

Case Number: **BOA-22976**

Applicant: **Perla Zamora**

Action Requested: **Variance to allow the total aggregate floor area of all detached accessory buildings to exceed 40% of the floor area of the principle residence structure (Section 45.030-A).**

Location: **8923 E 15th St. S**

Property Legal Description: **BEG. 293E &40N SWC NE TH E128 N290.93 W128 S290.91 POB SEC 12 19 13. City of Tulsa, Tulsa County, State of Oklahoma**

Current Zoning: **RS-1, Residential Single Family**

This letter is in opposition to the requested Zoning Variance. Specifically...

- the request for approval of “future shop buildings” as shown is opposed
- recommendation that alternatives be considered for creating the homeschooling space desired within the zoning restrictions rather than counter to them.

The property is located in and part of a residential neighborhood zoned as RS-1, for single family residential use, and subject to the zoning restrictions of the RS-1 designation.

Per the referenced **Section 45.030-A**, there is a restriction on the allowable size of detached accessory buildings of 40% of the floor area of the principle residence structure, or 750 sf, whichever is greater. To put the requested variance into context the existing principle residence is **1,376 square feet**. There is also a detached garage structure that is **864 sf**. **The requested new detached accessory buildings total 4,625 sf, plus the 864 sf detached garage, total of 5,489.**

SCENARIO A: If this existing detached garage is considered a “detached accessory building”, per the language of Section 45.030-A, namely “...**buildings not erected as an integral part of the principal residential building...**”, which it is not, then the garage is actually the first bite at the allowable aggregate size for detached accessory buildings on the property. Not only is it the first bite. At 864 sf this detached garage alone **exceeds the 750 sf zoned allowable maximum** for detached accessory buildings based on the size of the principle residence.

SCENARIO B: If the garage is allowed to be counted as a part of the principle residence, a liberal interpretation of the wording of the zoning restriction, then the total square foot area of the principle residence would be (1,376+ 864) **2,240 sf**. In this case, 40% of 2,240 sf would yield an allowable aggregate area of **896 sf for detached accessory buildings.**

The proposed additional “detached accessory buildings” include three structures:

	SCENARIO A	SCENARIO B
1. a 30'x30' Playhouse not including the proposed 10'x30' exterior porch	900 sf.	900 sf.
2. a 15'x15' Shop	225 sf.	225 sf.
3. a 50'x70' Shop	<u>3,500 sf.</u>	<u>3,500 sf.</u>
4. And an existing Garage	<u>864 sf.</u>	
TOTAL detached accessory buildings	5,489 sf.	4,625 sf.
Principle Residence	1,376 sf	2,240 sf. w/garage
Allowable detached accessory buildings	750 sf.	896 sf.

SCENARIO A: The 5,489 sf of detached buildings is nearly 4 times the area of the principle residence, and more than seven times the allowable 750 sf area for detached accessory buildings.

SCENARIO B: The 4,625 sf of detached buildings is just over 2 times the area of the principle residence and more than five times the allowable 896 sf area for detached accessory buildings.

In either scenario the proposed aggregated areas of detached accessory buildings far exceed the intended zoning of this neighborhood and this property regarding size and density of structures, and in our opinion, as a resident in the neighborhood, is not a reasonable exception.

A second concern about this added amount of roofed area and possible paved driveway in this neighborhood that is prone to flooding and drainage issues, is storm water drainage. If allowed, this additional roof and drive area will create additional storm water drainage that would have to be controlled in some way so as to not shed additional water onto neighboring properties.

A third, equally and perhaps more important issue of concern with this requested variance, is the proposed use of these detached accessory buildings. Some clarification has been offered for the proposed “Playroom”, to be used as a homeschooling space. But no clarification has been offered as to the proposed use of the two proposed “future shop” buildings. They have been tagged as “shops” but no clarification beyond that. There is already evidence that the property is currently being used as an equipment storage yard for construction equipment including a backhoe, a bobcat, equipment trailers, and multiple cars and trucks that come and go regularly apparently being used in some kind of commercial business. As a property zoned RS-1 for residential use, commercial use of this property is not allowed.

What is the intended use of the 3,500 sf and 225 sf shop buildings? These appear to be potentially intended for commercial use. Has a separate application been made for a waiver of Use of the property? If the intended use is as a commercial venture, again, in our opinion as a resident in the neighborhood, the request for variance from zoning is not a reasonable exception.

As for the homeschooling space, homeschooling is a reasonable use on the property per the zoning guidelines but should be accomplished within the parameters of the zoning restrictions if possible. This proposed detached structure exceeds the allowable areas, and it is uncertain what the

constraints on use of this detached building would be once it is no longer used for home-schooling of the residents' children. Also, why 900 sf?

- How many children will be a part of the homeschooling effort, and what ages? Will any other children other than the residents' children be included in the homeschooling?
- At 900 sf structure, plus 300 sf porch, this exceeds usual planning standards for classroom sizing... unless there are 20 or more children involved.

Alternatives considered:

Were any alternatives that abide by the zoning restrictions, or more closely align with the zoning restrictions considered? For example, could this homeschooling space be redesigned to be an addition to the principle residence.

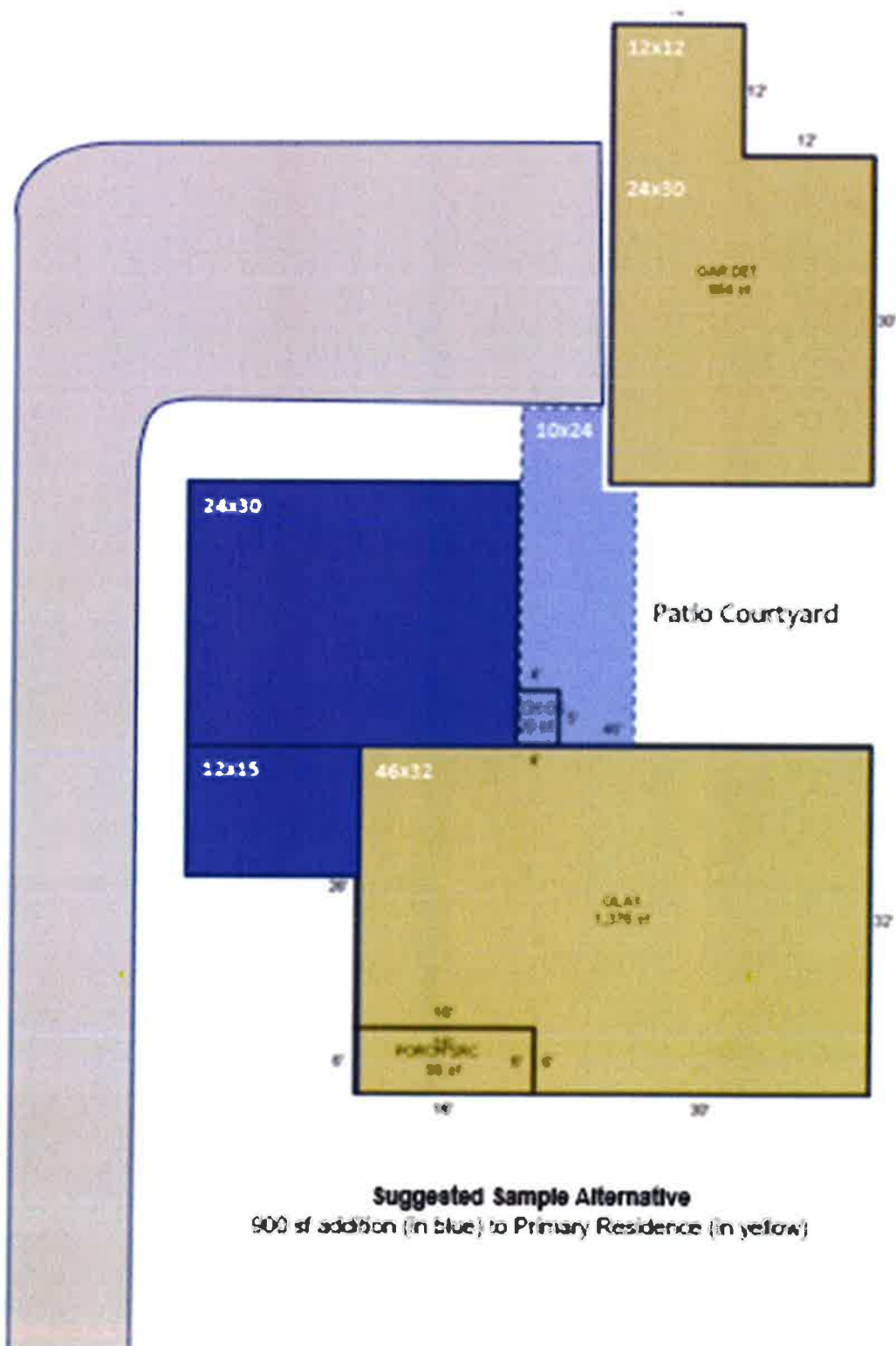
- even at 900 sf, if 900 sf is the owner's determination of required space, expanding the footprint of the principle residence would resolve the variance requirement... this would not exceed any limit on principle residence. It could be added onto the principle residence to be usable as a homeschooling space initially, and in the future be uses as a new family room or as space to be reconfigured as multiple new bedrooms... or a combination of other ways.
- Expanding the principle residence would enhance the principle residence, and still be in line with the size of several of the surrounding property principle residences.
- Adding the space as part of the principle residence would be a more sure resolution to the concern regarding future use of the structure when no longer required for schooling.
- Additionally, in the future, including near future, the added 900 sf of principle residence would be supportive of an additional 360 sf of other detached accessory building such as the proposed future 225 sf or slightly larger, shop building.

This is not offered as a way to dictate the owner's use of the property, but to provide alternative thoughts as to how to solve the owner's claimed hardship request to build homeschool space, while respecting the zoning restrictions and the concerns of neighboring properties.

Questions/concerns to address:

1. What is the anticipated duration of the use of the Playhouse for homeschooling?
2. IF approved, what happens to the Playhouse building after it is no longer needed for homeschooling?
3. IF approved, is there a reasonable way to note the title of the property as to restrictions on the use of this playhouse building in the future when no longer needed by the current residents as a homeschooling facility, or by future residents, similar to the notation in the records regarding the 1,500 sf building on the 14th street property which has been identified as a point of comparison.
4. IF approved what requirements can be appended to this structure regarding control of storm drainage from the roof areas of the detached structures? Can it be stipulated as part of the approval that storm drainage from the roof they be required to be captured and drained in storm drains to the storm drainage ditches at the front of the property?

At 900 sf plus the existing 864 sf detached garage, this request, without the proposed future shop buildings still more than doubles the allowable detached accessory building sf... 750 allowable vs. 1,764, or 2,064 under roof with the proposed playhouse porch... and in aggregate is 300 to 600 sf **more than the principle residence...**



Suggested Sample Alternative
 900 sf addition (in blue) to Primary Residence (in yellow)

Chapman, Austin

From: Sandy Brandt <sandybrandt07@yahoo.com>
Sent: Friday, August 21, 2020 4:42 PM
To: esubmit; /hankbrandt74112@gmail.com
Subject: Board of Adjustment City of Tulsa / Case # BOA22976

My name is Henry Brandt, and I am responding to this case as the president of the Mingo Valley Homeowners Association.

First, of course, this area is zoned as residential (RS-1). As homeowners in this residential area, we have concerns about a business being operated from one of the houses.

The location in this case already has a building that exceeds the allowable limit. This is grandfathered in, as it was built before the area was annexed by the City of Tulsa.

One reason for zoning is to maintain the integrity of an area. The people who live here should not be allowed to establish businesses throughout the neighborhood.

The proposed "playhouse" will have plumbing and electricity, apparently designed for habitation. You are aware how hard it is for the city to stop illegal housing. From the site plan, it is obvious that a business is planned. As the proposed playhouse was being built without a variance or building permit, the city stopped construction. The proposed shop buildings are not for residential use, but for business purposes. Vehicles are currently being parked in the yard. A business is in operation from this site at the present time.

Another area of concern is drainage. The north side of 15th Street from 89th E. Ave. to the dead end does not drain into the ditch on 15th Street. The land all slopes northward and drains to the east. Property to the east will get a lot more water through our yards as more ground is covered with a hard surface.

Area property values will definitely be lowered by having businesses operating in our area. I personally have lived here almost 50 years and enjoy the residential area away from business traffic and noise.

The Mingo Valley Homeowners Association opposes this application.

Thank you,
Henry Brandt

BOA- 22976

Chapman, Austin

From: A Brandt <hankbrandt74112@gmail.com>
Sent: Sunday, August 23, 2020 8:36 PM
To: esubmit
Cc: HANK bRANDT
Subject: Fwd:
Attachments: 20200821_192219.jpg

----- Forwarded message -----

From: **susan.sadler1** <susan.sadler1@gmail.com>
Date: Fri, Aug 21, 2020 at 9:53 PM
Subject: BOA 22976
To: <hankbrandt74112@gmail.com>

There is a business operating at this address now. This picture is what it looks like a lot

Sent via the Samsung Galaxy S7, an AT&T 4G LTE smartphone

