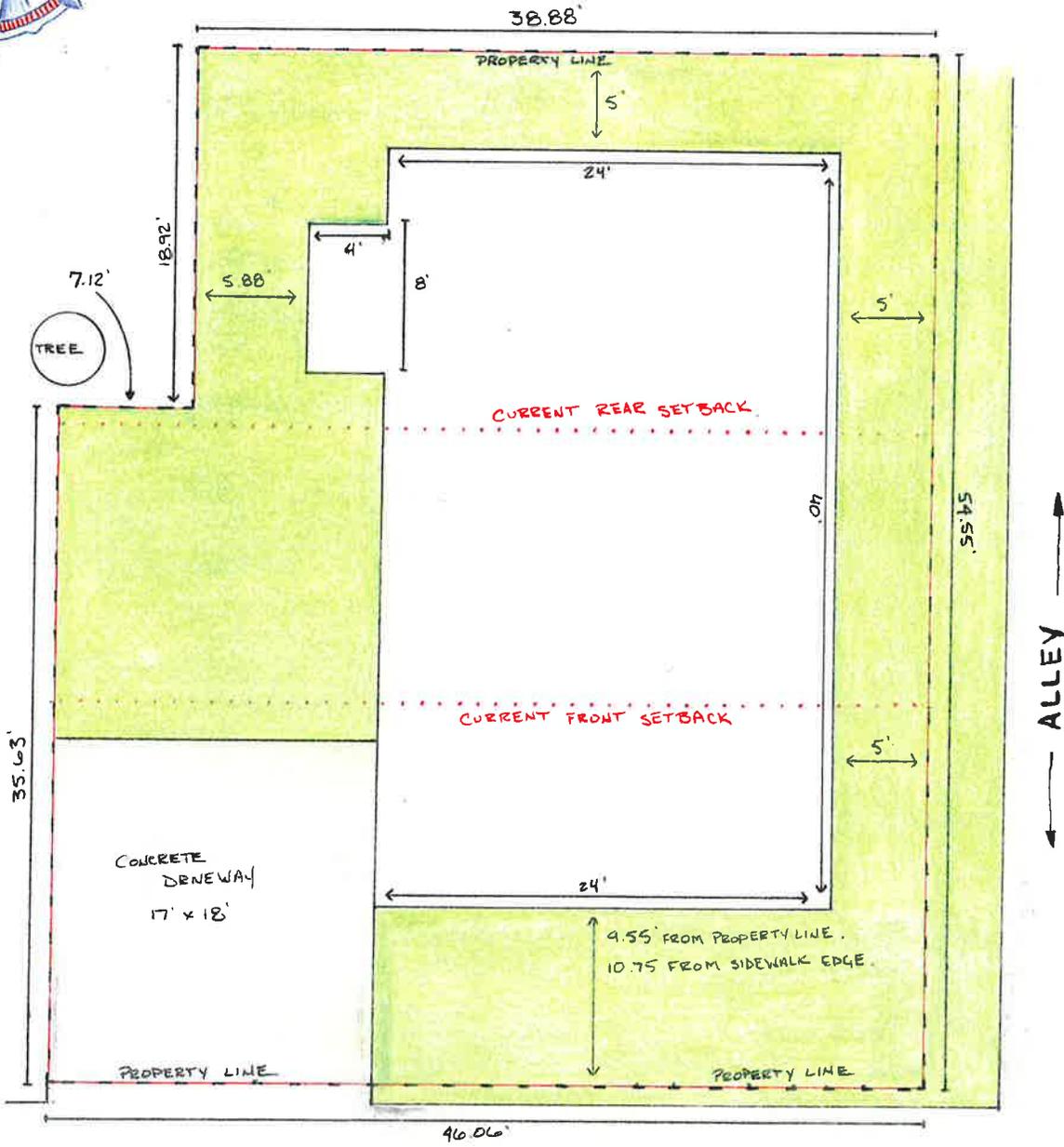
END –ZONING CODE REVIEW

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.

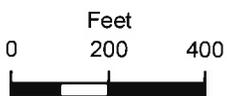
KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.

SITE PLAN

1540 EAST EIGHTH STREET
TULSA, OKLAHOMA 74120



8th St



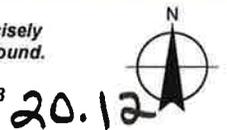
Subject
Tract

BOA-22941

19-13 06

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

Aerial Photo Date: February 2018



20.12



Subject Tract

BOA-22941

19-13 06

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

Aerial Photo Date: February 2018



20.13

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