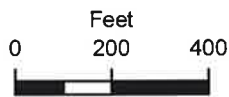


SUBJECT TRACT



BOA-23021

8.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9309

Case Number: **BOA-23021**

CZM: 37

CD: 4

HEARING DATE: 10/27/2020 1:00 PM

APPLICANT: Dan Call

ACTION REQUESTED: Variance to reduce the required 20' rear setback (Sec. 5.030-A, Table 5-3)

LOCATION: 1929 S JAMESTOWN AV E

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 8102.19 SQ FT

LEGAL DESCRIPTION: LT 7 BLK 1, HICKORY HGTS

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 North of the NE/c of E. 21st St. S. and S. Jamestown Ave.

STAFF COMMENTS: The applicant is requesting a **Variance** to reduce the required 20' rear setback (Sec. 5.030-A, Table 5-3)

Table 5-3: R District 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
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

8.2

The applicant is replacing an existing detached accessory building. In replacing the structure, the garage will be attached to the principal residential structure and be setback 5' from the rear property line.

STATEMENT OF HARDSHIP: The applicant prepared a statement that is included in the Board packet.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** to reduce the required 20' rear setback (Sec. 5.030-A, 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 on Jamestown



Facing North on Jamestown



Subject property

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

Dan & Kathy Call

10/25/2019

APPLICATION NO: BLDR-44181-2019 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 1929 S Jamestown Ave E

Description: Additions

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 WWW.CITYOFTULSA-BOA.ORG

Application No. **BLDR-44181-2019**

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.

5.030-A: In the RS-3 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.

September 24, 2020

To whom it may concern,

Please note that the property involved in the following application for consideration is immediately adjacent to the property located originally at 3507 E 21st Street.

Three years ago the demolition of the original house and garage there and the building of six huge duplex structures on the property was never presented to our neighborhood giving us any chance to communicate regarding the "hardships" that would follow that construction.

The alteration of the essential character of the neighborhood regarding

-architectural design

-massive new structure size compared to area houses

-increased traffic and street parking

-decreased property value to homeowners due to more rental units

are on the short list of hardships we have endured as I read them on the form I am turning in.

This application is **simply** to replace an existing structure that is in need of demolition before it falls down and will actually enhance the view of all the new citizens in our neighborhood!

I am including a few photos to jog the imagination of the city planners,



Kathy Call

1925 S Jamestown homeowner since 1976

1929 S Jamestown homeowner since 1997

1929 S Jamestown Ave. (Lot 7, Block 1) Property History

1920

1928 engineer survey submitted showing 5' rear property setback

1930

1932 property deeded to city of Tulsa

19__ current house/garage built using 1928 survey

1950

19__ Grishams purchase property

1990

1997 Calls purchase property

2017

July 27 Marshall property (3507 E 21st)

1 house and garage demolished/6 duplexes built!

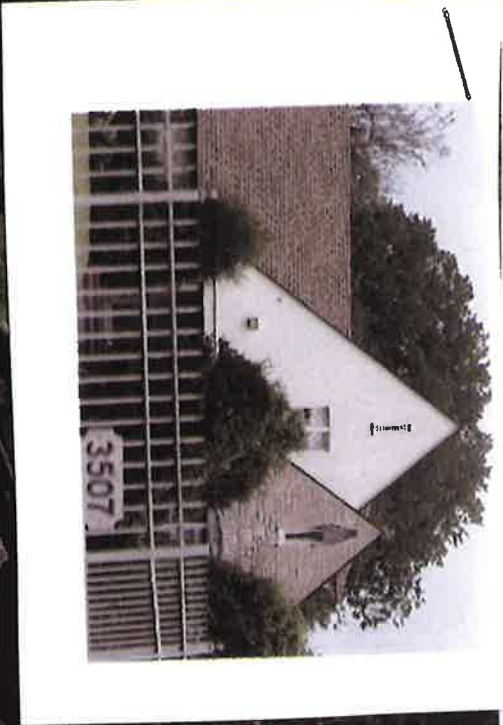
2019

October 1 - Calls application submitted for garage demolish/new plan for replacement structure submitted

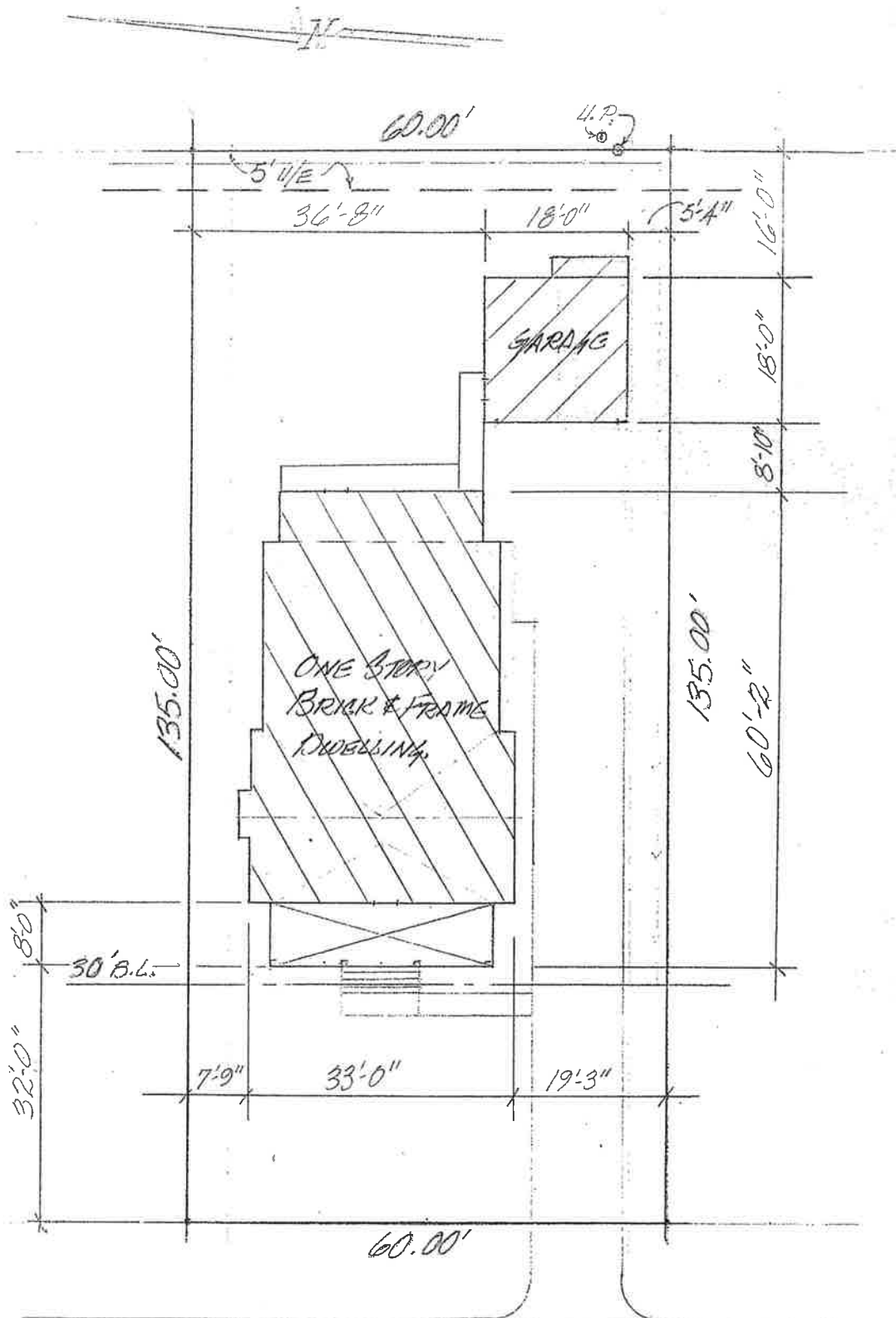
October 25 – Calls application denied requiring 20' rear property setback

2020

September 24 – Calls submit request variance for rear property setback



8.10



EXISTING SITE PLAN

30. JAMESTOWN AVE

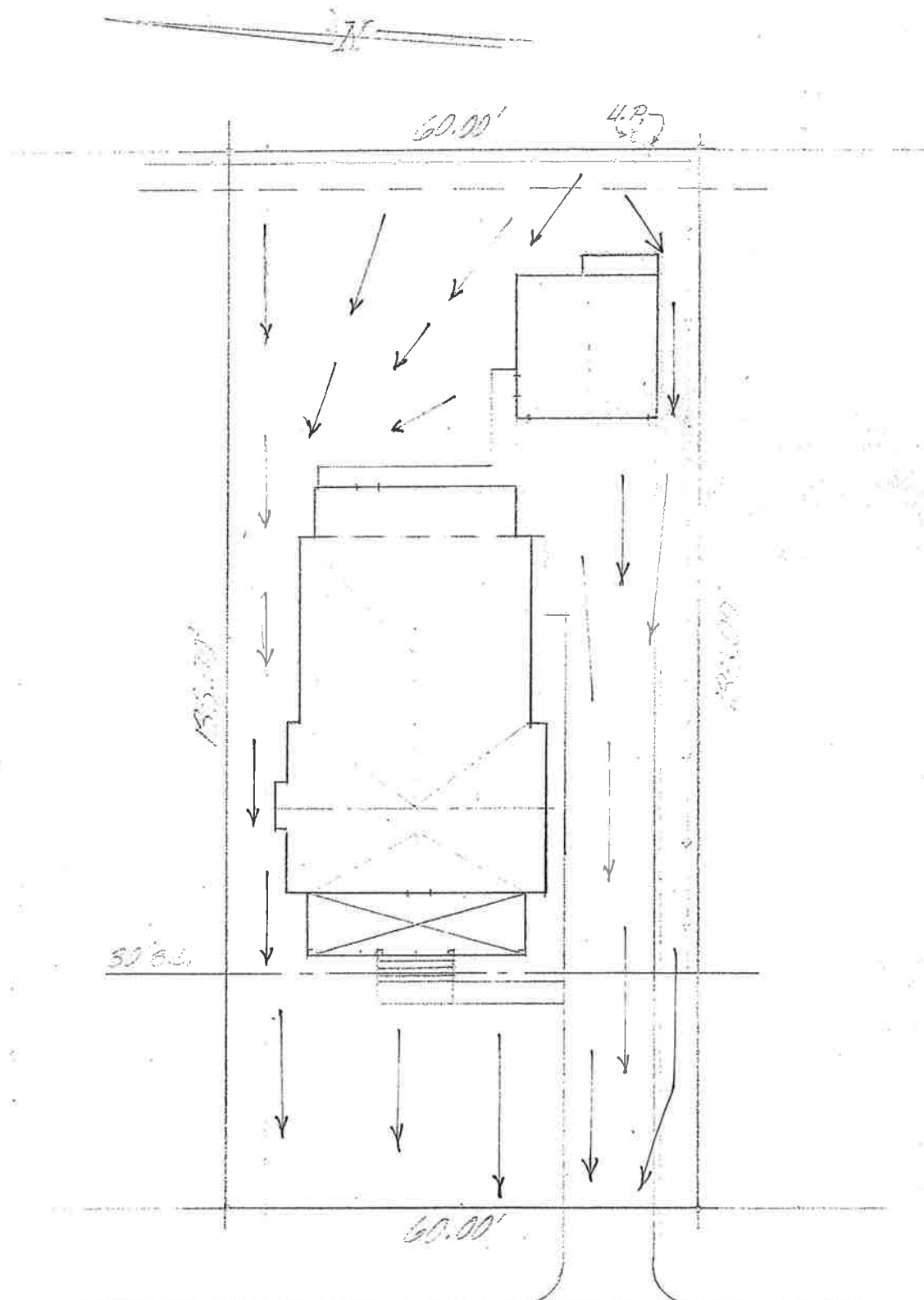
DETACHED GARAGE BLDG

SCALE: 1" = 20.00'

LOT 7 BK 1

1929 30. JAMESTOWN AVE
TUSK, OR.

30. JAMESTOWN AVE, TUSK, SOUTH OREGON



EXISTING STORM WATER RUN-OFF

30th JAMESTOWN AVE

1929 30th JAMESTOWN
TULSA, OK.

SCALE: 1" = 20.00'

LOT 7 BUK 1

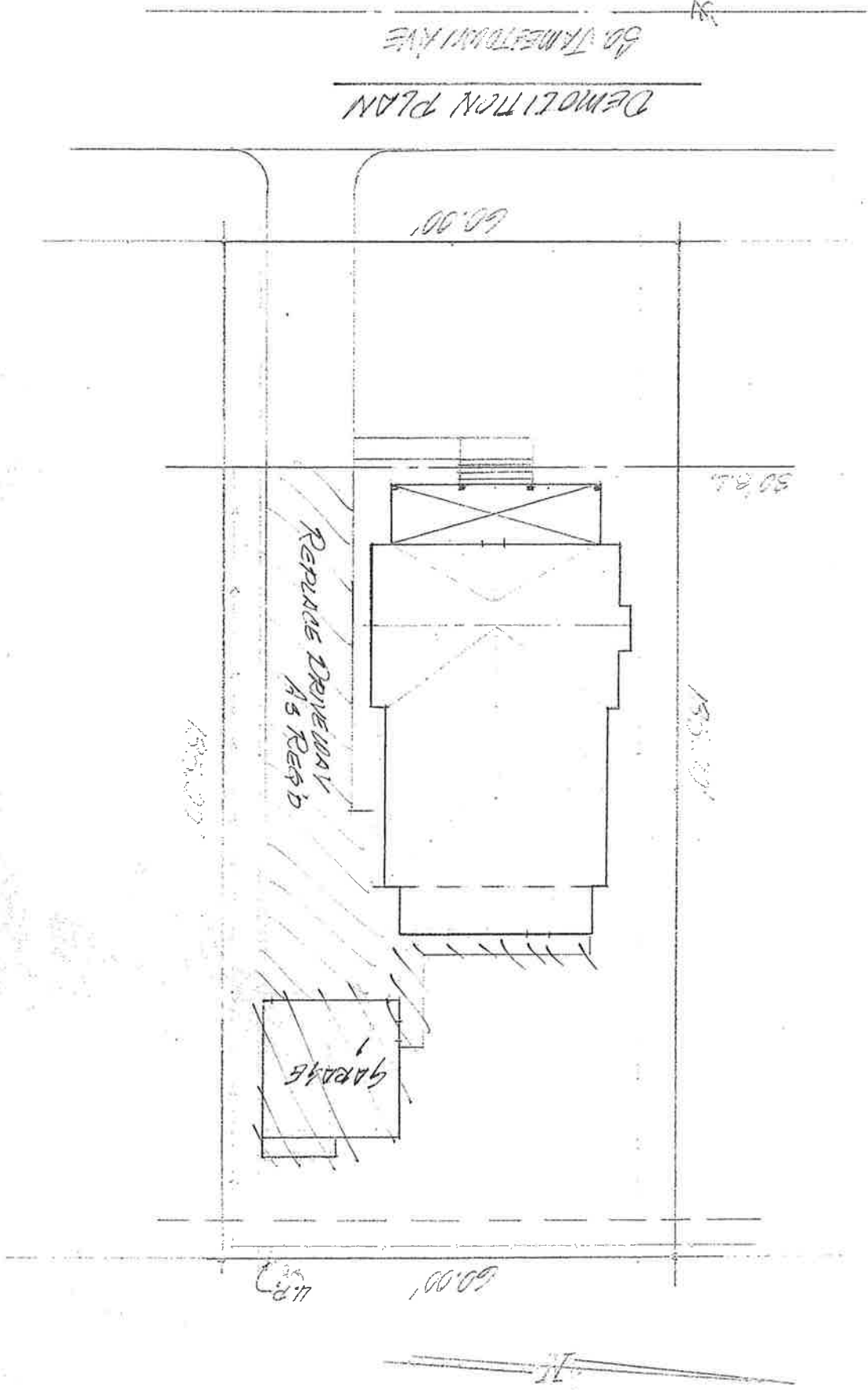
30th & TULSA, TULSA COUNTY, OKLAHOMA

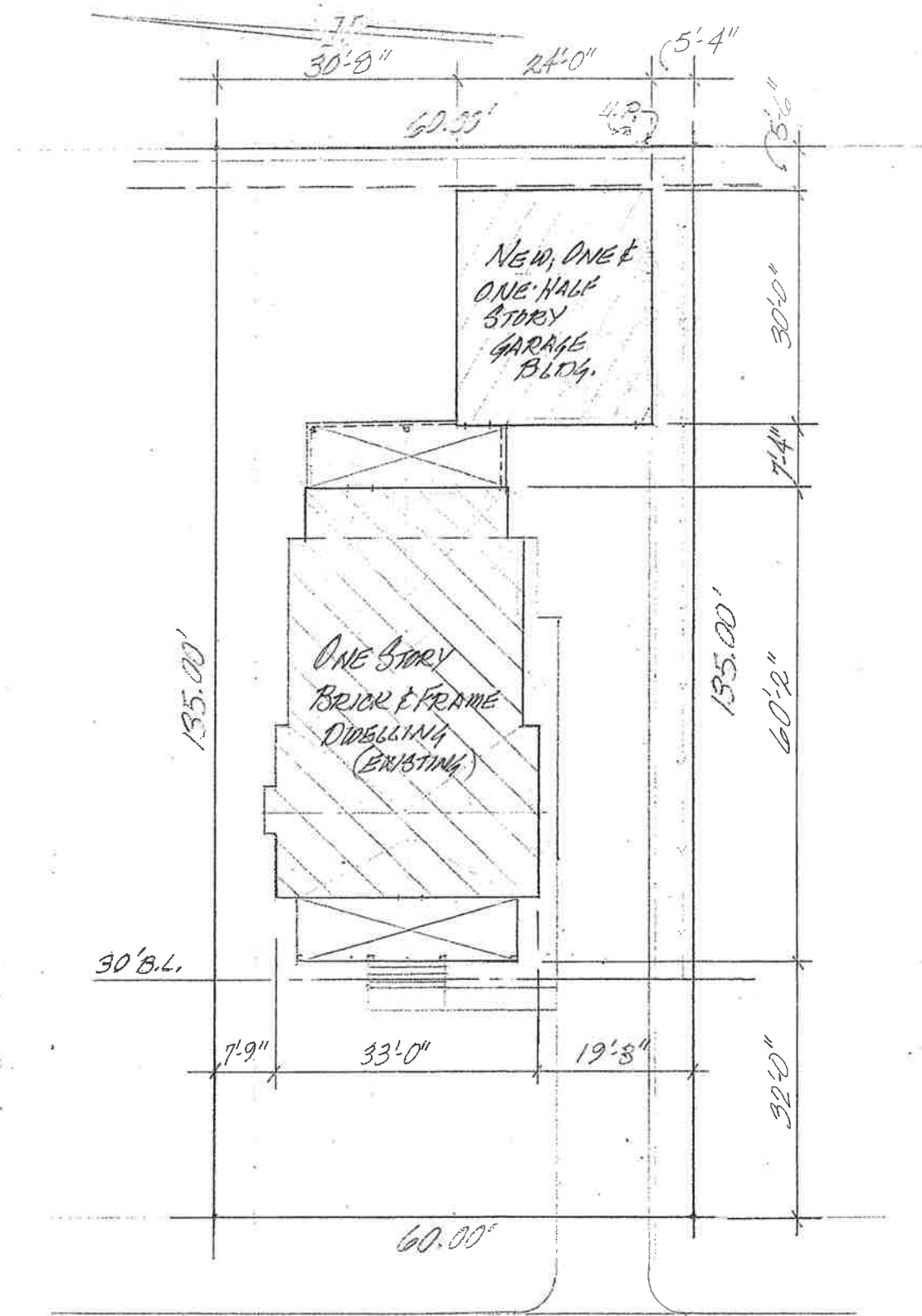
1929 8th STREET NW, TOWN OF TOLSON, TRUSS COMPANY, DISTRICT OF COLUMBIA

1929 8th STREET NW, TOWN OF TOLSON, TRUSS COMPANY, DISTRICT OF COLUMBIA

BASED ON 2000 LOT 7 BUK 1

DEMOLITION PLAN





SITE PLAN - NEW, LARGER GARAGE BLDG.

ATTACHED GARAGE.

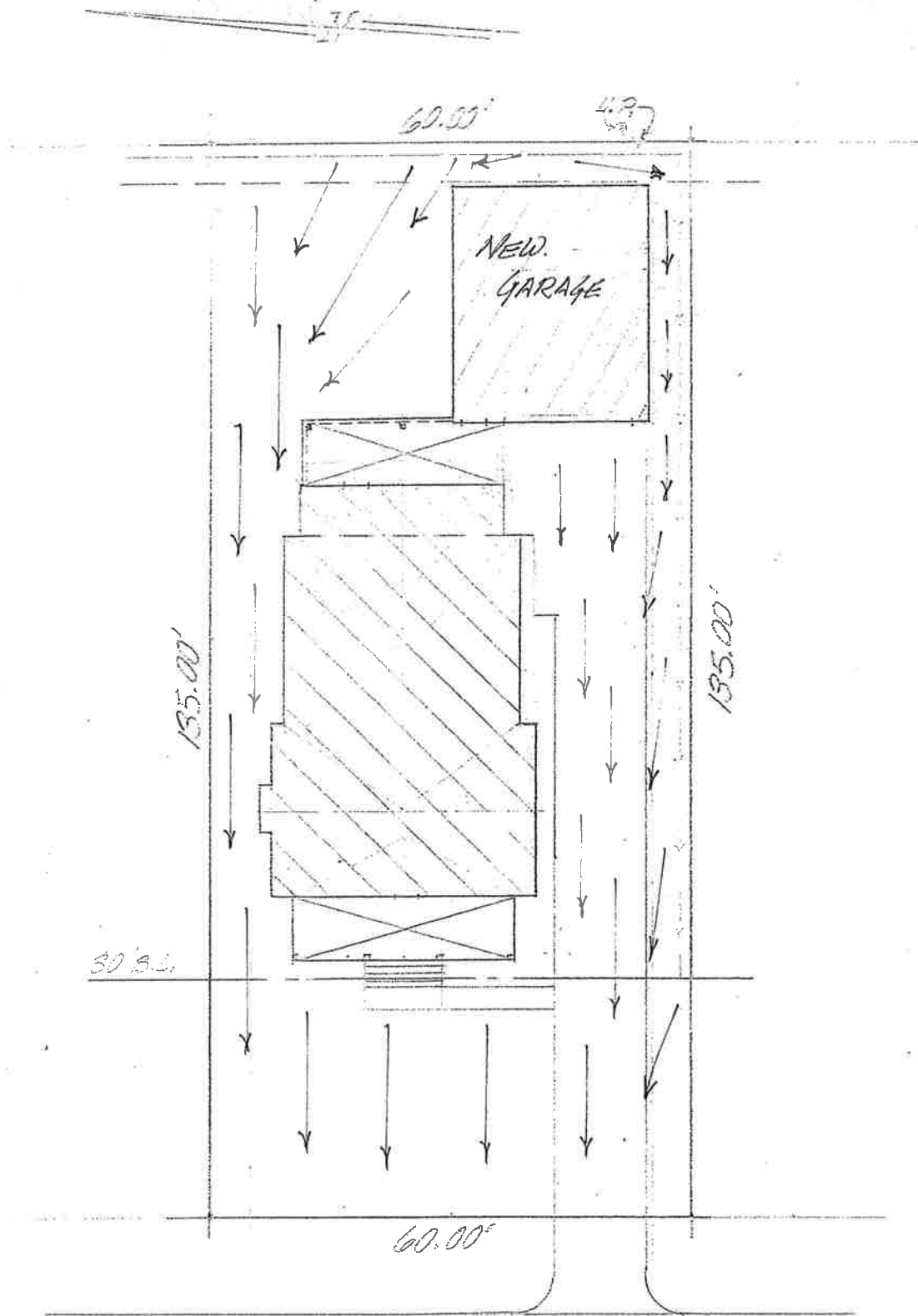
30. JAMESTOWN AVE

1929 30. JAMESTOWN AVE
 JAMES, D.C.

SCALE: 1" = 20'-0"

LOT 7 BUK 1

30. JAMESTOWN AVE, JAMES, D.C.



NEW STORM WATER RUN-OFF PLAN W/
 ATTACHED GARAGE BLDG.
 30. JAMESTOWN AVE

1929 30. JAMES TOWN
 TULSA, O.K.
 SCALE 1" = 20.00'
 LOT 7 BUK 1
 CITY OF TULSA, TULSA COUNTY, OKLAHOMA



E 16 ST S

S GARY PL

S INDIANAPOLIS AVE

S JAMESTOWN AVE

MASTER IT ALL LN

E 17 ST S

S KNOXVILLE AVE

S LOUISVILLE AVE

JACK ZINK AVE

S GARY AVE

E 19 ST S

E 21st ST S

E 21 PL S

E 21 PL S

E 21 PL S

E 22 ST S

E 22 ST S

S HARVARD AVE

S GARY PL

S INDIANAPOLIS AVE

S JAMESTOWN AVE

S MARION AVE

S OSWEGO AVE

E 22 ST S

E 22 PL S

E 22 PL S

S OSWEGO PL

S FLORENCE PL

S GARY PL

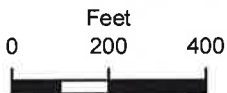
S LOUISVILLE AVE

E 23 ST S

E 24 PL S

E 24 ST S

E 24 ST S



Subject Tract

BOA-23021

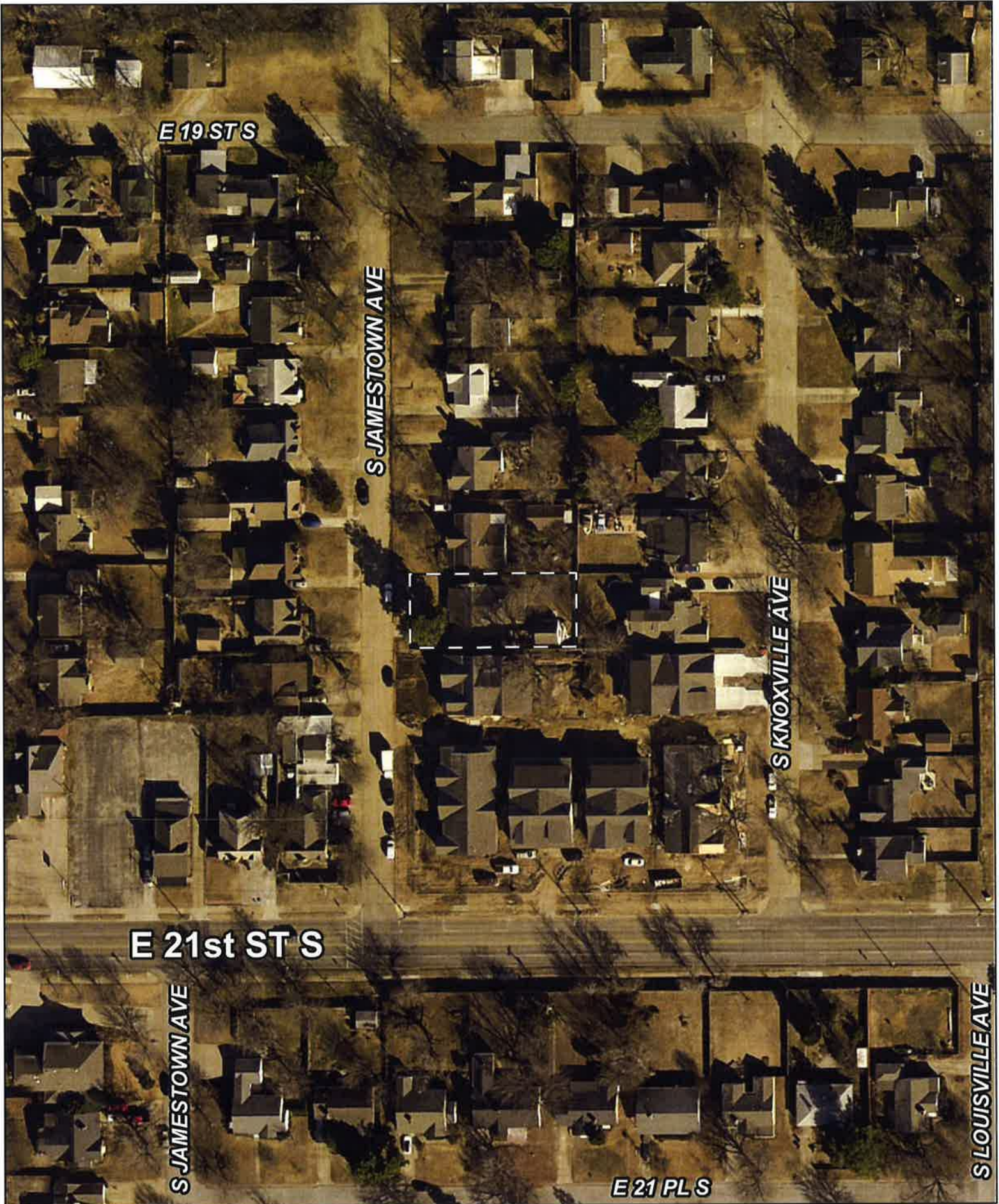
Note: Graphic overlays may not precisely align with physical features on the ground.

19-13 09

Aerial Photo Date: February 2018



8.16



Subject
Tract

BOA-23021

19-13 09

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

Aerial Photo Date: February 2018

8.17



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