

**BOA-23027**

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**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:** 9212

Case Number: **BOA-23027**

**CZM:** 36

**CD:** 4

**HEARING DATE:** 11/10/2020 1:00 PM

**APPLICANT:** Tom Neal

**ACTION REQUESTED:** Variance to allow more than 30% coverage of the rear setback for a detached accessory building in an RS-3 District (Sec. 90.090-C.2)

**LOCATION:** 1601 S DETROIT AV E

**ZONED:** RS-3

**PRESENT USE:** Residential

**TRACT SIZE:** 7000.12 SQ FT

**LEGAL DESCRIPTION:** LT 12 BLK 5, MAPLE PARK ADDN

**RELEVANT PREVIOUS ACTIONS:**

**Subject property:** None

**Surrounding Properties:**

**BOA-22931;** On 06.09.20 the Board **approved** a Variance to allowable size and height for a detached accessory building. Property located 1539 S. Detroit Ave.

**BOA-22082;** On 06.14.16 the Board **approved** a Variance of the allowable coverage area for the rear setback and of the setback from the interior lot lines for a detached accessory building. Property located 1615 S. Detroit Ave.

**BOA-21489 and 21489-A;** On 10.23.12 the Board **approved** a Variance to allowable size and height for a detached accessory building and subsequently on 05.14.13 the Board **approved** a variance to permit a second dwelling unit and a variance of the required side yard to permit an addition to the primary residence. Property located 1621 S. Detroit Ave. E.

**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 at the SE/c of S. Detroit Ave. and 16<sup>th</sup> ST. S. The property is located in the Maple Ridge Historical Preservation district though this structure does not require a Historical Preservation Permit.

**STAFF COMMENTS:** The applicant is requesting Variance to allow more than 30% coverage of the rear setback for a detached accessory building in an RS-3 District (Sec. 90.090-C.2)  
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*Table 90-2: Accessory Building, Including Accessory Dwelling Units, Coverage Limits in Rear Setback*

<b>Zoning District</b>	<b>Maximum Coverage of Rear Setback</b>
RS-1 and RE Districts	20%
RS-2 District	25%
RS-3, RS-4, RS-5 and RD Districts	30%
RM zoned Lots Used for Detached Houses or Duplexes	30%

**STATEMENT OF HARDSHIP:**

**SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a **Variance** to allow more than 30% coverage of the rear setback for a detached accessory building in an RS-3 District (Sec. 90.090-C.2)

- 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:

- 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;*
- That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;*
- 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;*
- That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*
- 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.”*



***Subject property***



***Facing North on Detroit***



***Facing East on 16<sup>th</sup> St .***

LTS 26 27 BLK 17; LTS 24-25 BLK 17, BERRY ADDN, City of Tulsa, Tulsa County, State of Oklahoma

**22931—Bill Powers**

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**Action Requested:**

Variance to permit the aggregate floor area of accessory buildings on a lot in an RS-3 District to exceed 40% the floor area of the primary residential structure (Section 45.030-B); Variance to permit a detached accessory building to exceed 18 feet in height and 10 feet in height to the top of the top plate (Section 90.090.C). **LOCATION:** 1539 South Detroit Avenue East (CD 4)

**Presentation:**

**Bill Powers**, 8810 South Yale Avenue, Tulsa, OK; stated he is working for the owners of the subject property, and their house is on Lot 13. The owners have purchased lots 14, 15 and 16 and it is their request to build a new two-story garage with a mother-in-law suite. The existing garage is small and not built to modern standards for modern automobiles; they are using it for storage at this time. The owners are proposing to build something that is completely historically preservation correct. Mr. Powers stated he spoke with the Historic Preservation Committee and they do not have a jurisdiction in this instance.

Mr. Van De Wiele asked Mr. Powers if the new structure would have the same type of roofline, materials, etc. as the principle structure? Mr. Powers answered affirmatively and stated that would even the wood lap siding will be matched.

Mr. Van De Wiele asked staff if this was all one lot or is the principle structure on the lot outside the dotted line on the map; is the main house on the corner? Mr. Powers stated the house is not on the corner. Mr. Powers stated the homeowners purchased the additional lots and had them consolidated into one address. Mr. Van De Wiele asked Mr. Powers if there had been a lot combination or a lot line adjustment. Mr. Powers answered affirmatively. Mr. Chapman stated the County identifies this as one parcel.

Mr. Powers stated there was a previous garage in the subject are because there are remnants of a foundation and a sewer line is still visible.

Mr. Van De Wiele asked Mr. Powers how large the primary house is and how large is the detached garage desired to be? Mr. Powers stated the City calculated it to be 200 square feet long.

Ms. Radney asked if there was information about the height of the existing structure. Mr. Powers stated the proposed building is a little lower than the existing house; the existing house is on a foundation that is about three feet above grade; the existing house will be about 3'-6" taller than the new garage.

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**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **BOND**, the Board voted 3-0-0 (Bond, Radney, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Variance to permit the aggregate floor area of accessory buildings on a lot in an RS-3 District to exceed 40% the floor area of the primary residential structure (Section 45.030-B); Variance to permit a detached accessory building to exceed 18 feet in height and 10 feet in height to the top of the top plate (Section 90.090.C), subject to conceptual plans 35.8 and 35.9 of the agenda packet. The design and all the materials used for the proposed structure are to match the existing house. The Board has found the hardship to be the existing structure predated the Comprehensive Zoning Plan as well as the uniqueness of the lots due to previous City expansion condemnation. 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; for the following property:

**ALL LT 13 & PRT LTS 14 THRU 17 BEG SWC LT 14 TH N25 NE203.19 S171.78 SW140 POB BLK 1, MAPLE PARK ADDN, City of Tulsa, Tulsa County, State of Oklahoma**

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 3-0-0 (Flanagan, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Henke, Snyder absent) to **APPROVE** the request for a Variance to allow the establishment of a family child care home within 300 feet of another family child care home abutting the same street; Verification of the spacing requirement for a family child care home of 300 feet from any another family child care home on the same street (Section 45.070). The Board has found that the applicant has operated the child care facility at her home for over three years and she is licensed by the State, and the other potentially conflicting use has not been verified for spacing with the Board of Adjustment. For reasons of the afore mentioned that would be a practical difficulty justifying the approval of this Variance. The Board determines 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.

In regards to the Spacing Verification the Board as found that based upon the facts in this matter as they presently exist, we accept the applicant's verification of spacing shown on exhibit 4.5; for the following property:

**LT 3 BLK 20, NORTHRIDGE ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

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**22082—Michael Birkes**

**Action Requested:**

Variance of the allowable coverage of a rear setback by accessory buildings;  
Variance of the required setback from interior lot lines for accessory buildings (Section 90.090-C.2). **LOCATION:** 1615 South Detroit Avenue East (**CD 4**)

**Presentation:**

**Michael Birkes**, 4908 South Columbia Place, Tulsa, OK; stated the property owners have contracted him to design a new garage to be placed in the location where a former garage had been. Currently there is a temporary carport at that location. The former garage and quarters was approximately 28'-0" x 28'-0". Due to the larger size of today's automobiles the new garage has been extended five feet into the interior back yard closer to the house. The owner has had a conversation with his neighbor to the north and that neighbor has requested that the three foot setback be complied with, so Mr. Birkes requested that to be removed from the request. But he does want to maintain the alleyway setback and property line. The new garage will align with the other accessory structures along the alley. The owner does want to maintain as much of the backyard as possible but still needs a garage.

Mr. Van De Wiele asked if the old garage was torn down because it was dilapidated. Mr. Birkes stated the old garage was destroyed by a fire.

Mr. White asked Mr. Birkes if the new garage would encroach on any utilities. Mr. Birkes stated that the new garage will not encroach on any utilities that he is aware of. Mr. Birkes stated there was an abandoned sewer line from the south end where the quarters were located originally. Mr. Birkes stated that he will have OKIE come to the subject property to make sure there are no utilities.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 3-0-0 (Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Henke, Snyder absent) to **APPROVE** the request for a Variance of the allowable coverage of a rear setback by accessory buildings; Variance of the required setback from interior lot lines for accessory buildings (Section 90.090-C.2), subject to conceptual plans 5.9 and 5.10. The proposed structure shown on 5.9 will be three feet from the north property line and the proposed garage will be two feet from the existing alleyway. The Board has found that the proposed garage to be constructed is a replacement of an earlier garage that was destroyed by fire and that the size of today's automobiles necessitates a larger footprint than was originally constructed. The Board determines 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;

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- 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 9 BLK 5, MAPLE PARK ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**22083—Victory Christian Church**

**Action Requested:**

Variance to exceed the permitted display area of a sign to allow a 72 square foot dynamic display sign in the O District. **LOCATION:** 7700 South Lewis Avenue East (CD 2)

**Presentation:**

**Sarah Dillard**, 7700 South Lewis Avenue, Tulsa, OK; stated the new board will be five square feet smaller than the existing board. It usually takes about ten years before a board needs to be replaced and the existing board is significantly over ten years, and lately there have been issues with trouble shooting. Across the street is Oral Roberts University and they recently were approved for a dynamic display board and the proposed board for Victory will be similar but smaller. The proposed 72 square feet will allow Victory to get out more information and it will be easier for drivers to read. The proposed sign will only take up 23% of the allotted amount of the 307 square feet of signage that was granted. In updating the dynamic display the mainstream structure of the sign will not be changed.

Mr. Van De Wiele asked Ms. Dillard if she said the new proposed sign would be smaller than the existing sign. Ms. Dillard answered affirmatively. Mr. Van De Wiele asked Ms. Dillard why she was before the Board if the new sign is smaller. Ms. Dillard stated it is because the old sign is an electronic message center and the new sign will be a dynamic display.

**Interested Parties:**

There were no interested parties present.

BLK 1 LESS BEG SWC TH N22 SE31.19 W22 POB, ORAL ROBERTS UNIVERSITY  
HGTS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21489—Mark Bragg

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**Action Requested:**

Variance to increase the permitted floor area from 1,006 square feet (40%) to 1,188 square feet (47%) (Section 402.B.1.d); Variance of the accessory building height and coverage area in required rear yard from 1 story to 2 story and increase maximum covered area in the rear yard from 300 square feet (30%) to 540 square feet (54%) (Section 210.B.5.a) in the RS-3 District. **LOCATION:** 1621 South Detroit Avenue East (CD 4)

**Presentation:**

**Mark Bragg**, KSQ Architects, 1624 South Detroit, Tulsa, OK; stated he lives across the street from the subject property and has lived there for four years. When he first moved into the neighborhood it was entirely rental property and over the years the neighborhood has vastly improved. In the interim the neighborhood has achieved historic zoning. He purchased the subject property across the street because he wanted to downsize without moving out of the neighborhood. Currently the house does not have a garage, but it did have at one time. Mr. Bragg would like to replace the previous garage with another larger garage, larger than what the zoning code allows. The foundation of the previous garage still exists. Mr. Bragg has a letter from the previous owner stating that when she moved into the house the garage had burned down, and that the previous garage had been a two-story garage. Mr. Bragg has support of his application from 17 of his neighbors.

Mr. Van De Wiele asked Mr. Bragg if the footprint of what he was proposing to build is the same as the previous garage. Mr. Bragg stated it is basically the same but not exactly. The new garage will be a little wider to accommodate today's cars.

Mr. White asked Mr. Bragg if he had received his Certificate of Appropriateness. Mr. Bragg stated that he had been approved and does have a Certificate of Appropriateness. Mr. Bragg stated that he also has a Certificate of Appropriateness for the house.

Mr. Van De Wiele asked Mr. Bragg if he intended for the second story of the garage to be a future garage apartment. Mr. Bragg stated that he had no intentions of using the second story as a garage apartment at this time, but he will file an application and come back before the Board to ask permission if he wants to have a rental unit.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

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**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Henke absent) to **APPROVE** the request for a **Variance** to increase the permitted floor area from 1,006 square feet (40%) to 1,188 square feet (47%) (Section 402.B.1.d); **Variance** of the accessory building height and coverage area in required rear yard from 1 story to 2 story and increase maximum covered area in the rear yard from 300 square feet (30%) to 540 square feet (54%) (Section 210.B.5.a) in the RS-3 District, subject to conceptual plan on page 13.10. Finding that the garage to be constructed is basically a reconstruction of a pre-existing garage that had burned down with the footprint being roughly equivalent to that which had been there previously; modified to today's living standards. This approval is subject to the further requirement that the second floor of the garage will not be used for rental property unless future permission is approved through the Board of Adjustment process. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**LT 7 BLK 5, MAPLE PARK ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21490—Lou Reynolds**

**Action Requested:**

**Variance** of the parking requirement from 15 spaces to 8 spaces to permit a restaurant (Section 1212.D). **LOCATION:** 3629 South Peoria Avenue East (CD 9)

**Mr. Tidwell recused himself and left the meeting at 3:02 P.M.**

**Presentation:**

**Lou Reynolds**, 2727 East 21<sup>st</sup> Street, Tulsa, OK; stated the property is located on the southeast corner of East 36<sup>th</sup> Place and South Peoria. The owner has a parking agreement with the church that is located north of the subject property. The subject property is a 1930s building that has had multi-tenant uses. The area that is to be used previously had a Use Unit 14 use and had a requirement of one parking space to 225,

Mr. Van De Wiele asked Ms. Basse if she leased the subject property. Ms. Basse stated that she leases the subject property and has a 20 year lease for the subject property.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a **Special Exception** to permit seasonal sales (Use Unit 2) in a CS and IL District (Section 901, Table 1) not to exceed 179 days in a calendar year (Section 1202.C.1); **Special Exception** to allow alternative off-street parking materials (gravel) for parking area (Section 1202.C.1), this will be per conceptual plan on page 5.7. The two Special Exceptions will be linked together, whereby, if the seasonal sales cease then Special Exception for the parking materials will also cease. This approval for the two Special Exceptions will have a time limit of 10 years from today's date, May 14, 2013. Finding the Special Exceptions 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; for the following property:

**PRT SE SE BEG 233W & 50N SECR SE TH W574.88 N1091.83 E749.26 S934.13 W8 S103 W75 S235 POB SEC 31 19 14 21.005AC, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21489-A—Mark Bragg**

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**Action Requested:**

**Variance** to permit a second dwelling above the detached garage, in an RS-3 district (Section 207); **Variance** to reduce the required side yard from 5 feet to 3 feet to permit an addition onto the primary house (Section 403. A, Table 3). **LOCATION:** 1621 South Detroit Avenue East **(CD 4)**

**Presentation:**

**Mark Bragg**, 1624 South Detroit, Tulsa, OK; stated he currently lives across the street from the subject property. He purchased the subject property with the intention of moving and down-sizing. He came before the Board for the garage and he is back before the Board to ask for permission to install an addition to the house and have living quarters above the garage. The zoning code allows for a three foot setback for the garage, and the house would also have a three foot setback which would be like all the other houses in the neighborhood. Mr. Bragg presented a petition to the Board with 15 neighbor's signatures showing they are in favor of the proposed project. Mr. Bragg also

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presented a letter from the Tulsa Historic Preservation Commission showing they too are in favor of the proposed project. The present zoning code does not respond to the character of the neighborhood therefore he would ask for the Board's approval of this project.

Mr. Van De Wiele asked Mr. Bragg what had changed between October and now, because at that time Mr. Bragg had stated that he was not interested in rental space above the garage. Mr. Bragg admitted that at the previous hearing he had stated that at that time he was not interested in rental space above the garage but he would come back to the Board of Adjustment if he changed his mind in the matter. He still is not interested in having rental space but he wants that privilege. That is why he is before the Board today.

Ms. Snyder asked Mr. Bragg if he was wanting the space above the garage to be living quarters, or if he was wanting to rent the space to a third party. Mr. Bragg stated that he thought it was the same thing, but he is asking for the privilege to rent the space to a third party.

Mr. Van De Wiele asked staff if the applicant has enough of a request for today's hearing. Ms. Back stated that it is her understanding of the code and after speaking with a building official that an owner may have detached quarters on their property as long as it is used for family members and not rented as an income property. That is what was established the last time Mr. Bragg was before the Board. There have been other cases where the owner has used detached structures for family members. What Mr. Bragg is asking now is have the ability to utilize the subject structure in the future as rental space.

Ms. Snyder stated that on page 6.15 in the agenda packet there is a paragraph stating that the subject property would be allowed to be out of conformance if it was pre-existing prior to the code with other requirements concerning the structure, has been it established that there were quarters previously on the subject property. Mr. Bragg stated that he has a letter from the previous home owner that states there were quarters on the property, but they were demolished. Mr. Bragg stated that he has found the foundation, sewer line, water line, and the gas line for the previous structure but the structure itself was missing. When he wanted to rebuild the garage he had to come before the Board because the existing foundation did not fit into the existing code requirements. The zoning code states that a structure of "X" amount of square feet can be built in the back 20 feet of the property. In this neighborhood all the garages are built in the back 20 feet and are not attached but are detached. Therefore the zoning code does not fit for the whole neighborhood because the code assumes the garage will be attached and limits the space to the last space in the yard. Under the current zoning code a garage cannot be replaced and the zoning code is why he had to ask the Board for a special exception to build the garage back just as it previously existed.

Ms. Snyder asked if the previous garage and quarters had not been demolished would that apply to an apartment being rented. Mr. Henke asked if Mr. Bragg would still need

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relief for the second dwelling. Mr. Swiney stated that Mr. Bragg would still need permission, or a special exception, to rent out the apartment. But if the space were to be for a family member or a housekeeper he would not need a special exception.

Mr. Van De Wiele asked if the request being made today, as advertised, would allow for the space to be rented. Mr. Swiney stated that it would because it was advertised as a second dwelling. Ms. Back stated that what was previously requested in October did not allow Mr. Bragg to have garage living space to be a rental space.

**Mr. Van De Wiele left the meeting at 1:30 P.M.**

Mr. Swiney stated in the definition of the code a single family detached dwelling refers to a dwelling unit. A dwelling unit is then defined as a set of rooms for not more than one family living independently from any other family. That is the difference. If Mr. Bragg were to place his mother-in-law in the garage living space that is not a separate dwelling unit it is part of the family unit, but if the space is to be rented out to a separate tenant it becomes a second dwelling unit separate from the Mr. Bragg's home.

Mr. Bragg stated that there are several rented garage apartments in the neighborhood, so the proposed project would not be out of character for the neighborhood. Mr. Swiney asked Mr. Bragg how he came to know about the garage apartments. Mr. Bragg stated that he had canvassed the neighborhood.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-1 (Henke, Snyder, Tidwell, White "aye"; no "nays"; Van De Wiele "abstaining"; none absent) to **APPROVE** the request for a **Variance** to permit a second dwelling above the detached garage, in an RS-3 district (Section 207); **Variance** to reduce the required side yard from 5 feet to 3 feet to permit an addition onto the primary house (Section 403. A, Table 3). Finding for the hardship that there are numerous garage apartments, or second dwellings, above detached garages in the immediate neighborhood, and there had been a garage apartment on the subject property before it was destroyed by fire. As for the second variance for the sideyard reduction from five feet to three feet, this is for an addition to the house that will not project any closer to the side property line than the existing structure, and it will be filling in an L-shaped area of the original structure. This approval will be per plan on page 6.7. Finding by reason of extraordinary or exceptional conditions or

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circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**LT 7 BLK 5, MAPLE PARK ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21565—Dale Bennett**

**Action Requested**

Variance to allow 2 projecting wall signs to extend above the parapet wall in the CBD District (Section 1221.C.11). **LOCATION:** 302 East 1<sup>st</sup> Street South (CD 4)

**Presentation:**

**Dale Bennett**, Claude Neon Federal Sign Company, 1225 North Lansing, Tulsa, OK; stated the request is to allow two projecting wall signs be raised 2'-11" above the roof line but not past the parapet line of the building.

**Interested Parties:**

**Seth Nimmo**, Rib Crib, 8802 East 110<sup>th</sup> Place, Tulsa, OK; stated the BBQ arrows on the proposed do not extend above the highest point of the second parapet but will extend above the lower parapet wall. He respectfully requests for the Board's approval on this project.

**Michael Sager**, 328 East 1<sup>st</sup> Street, Tulsa, OK; stated he is the closest party to this building in every direction, and he is absolutely in favor of the redevelopment of this space. Mr. Sager owns the buildings to the east and south, and the building across the street west of the subject property. The building that he owns to the east of the subject property is only about eight inches away and his building has windows facing the proposed project, and he is fully in favor of the proposed sign locations.

**Comments and Questions:**

None.

**Mr. Van De Wiele re-entered the meeting at 1:43 P.M.**

**Jeff S. Taylor**  
Zoning Official  
Plans Examiner III  
TEL(918) 596-7637  
jstaylor@cityoftulsa.org



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### ZONING CLEARANCE PLAN REVIEW

**Tom Neal**  
tdlneal@gmail.com

10/6/2020

**APPLICATION NO: ZCO-70122-2020** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

**Project Location: 1601 S Detroit Ave E**

**Description: Accessory Building 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 2<sup>nd</sup> 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. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.
2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.

A COPY OF A "RECORD SEARCH" **[ X ] 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](http://WWW.CITYOFTULSA-BOA.ORG)

Application No. **ZN LOD- 00000-2020**

**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.

### 90.090-C.2) Detached Accessory Buildings

- a. Detached accessory buildings may be located in rear setbacks in RE, RS and RD districts, provided that:
- (2) Building coverage in the rear setback does not exceed the maximum limits established in Table 90-

**Review Comments:** The rear setback is defined as the minimum distance set out by the zoning code of open unoccupied space between the rear lot line and the required rear setback (in your case, 20 feet from the rear property line. A maximum of 30% (50' X 20' X 30%) or 300 sf of the footprint of the detached garage is permitted to cover the required rear setback. Revise and resubmit your plans indicating the proposed accessory building will not cover more than 300 sf or obtain a Variance from the BOA to allow more than (30%) coverage in the rear setback.

Note: A Historic Preservation permit may be required for the additions to an accessory building in a street yard. Contact INCOG at 918-584-7526.

**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.**

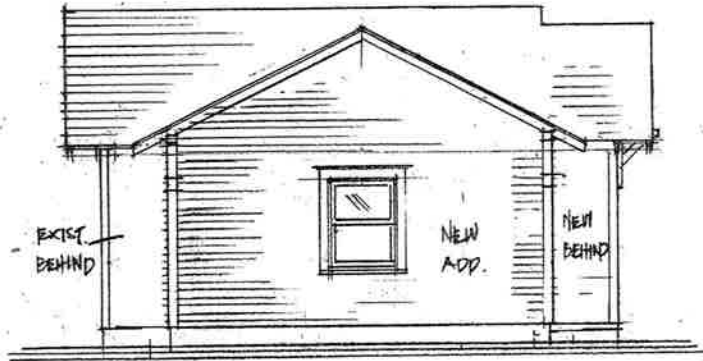
**Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code:  
<http://www.tmapc.org/Documents/TulsaZoningCode.pdf>**

**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**

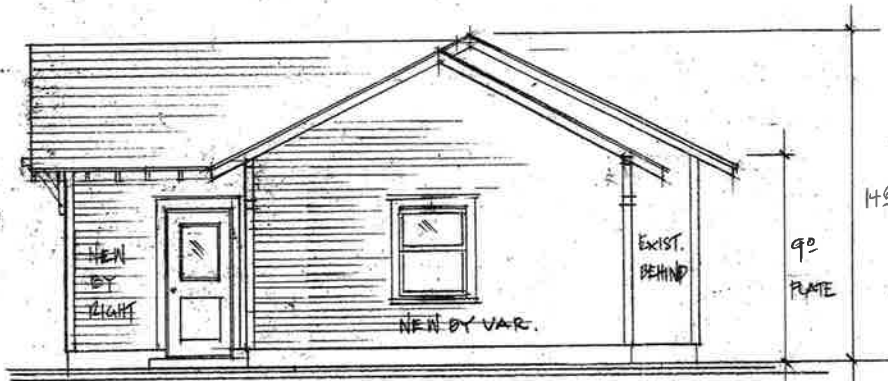
## END -ZONING CODE REVIEW

**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.

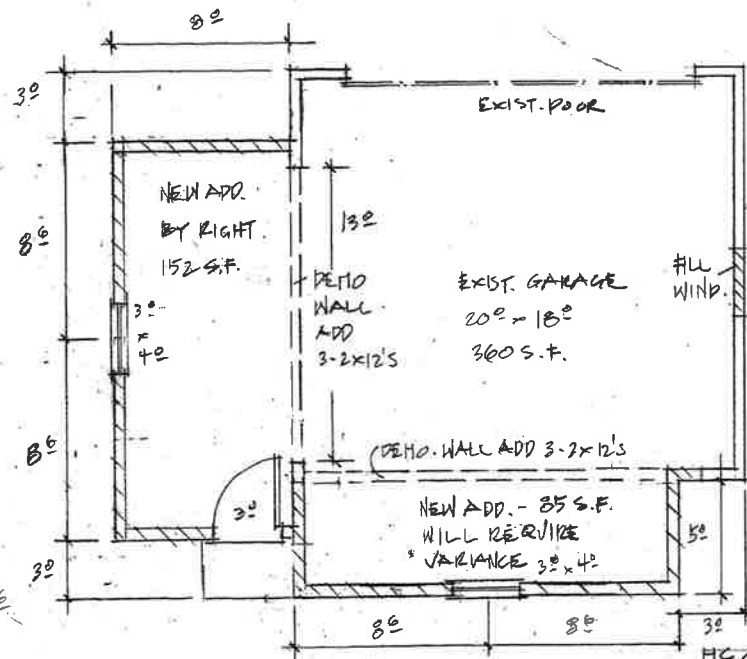
KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.



WEST ELEV.



S. ELEV. 3/16" = 1'-0"



FLOOR PLAN 3/16" = 1'-0"

MEGEADY GARAGE  
 60152 DETROIT  
 TULSA - OKLA.

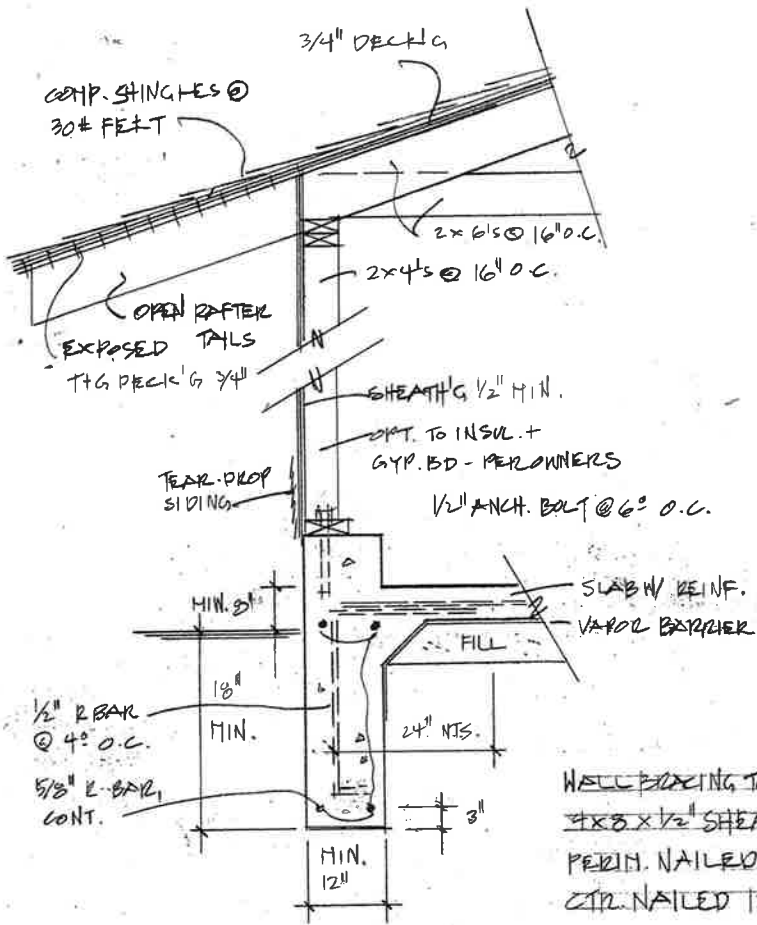
9.2020 - 8.2020

TOM NEAL  
 DESIGN

Associate member, American Institute of Architects

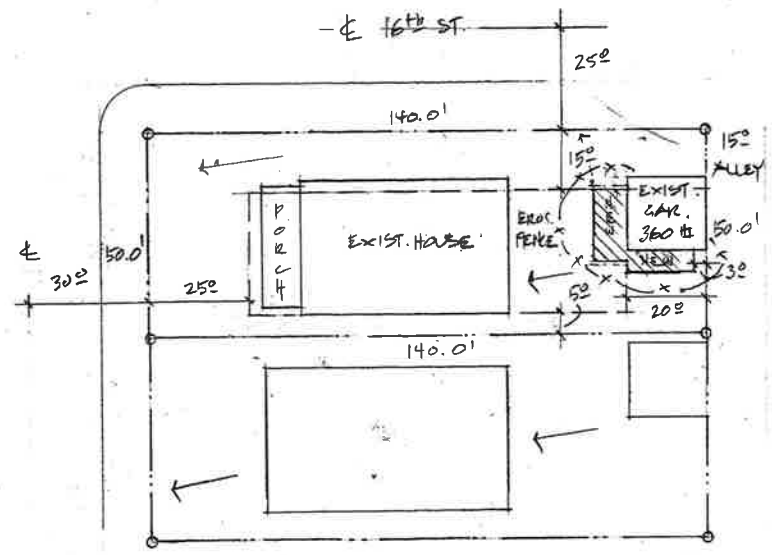
918.231.7372

9.20



TYP. WALL SECTION 1" = 1'-2"

WALL FINISHING TO BE  
 4x8 x 1/2" SHEATH'G  
 PERIM. NAILED 6" O.C.  
 CTR. NAILED 12" O.C.

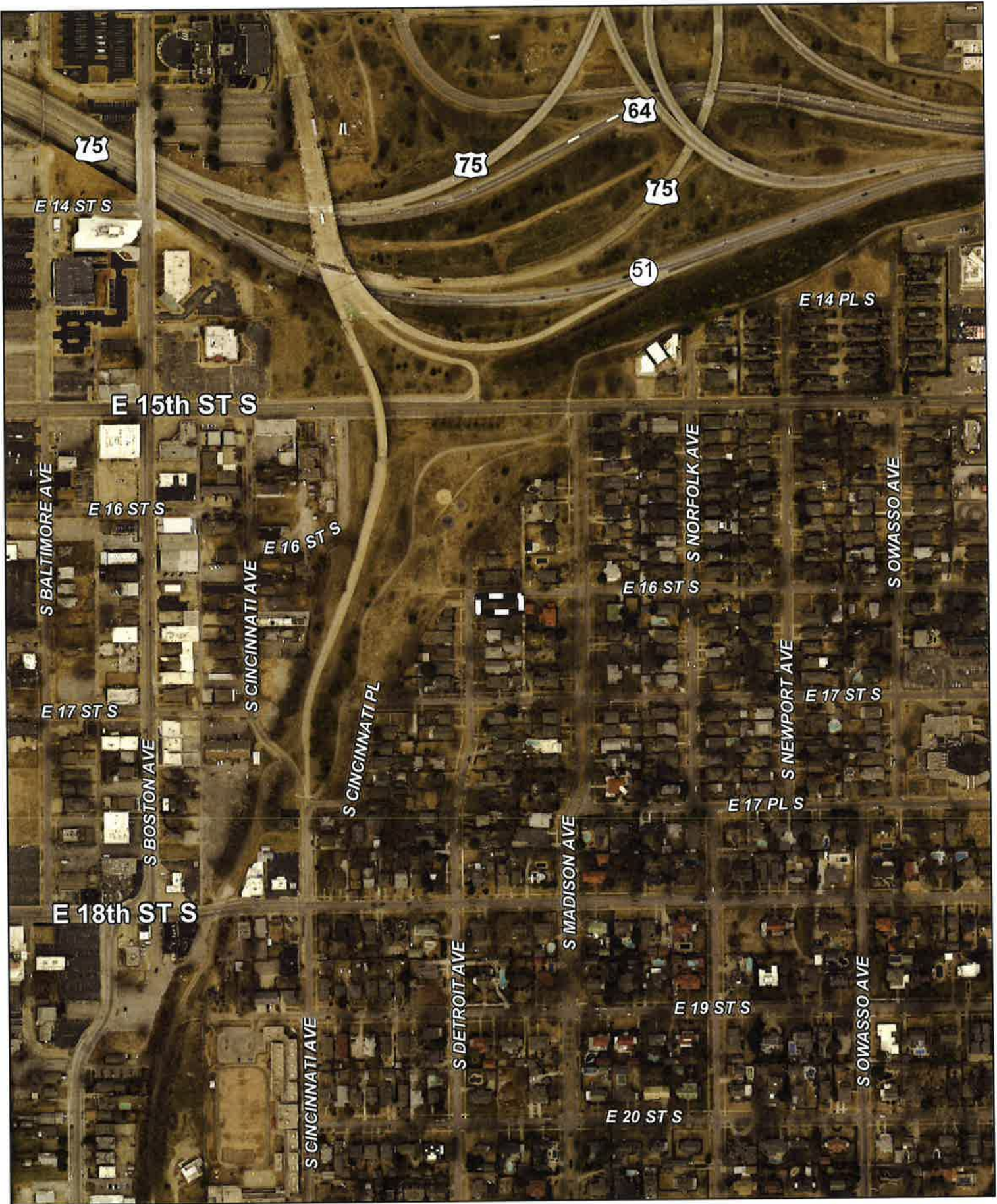


SITE DRAINAGE PLAN 1" = 30' NORTH

HECREADY GARAGE  
 1601 SO. DETROIT  
 TOLSON - OKLA  
 9.20.20 - 9.20.20

TOM NEAL  
 DESIGN  
 Associate member, American Institute of Architects  
 918.231.7372

9.21



Subject Tract

**BOA-23027**

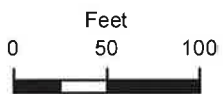
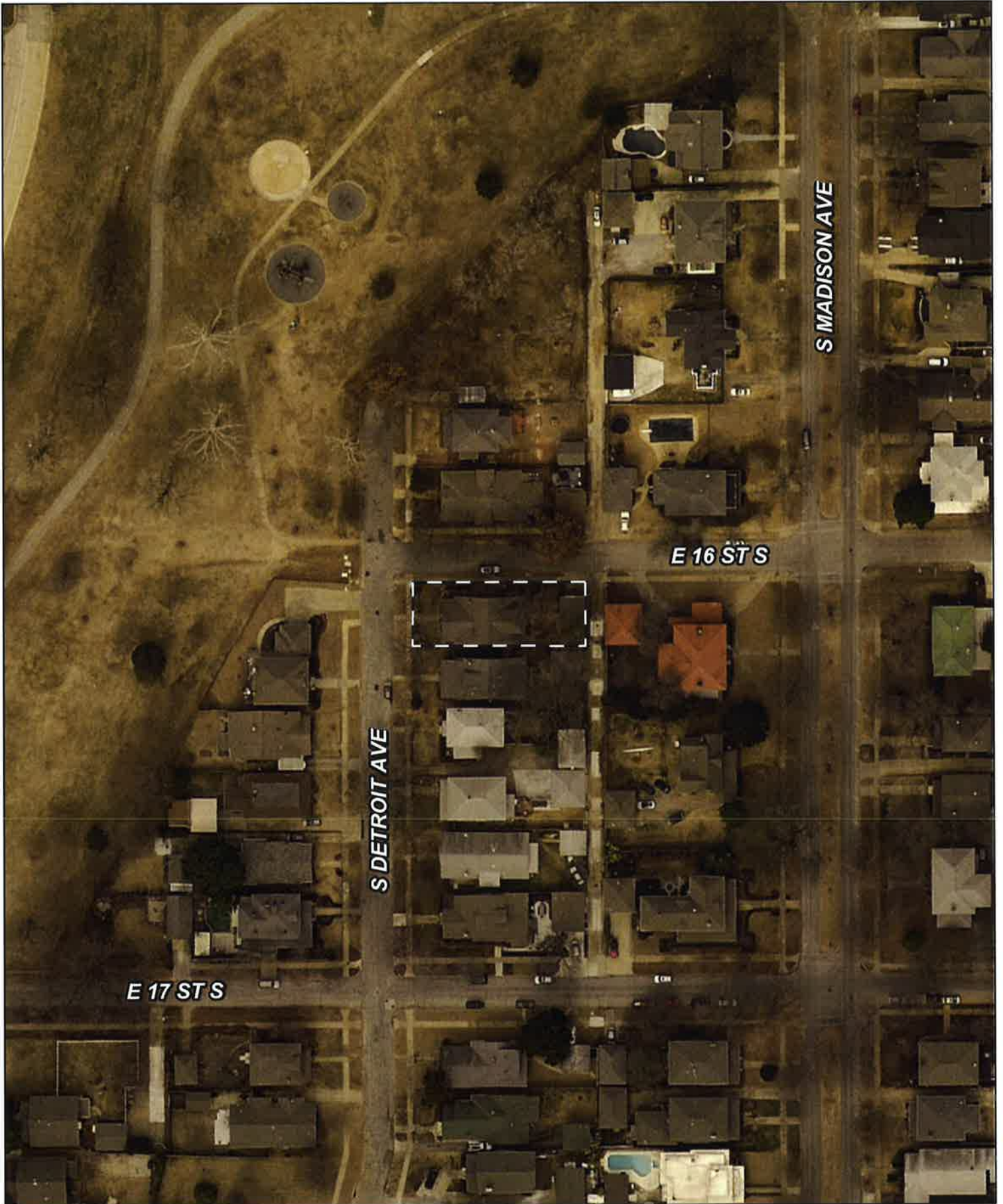
19-12 12

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

Aerial Photo Date: February 2018



9.22



Subject  
Tract

**BOA-23027**

19-12 12

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

Aerial Photo Date: February 2018



9.23

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