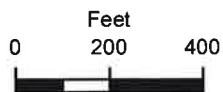


SUBJECT TRACT



BOA-22992

10.1

19-13 08



**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9308

Case Number: **BOA-22992**

CZM: 37

CD: 4

HEARING DATE: 09/08/2020 1:00 PM

APPLICANT: Shirley Ferguson

ACTION REQUESTED: Special exception to allow a carport in the street yard and street setback in an RS-3 District with modifications to its allowable dimensions (Section 90.090-C.1)

LOCATION: 1634 S DELAWARE AV E

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 6830.24 SQ FT

LEGAL DESCRIPTION: LT 1 BLK 5, GLENDALE ADDN

RELEVANT PREVIOUS ACTIONS:

Subject property: None.

BOA-22191; On 01.24.17 the Board approved a variance of the rear setback from 20' to 7' 11" to permit a garage addition. Property Located 1630 S. Columbia Ave.

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

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 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 SW/c of E. 16th Pl. S. and S. Delaware Ave.

STAFF COMMENTS: The applicant is requesting a **Special Exception** to allow a carport in the street yard and street setback in an RS-3 District with modifications to its allowable dimensions (Section 90.090-C.1) to permit the reconstruction and expansion of an existing carport. The applicant is seeking to modify the allowable dimensions identified in section B. and C. of Sec. 90.090-C.1

10.2

1. Carports

Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures of Section 70.120. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception process:

- a. A carport may be a detached accessory building or an integral part of the principal building.
- b. The area of a carport may not exceed 20 feet in length by 20 feet in width.

Chapter 90 | Measurements
Section 90.090 | Setbacks

- c. A detached carport may not exceed 8 feet in height at its perimeter or 18 feet in height at its highest point. A carport erected as an integral part of the principal building may not exceed 8 feet in height within 10 feet of a side lot line or 18 feet at its highest point.
- d. The carport structure must be setback from side lot lines by a minimum distance of 5 feet or the depth of the principal building setback, whichever is a greater distance from the side lot line.
- e. The carport structure may project into the required street setback by a maximum distance of 20 feet. This distance must be measured from the required street setback line or the exterior building wall of the principal building, whichever results in the least obstruction of the street setback.
- f. All sides of a carport that are within the required street setback must be open and unobstructed, except for support columns, which may not obstruct more than 15% of the area of any side.
- g. The entire area under a carport may be used only for storage of operable, licensed motor vehicles (i.e., cars, boats, pickup trucks, vans, sport utility vehicles), which are customarily accessory to the dwelling. No other use of the carport area is allowed.

The proposed carport would be 27' 4" long by 20' 4" wide and would be 9' 2" tall.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Special Exception** to allow a carport in the street yard and street setback in an RS-3 District with modifications to its allowable dimensions (Section 90.090-C.1).

- 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.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele “aye”; no “nays”; no “abstentions”; White absent) to **CONTINUE** the request for a Variance of the required street setback from East 101st Street from 35 feet to 20 feet; Variance of the required street setback from South Joplin Avenue from 15 feet to 5 feet (Section 5.030); Variance of the allowable height of detached accessory buildings from 10 feet to 11 feet to the top of the top plate (Section 90.90.C.a.1) to the February 14, 2017 Board of Adjustment meeting; for the following property:

LT 20 BLK 3, SUN MEADOW, City of Tulsa, Tulsa County, State of Oklahoma

22191—Mark Nelson

FILE COPY

Action Requested:

Variance of the rear setback from 20'-0" to 7'-11" to permit a garage addition attached by a breezeway (Section 5.030-A). LOCATION: 1630 South Columbia Place East (CD 4)

Presentation:

Mark Nelson, Architect, 1927 South Boston, #207, Tulsa, OK; stated that originally the owner wanted a detached garage behind the existing duplex. However, the subject property is in the City of Tulsa regulatory flood plain and due to the regulations, which are vague in regards to detached garages, the City said they could give their approval if the proposed garage was attached to the duplex. He is proposing to attach the new garage to the existing duplex via a breezeway.

Mr. Van De Wiele asked Mr. Nelson if the existing garage was attached to the duplex. Mr. Nelson answered affirmatively and stated the proposed new garage will be attached to the existing garage.

Mr. Flanagan asked Mr. Nelson if the breezeway would be garage to garage. Mr. Nelson answered affirmatively and the new garage will be used as additional storage.

Mr. Van De Wiele asked Mr. Nelson to state the hardship for the request. Mr. Nelson stated if the property were not in a flood plain the garage would be allowed as a detached structure.

Mr. Bond asked Mr. Nelson when the house was built. Mr. Nelson stated that it was built in the late 1920s.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

BOA-22191

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; White absent) to **APPROVE** the request for a **Variance** of the rear setback from 20'-0" to 7'-11" to permit a garage addition attached by a breezeway (Section 5.030-A), subject to conceptual plan 3.7. The Board finds the hardship to be the property is located within the City regulatory flood plain area, therefore, a detached garage would not have worked for the applicant; they need to attach the garage and that goes to the building setback and not the accessory structure setback. 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; for the following property:

LT 8 BLK 2, GLENDALE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22193—Crown Neon Signs – Gary Haynes

Action Requested:

Special Exception to allow a dynamic display in the RS-3 District (Section 60.050.2.c). **LOCATION:** 6730 South Sheridan Road East (**CD 5**)

Presentation:

Gary Haynes, Crown Neon Signs, 5676 South 107th East Avenue, Tulsa, OK; stated the dynamic display portion of the sign will be installed underneath the existing the current sign.

Mr. Van De Wiele asked Mr. Haynes if the top part of the sign is going to remain the same. Mr. Haynes answered affirmatively.



Facing South on Delaware



Subject property with existing Carport



Facing West on 16th Pl. S.

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

Lantz Newell
Applied Home Solutions
appliedhomesolutions@cox.net

3/14/2020

APPLICATION NO: ZN LOD 55289-2020 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 1634 S Delaware Ave
Description: Carport 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 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. **ZN LOD 0000-2020**

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.

Special exception approval required; see §90.090-C1.

1. **Sec.90.090-C.1 Carports:** Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures of Section 70.120. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception process:

- a. A carport may be a detached accessory building or an integral part of the principal building.
- b. The area of a carport may not exceed 20 feet in length by 20 feet in width.
- c. A detached carport may not exceed 8 feet in height at its perimeter or 18 feet in height at its highest point. A carport erected as an integral part of the principal building may not exceed 8 feet in height within 10 feet of a side lot line or 18 feet at its highest point.
- d. The carport structure must be setback from side lot lines by a minimum distance of 5 feet or the depth of the principal building setback, whichever is a greater distance from the side lot line.
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- g. The entire area under a carport may be used only for storage of operable, licensed motor vehicles (i.e., cars, boats, pickup trucks, vans, sport utility vehicles), which are customarily accessory to the dwelling. No other use of the carport area is allowed

Review comment: The proposed carport is located in the street setback area and requires special exception granted by the BOA. Please contact an INCOG representative at 918-584-7526 for further assistance. Please note: the regulations underlined above must be addressed as part of the special exception process as the proposed structure is not in compliance with said regulations as submitted. If approved, submit a copy of the approved special exception as a revision to your application.

Review comment: The proposed carport addition is located in the street setback and requires a special exception granted by the BOA. Please contact an INCOG representative at 918-584-7526 for further assistance in obtaining a special exception.

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.

August 5, 2020

RE: City of Tulsa Board of Adjustment Owner Hardship Statement for 1634 S. Delaware Avenue

To Whom it May Concern,

We are requesting your approval to extend our existing carport because as it is now it does not cover our vehicles completely. The current carport size of 12'-2" in length leaves our cars exposed to potential damage during severe weather conditions. The house is a 1930s Spanish Eclectic style located in the Florence Park neighborhood. My husband and I love our 90 year old home and take great pride in its upkeep. Our desire is to keep its design esthetic while maintaining the architectural integrity of the house and protect our vehicles.

We request approval of a Special Exception per Section 90.090-C1. Carports and Variance for items B and C to construct a carport extension to the existing carport into the setback at a height greater than 8 feet to retain the unique character and scale of the design of the residence. The existing configuration of the house, location of the existing carport, and driveway with the property limits the direction of the expansion of the existing carport into the 16th Place setback. Also it is desired for the proposed extension to match the existing carport width of 20'-4" and we propose a construction height of 1 foot lower than the existing carport height which would allow us to still accommodate the extreme grading change and space requirements under the carport. The proposed design for the carport extension is shown on the attached documents.

Thank you for consideration,



Shirley Ferguson
1634 S. Delaware Avenue Homeowner

February 28, 2018

To Whom It May Concern:

We are writing in support of our neighbors efforts to construct a carport extension for their home at 1634 South Delaware Ave. in Tulsa, Oklahoma.

Shirley and Kent Ferguson have been our neighbors for years, and their home remains one of the most admired in the neighborhood due to their meticulous care of their property. We are fully confident that any structure they add to their home will enhance it's value, and add to the value of the neighborhood as a result.

We respectfully request that you allow them to move ahead with their construction plans! Please feel free to call us with any questions.

Sincerely,

Handwritten signatures of Al and Barbara Slagle Kiedaisch. The signature on the left is 'Al Kiedaisch' and the signature on the right is 'Barbara Slagle Kiedaisch'.


Al and Barbara Slagle Kiedaisch
1626 S. Delaware Ave.
918-742-1055


March 21, 2018


To whom it may concern,

We agree to the expansion of 8 feet to our neighbors existing carport located at 1634 South Delaware Ave. Tulsa, Oklahoma. The Fergusons are conscientious homeowners and we believe the enhancement will be esthetically pleasing and add value to their home as well as our neighborhood.

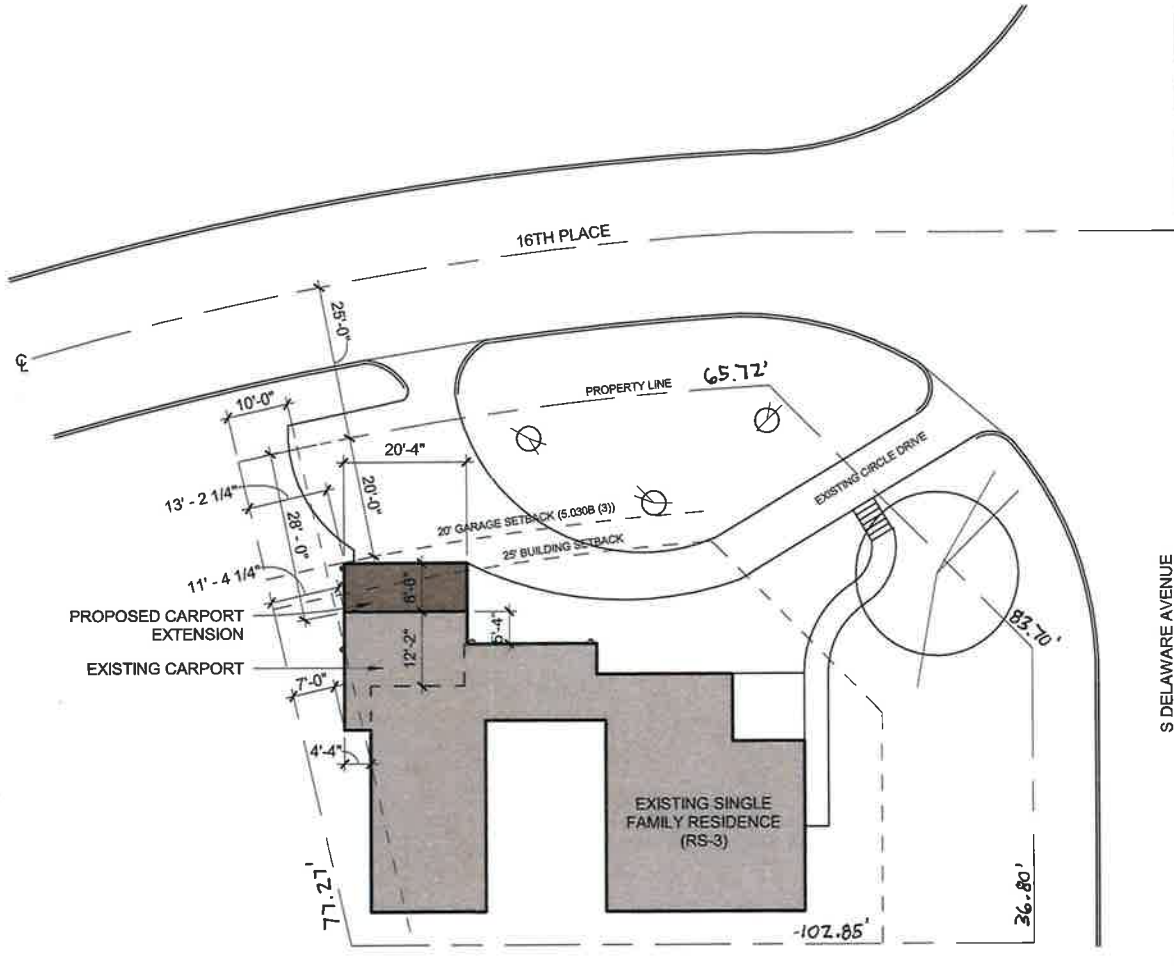
Thank you.


Attorney at Law
2736 E. 16th St.
Tulsa, OK 74104
918-584-2889

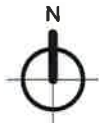

1637 S. Delaware Ave
Tulsa, OK 74104
918-894-1372


W: Brian Thomas
1631 S. Delaware Ave
Tulsa, OK 74104
918-605-5303

Natalie Pendergraft
1629 S. Delaware Ave
Tulsa 74104
918-521-1715



1 SITE PLAN
1" = 20'-0"



10.14



1631 S DELAWARE AVENUE
TULSA, OKLAHOMA 74104
918.605.5303

WWW.505ARCHITECTS.COM

**FERGUSON CARPORT
EXTENSION**

1634 S. DELAWARE AVENUE
TULSA, OKLAHOMA
74104

ISSUE
01

ISSUE DATE
08.05.2020

PROJECT NO.
20011

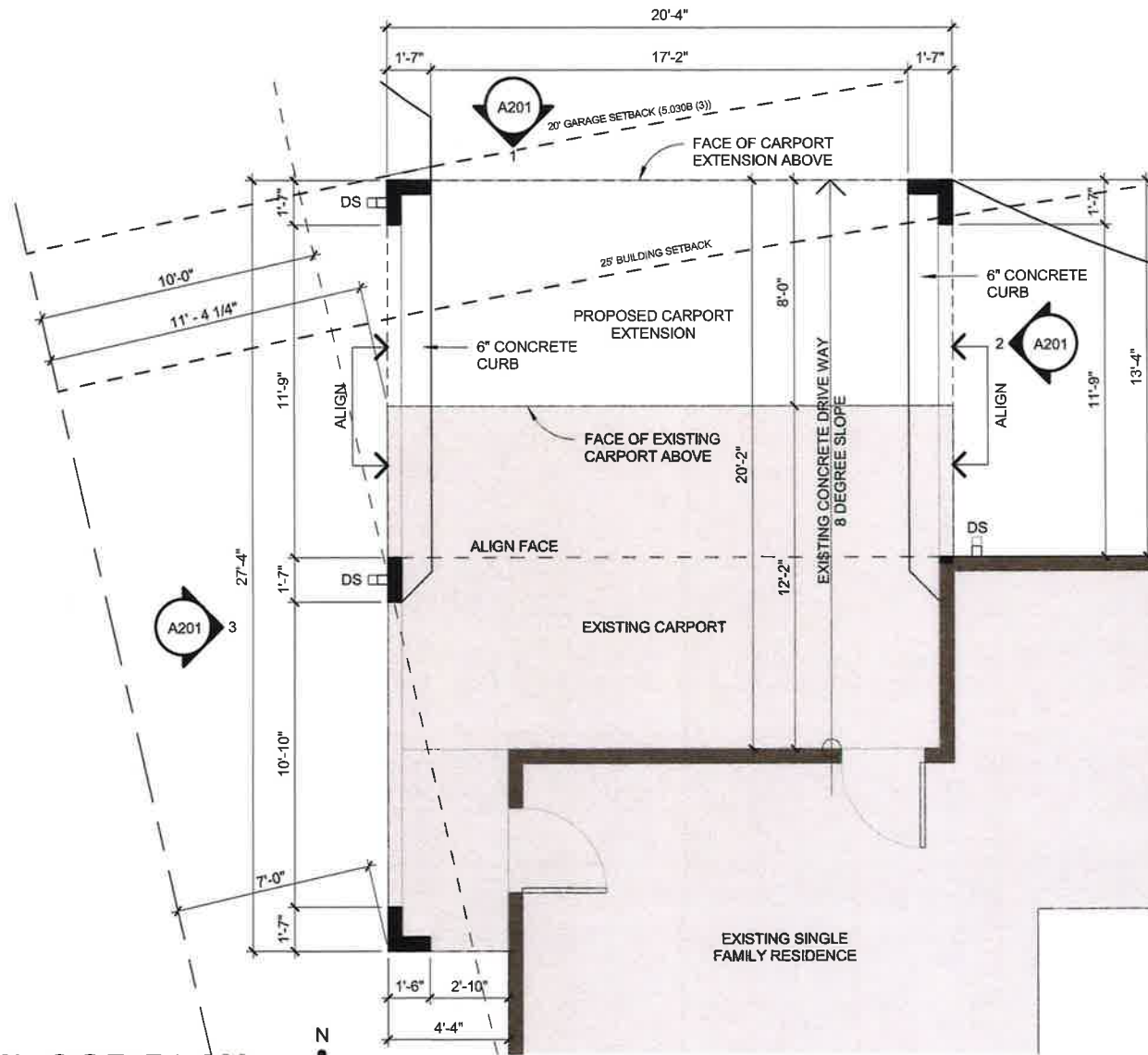
DRAWN BY
BT

SHEET TITLE
**ARCHITECTURAL
SITE PLAN**

AS101

1 FLOOR PLAN

1/4" = 1'-0"



1631 S DELAWARE AVENUE
TULSA, OKLAHOMA 74104
918.605.5303

WWW.505ARCHITECTS.COM

FERGUSON CARPORT EXTENSION

1634 S. DELAWARE AVENUE
TULSA, OKLAHOMA
74104

ISSUE
01

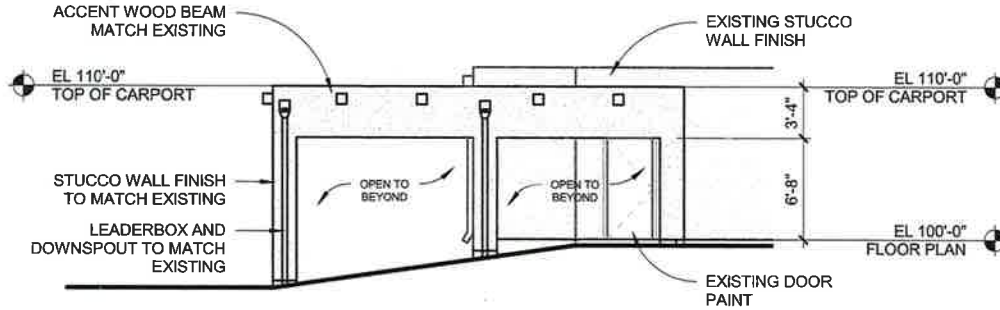
ISSUE DATE
08.05.2020

PROJECT NO.
20011

DRAWN BY
BT

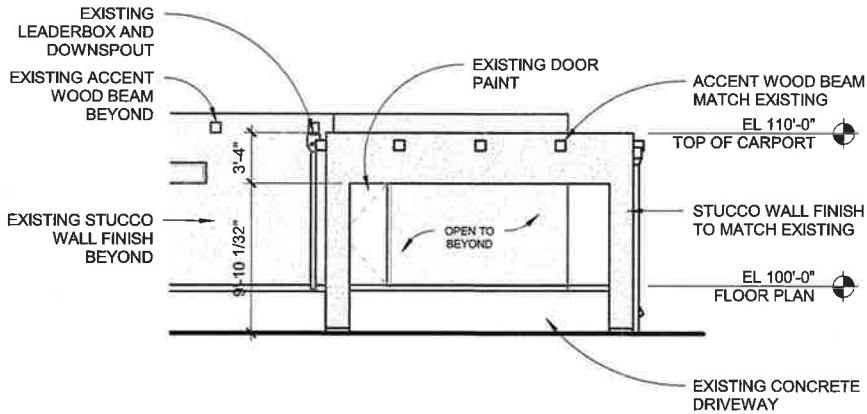
SHEET TITLE
FLOOR PLAN

A101



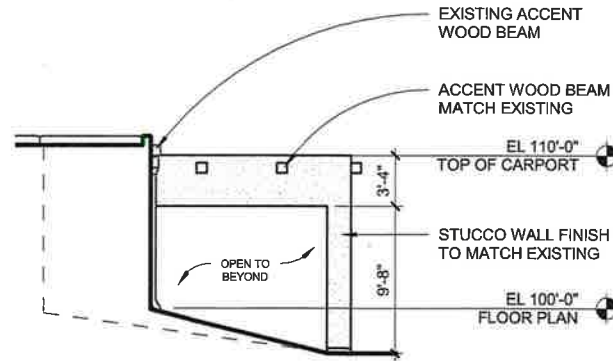
3 ELEVATION - WEST

1/8" = 1'-0" | 1 - A101



1 ELEVATION - NORTH

1/8" = 1'-0" | 1 - A101



2 ELEVATION - EAST

1/8" = 1'-0" | 1 - A101



1631 S DELAWARE AVENUE
TULSA, OKLAHOMA 74104
918.605.5303

WWW.505ARCHITECTS.COM

FERGUSON CARPORT EXTENSION

1634 S. DELAWARE AVENUE
TULSA, OKLAHOMA
74104

ISSUE
01

ISSUE DATE
08.05.2020

PROJECT NO.
20011

DRAWN BY
BT

SHEET TITLE
EXTERIOR
ELEVATIONS

A201



NEW CARPORT EXTENSION
COLOR TO MATCH EXISTING
(SHOWN IN WHITE FOR CLARITY)



1631 S DELAWARE AVENUE
TULSA, OKLAHOMA 74104
918.605.5303

WWW.505ARCHITECTS.COM

**FERGUSON CARPORT
EXTENSION**

1634 S. DELAWARE AVENUE
TULSA, OKLAHOMA
74104

ISSUE
01

ISSUE DATE
08.05.2020

PROJECT NO.
20011

DRAWN BY
BT

SHEET TITLE
CONCEPT IMAGE

10.17

1 VIEW FROM NE
N.T.S.

FF901



1 EXISTING VIEW FROM NE
N.T.S.

10.18



1631 S DELAWARE AVENUE
TULSA, OKLAHOMA 74104
918.605.5303

WWW.505ARCHITECTS.COM

**FERGUSON CARPORT
EXTENSION**

1634 S. DELAWARE AVENUE
TULSA, OKLAHOMA
74104

ISSUE
01

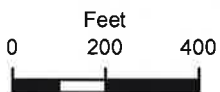
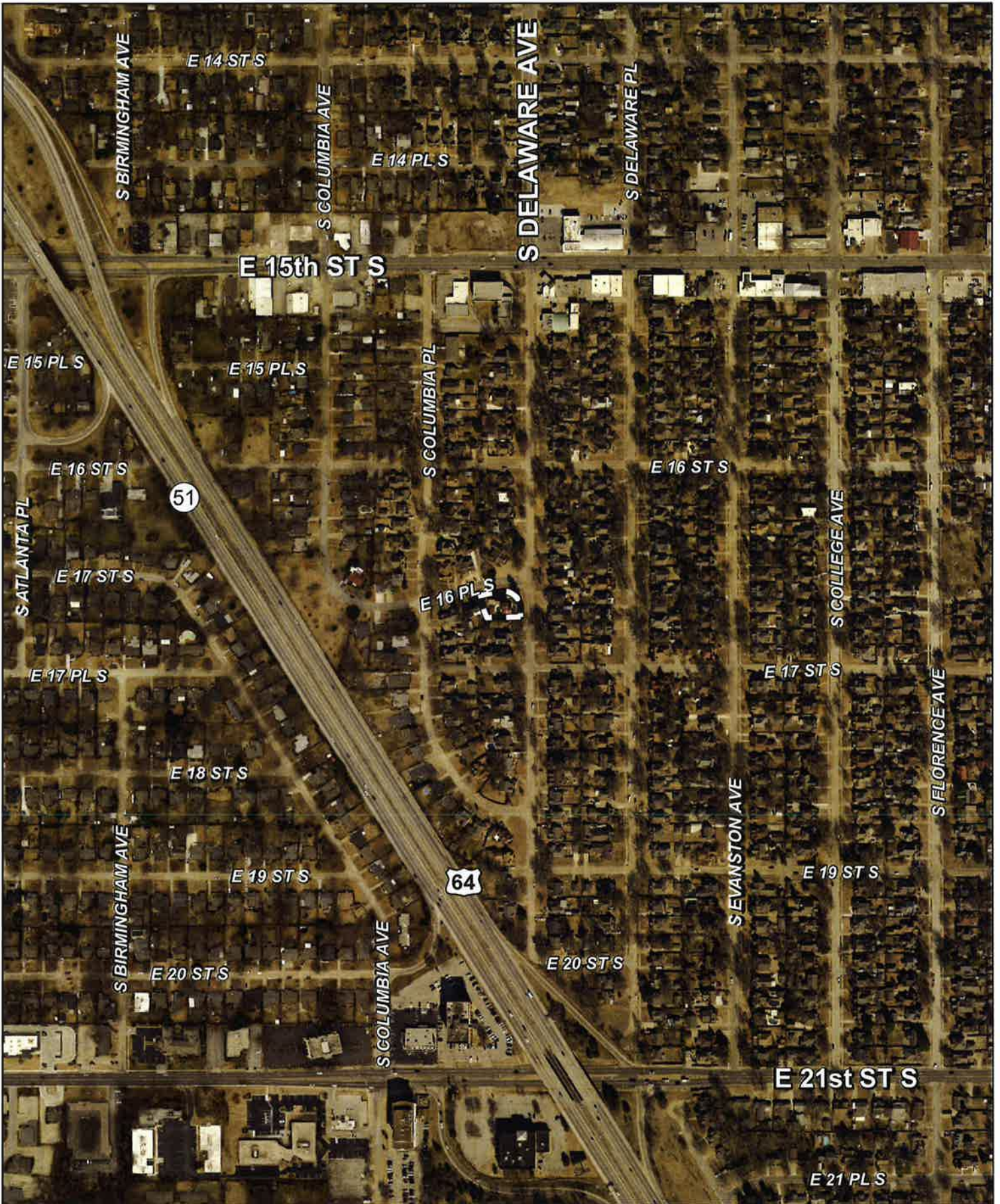
ISSUE DATE
08.05.2020

PROJECT NO.
20011

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BT

SHEET TITLE
EXISTING IMAGE

FF902



Subject
Tract

BOA-22992

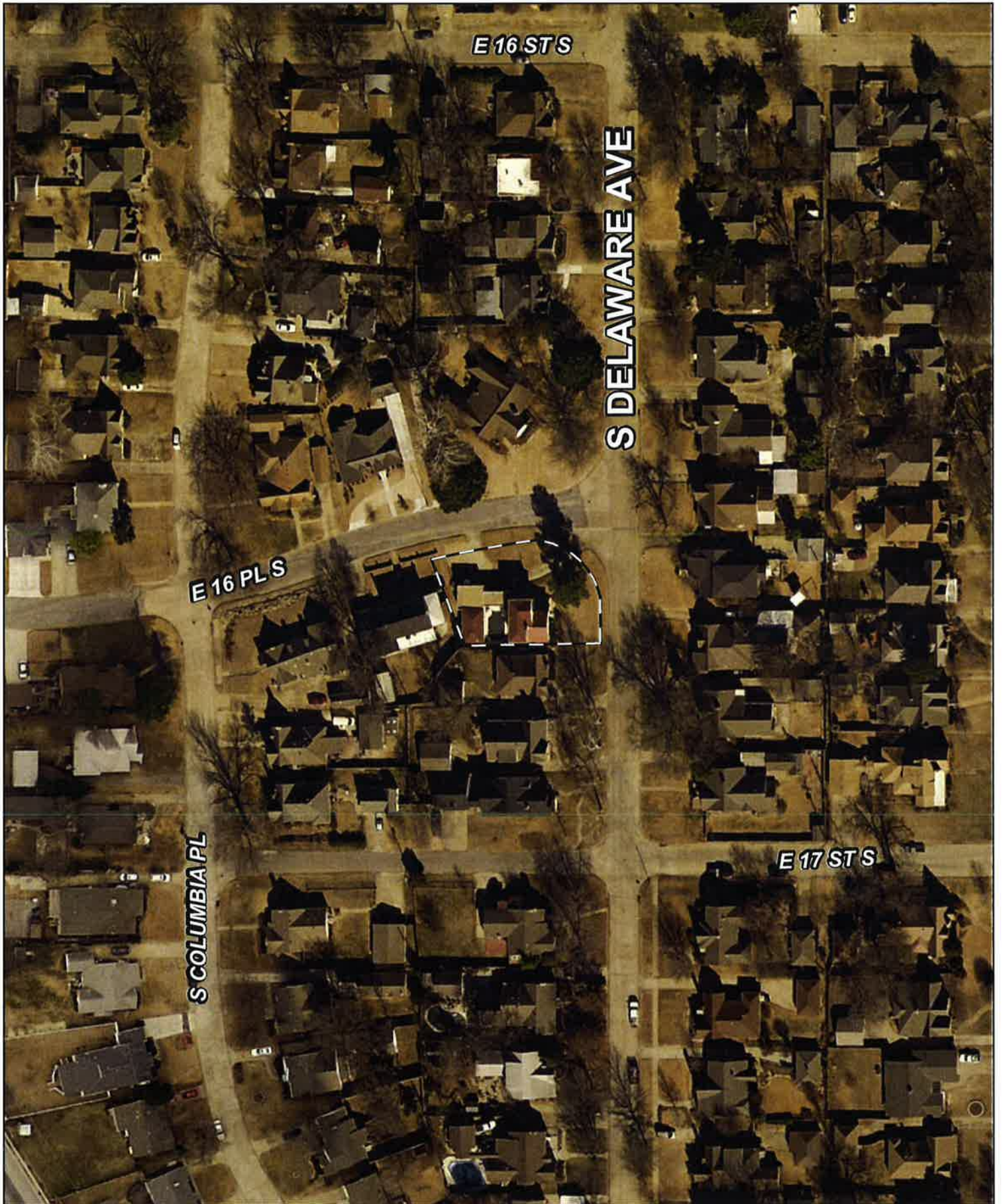
19-13 08

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

Aerial Photo Date: February 2018



10.19



Subject
Tract

BOA-22992

19-13 08

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

Aerial Photo Date: February 2018

