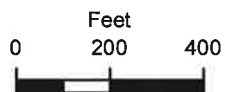


SUBJECT TRACT

**IL
Z-7492**

BOA-22993

11.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9303

Case Number: **BOA-22993**

CZM: 38

CD: 5

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

APPLICANT: Duane Daniels

ACTION REQUESTED: **Variance** to reduce the required 15 foot side street setback and 20 foot setback for a street facing garage door for an accessory building in an RS-2 District (Section 5.030-A, Table Note 3)

LOCATION: 5302 E 9 ST S

ZONED: RS-2

PRESENT USE: Residential

TRACT SIZE: 10110.32 SQ FT

LEGAL DESCRIPTION: LOT 12 LESS S 100 BLK 27, WHITE CITY ADDN

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".

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the SE/c of E. 9th St. and S. Darlington Ave. The Subject property is immediately across 9th Street from Braden park.

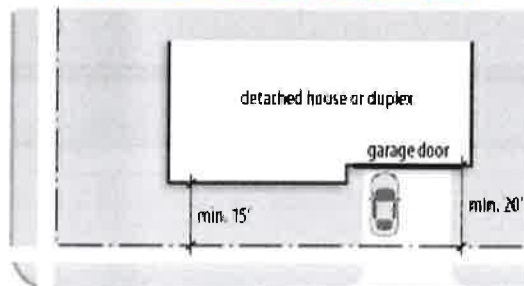
STAFF COMMENTS: The applicant is requesting a **Variance** to reduce the required 15 foot side street setback and 20 foot setback for a street facing garage door for an accessory building in an RS-2 District (Section 5.030-A, Table Note 3)

5.030-B Table Notes

The following notes refer to the bracketed numbers (e.g., "[1]") in [Table 5-3](#):

- [1] See [Section 40.240](#) for detailed regulations governing mobile home parks.
- [2] Minimum street frontage requirements apply to townhouse developments, not to individual townhouse units. Cottage house developments require minimum street frontage of 75 feet. Minimum street frontage requirements do not apply to nonresidential uses.
- [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



11.2

STATEMENT OF HARDSHIP: Cannot meet the 15' Side setback from side street because of irregular shape of lot. If I reduce planned building width to 18' I can maintain a setback of 12.57'.

SAMPLE MOTION: Move to _____ (approve/deny) a **Variance** to reduce the required 15 foot side street setback and 20 foot setback for a street facing garage door for an accessory building in an RS-2 District (Section 5.030-A, Table Note 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."*



Braden Park is immediately across 9th street from subject property



Facing South on Darling the Subject property is the fenced property to the left



Subject property



Facing Northwest on 9th Street

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

Duane Daniels
daniels.d@mcintoshok.com

7/28/2020

APPLICATION NO: ZN LOD 55968-2020

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 5302 E 9th St S

Description: Accessory Building

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. PURSUANT TO FEDERAL, STATE, AND LOCAL DECLARATIONS OF EMERGENCY ARISING FROM THE COVID-19 THREAT AND AS DIRECTED BY THE ADMINISTRATION, OUR OFFICE IS CLOSED TO THE PUBLIC UNTIL FURTHER NOTICE. PAPER SUBMITTALS (INCLUDING REVISIONS AND ADDENDUM) FOR ANY PROJECT IS NOT ACCEPTED AT THIS TIME. IF SUBMITTING REVISIONS FOR APPLICATIONS THAT PREVIOUSLY UTILIZED PAPER PLANS, EMAIL THE REVISED PLANS TO COTDESVCS@CITYOFTULSA.ORG OR SUBMIT ELECTRONIC PLAN REVISIONS ON THE PORTAL AT [HTTPS://TULSAOK.TYLERTECH.COM/ENERGOV4934/SELFSERVICE](https://tulsaok.tyler-tech.com/energov4934/selfservice) . YOU WILL NEED TO REGISTER ON THE PORTAL IF YOU HAVE NOT PREVIOUSLY DONE SO.
3. 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.
4. 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 55968-2020**

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.

2nd LOD Letter

1. **5.030-A – Setback(s) footnote [3]:** In the RS-2 zoned district 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.

Review Comments: Revise plans to indicate a 15 feet side setback or 20' for street-facing garage doors. If you are unable to meet the street setback requirements mentioned above, then you will need to apply to the City of Tulsa Board of Adjustment (BOA) for a Variance to reduce the required side street setback.

2. **55.090-F Surfacing.** All off-street parking areas must be surfaced with a dustless, all-weather surface unless otherwise expressly stated in this zoning code. Pervious pavement or pervious pavement systems are allowed subject to the supplemental regulations of §55.090-F4. Parking area surfacing must be completed prior to initiation of the use to be served by the parking.

Review Comments: Revise site plan to indicate a dustless all-weather parking surface from the public street to the proposed garage or apply to the Board of Adjustment for a Variance (section 70.120) to allow a material other than an approved material meeting the requirements of 55.090-F.

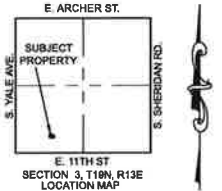
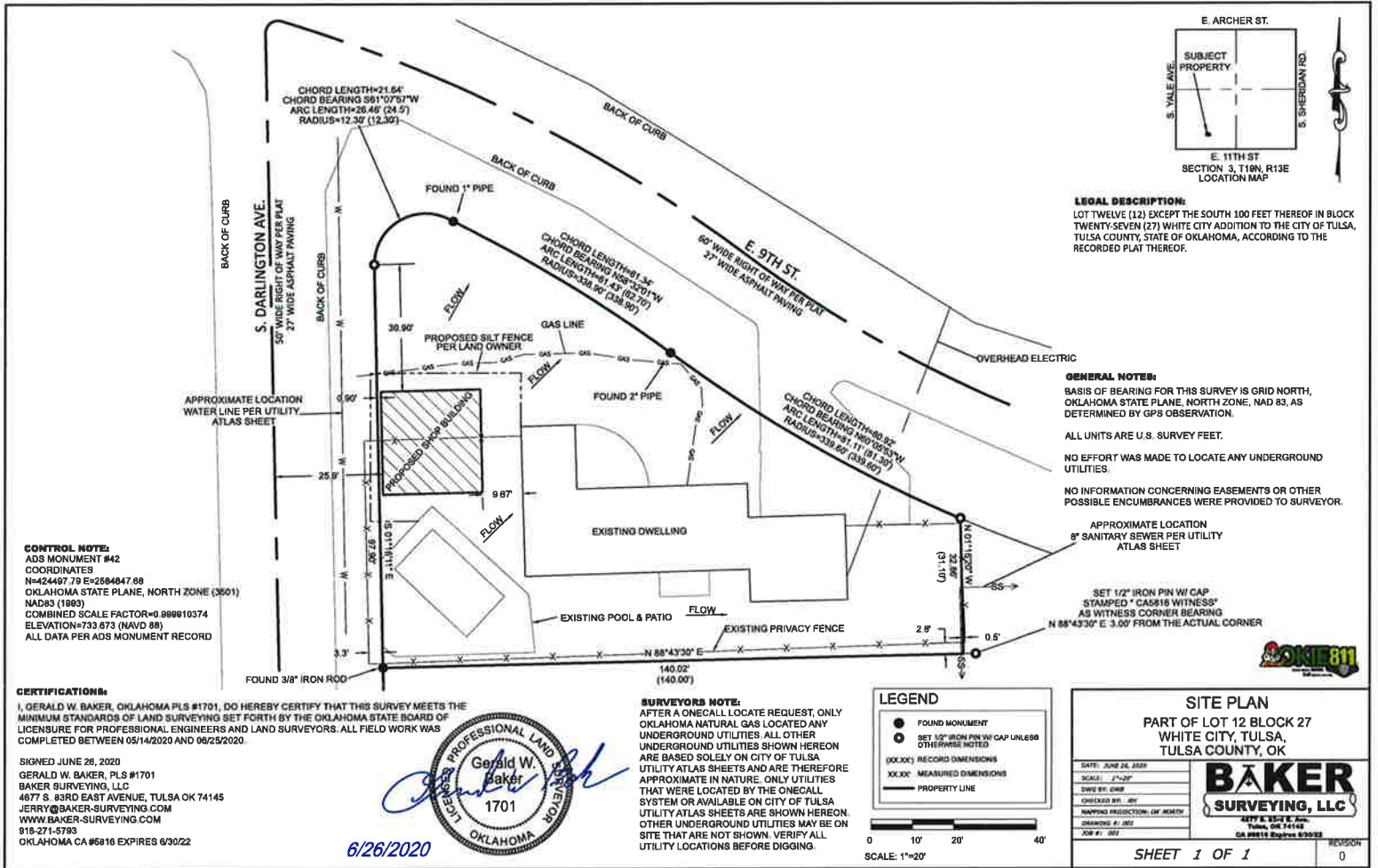
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter. A hard copy of this letter is available upon request by the applicant.

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.



LEGAL DESCRIPTION:
 LOT TWELVE (12) EXCEPT THE SOUTH 100 FEET THEREOF IN BLOCK TWENTY-SEVEN (27) WHITE CITY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

GENERAL NOTES:
 BASIS OF BEARING FOR THIS SURVEY IS GRID NORTH, OKLAHOMA STATE PLANE, NORTH ZONE, NAD 83, AS DETERMINED BY GPS OBSERVATION.
 ALL UNITS ARE U.S. SURVEY FEET.
 NO EFFORT WAS MADE TO LOCATE ANY UNDERGROUND UTILITIES.
 NO INFORMATION CONCERNING EASEMENTS OR OTHER POSSIBLE ENCUMBRANCES WERE PROVIDED TO SURVEYOR.

CONTROL NOTE:
 ADS MONUMENT #42
 COORDINATES
 N=424497.79 E=2584847.88
 OKLAHOMA STATE PLANE, NORTH ZONE (3601)
 NAD83 (1983)
 COMBINED SCALE FACTOR=0.999910374
 ELEVATION=733.073 (NAVD 88)
 ALL DATA PER ADS MONUMENT RECORD

CERTIFICATION:
 I, GERALD W. BAKER, OKLAHOMA PLS #1701, DO HEREBY CERTIFY THAT THIS SURVEY MEETS THE MINIMUM STANDARDS OF LAND SURVEYING SET FORTH BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS. ALL FIELD WORK WAS COMPLETED BETWEEN 05/14/2020 AND 06/25/2020.

SIGNED JUNE 28, 2020
 GERALD W. BAKER, PLS #1701
 BAKER SURVEYING, LLC
 4877 S. 83RD EAST AVENUE, TULSA OK 74145
 JERRY@BAKER-SURVEYING.COM
 WWW.BAKER-SURVEYING.COM
 918-271-5793
 OKLAHOMA CA #6816 EXPIRES 6/30/22



6/26/2020

SURVEYORS NOTE:
 AFTER A ONECALL LOCATE REQUEST, ONLY OKLAHOMA NATURAL GAS LOCATED ANY UNDERGROUND UTILITIES. ALL OTHER UNDERGROUND UTILITIES SHOWN HEREON ARE BASED SOLELY ON CITY OF TULSA UTILITY ATLAS SHEETS AND ARE THEREFORE APPROXIMATE IN NATURE. ONLY UTILITIES THAT WERE LOCATED BY THE ONECALL SYSTEM OR AVAILABLE ON CITY OF TULSA UTILITY ATLAS SHEETS ARE SHOWN HEREON. OTHER UNDERGROUND UTILITIES MAY BE ON SITE THAT ARE NOT SHOWN. VERIFY ALL UTILITY LOCATIONS BEFORE DIGGING.

LEGEND

- FOUND MONUMENT
- SET 1/2" IRON PIN W/ CAP UNLESS OTHERWISE NOTED
- (XXXX) RECORD DIMENSIONS
- XXXX MEASURED DIMENSIONS
- PROPERTY LINE

0 10' 20' 40'

SCALE: 1"=20'

SITE PLAN
 PART OF LOT 12 BLOCK 27
 WHITE CITY, TULSA,
 TULSA COUNTY, OK

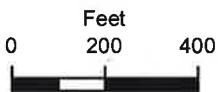
DATE: JUNE 24, 2020
 SCALE: 1"=20'
 DWS BY: GWP
 CHECKED BY: DJY
 MAPPING PRODUCTION OF: MDMBY
 DRAWING NO.: 002
 JOB #: 002

BAKER SURVEYING, LLC
 4877 S. 83RD E. Ave.
 Tulsa, OK 74145
 CA #6816 Expires 6/30/22

SHEET 1 OF 1

REVISION 0

11.9



Subject
Tract

BOA-22993

19-13 03

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

Aerial Photo Date: February 2018



11.10

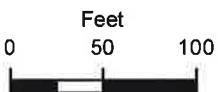


E 7 ST S

E 9 ST S

SERIE AVE

S DARLINGTON AVE



Subject Tract

BOA-22993

19-13 03

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

Aerial Photo Date: February 2018



11.11

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