

# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9227 Case Number: **BOA-23106** 

**CZM**: 46 **CD**: 2

HEARING DATE: 04/13/2021 1:00 PM

**APPLICANT: Mike Foshee** 

ACTION REQUESTED: Variance to allow the floor area of a Detached Accessory Building to exceed

500 square feet or 40% of the floor area of the principal residential structure (Section 45.030-A)

**LOCATION**: 4936 S 24 PL W **ZONED**: RS-3

PRESENT USE: Residential TRACT SIZE: 9901.23 SQ FT

LEGAL DESCRIPTION: LOT-1-BLK-14, HILL HAVEN 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".

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 qualities of older neighborhoods that are looking for new ways to preserve their character and 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 on the corner located between S. 25<sup>th</sup> W. Ave. and S. 24<sup>th</sup> W. Ave. North along W. 50<sup>th</sup> St. S.

**STAFF COMMENTS**: Variance to allow the floor area of a Detached Accessory Building to exceed 500 square feet or 40% of the floor area of the principal residential structure (Section 45.030-A)

#### Accessory Buildings and Carports in R Districts Section 45.030

## 45.030-A Accessory Building Size

# 1. RE and RS-1 Districts

In RE and RS-1 districts, the total aggregate floor area of all detached accessory buildings, including accessory dwelling units, and accessory buildings not erected as an integral part of the principal residential building may not exceed 750 square feet or 40% of the floor area of the principal residential structure, whichever is greater. [1]

## 2. RS-2. RS-3. RS-4. RS-5 and RM Districts

In RS-2, RS-3, RS-4, RS-5 or RM, zoned lots used for detached houses or duplexes, the total aggregate floor area of all detached accessory buildings, including accessory dwelling units, and accessory buildings not erected as an integral part of the principal residential building may not exceed 500 square feet or 40% of the floor area of the principal residential structure, whichever is greater. [1]

[1] For detached accessory buildings, including accessory dwelling units, located within rear setbacks see §90.090-C2.

The applicant is requesting an 840 square foot accessory structure and per code they are limited to 500 square feet. The site plan originally proposed by the applicant located the building 10 from the Western property line which would have required a variance of the street setback. The applicant has noted on their sit plan that they will not install the additional curb cut on 25th and will setback the building 25' form the property line.

STATEMENT OF HARDSHIP: This is not going to be a living space. Will not affect the neighborhood, it is a backyard structure, will not be seen from the front of the house. This structure will upgrade property value plus there is enough land due to it being a corner lot and will accommodate the size of the building.

STATEMENT OF HARDSHIP: Move to (approve/deny) a Variance to allow the floor at of a Detached Accessory Building to exceed 500 square feet or 40% of the floor area of the principle residential structure (Section 45.030-A)	
Finding the hardship(s) to be	
<ul> <li>Per the Conceptual Plan(s) shown on page(s) of the agenda packet.</li> </ul>	
Subject to the following conditions	

In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

**Suggested Conditions**: Detached Accesory structure not to be built inside the street setback.

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."



Subject property



Facing East on W. 55th St.



Rear yard of subject property

# Danny Whiteman

Zoning Official Plans Examiner II

TEL (918) 596-9664 dwhiteman@cityoftulsa.org



# **DEVELOPMENT SERVICES**

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

# ZONING CLEARANCE PLAN REVIEW

2/2/2021

LOD No. 1

Mike Foshee 4936 S. 24<sup>th</sup> Pl. W Tulsa, OK 74107

APPLICATION NO: BLDC-77737-2020 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 4936 S. 24th Pl. W

Description: New metal storage 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. 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 <a href="https://www.incog.org">www.incog.org</a> 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 [ x ] 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://tulsapjanning.org/plans/TulsaZoningCode.pdf

Application No. BLDC-077737-2020

1. R106.2 Site plan or plot plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing the size and location of new construction and existing structures on the site and distances from lot lines. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan where the application for permit is for alteration or repair or where otherwise warranted.

Review Comment: Submit a site plan that shows the following items.

- Drawing to scale with location, dimensions and identification of existing and proposed buildings, structures, and driveway.
- Drawing to scale with distances from all property lines to the proposed building.
- · Identify any easements and public rights of way;
- Include all architectural projections; i.e. stairs, porches, balconies, fireplaces, etc.
- 2. 45.030-A.2 Accessory Building Size, RS-2, RS-3, RS-4, RS-5 and RM Districts In RS-2, RS-3, RS-4, RS-5 or RM, zoned lots used for detached houses or duplexes, the total aggregate floor area of all detached accessory buildings, including accessory dwelling units, and accessory buildings not erected as an integral part of the principal residential building may not exceed 500 square feet or 40% of the floor area of the principal residential structure, whichever is greater.
  Review comments: You are proposing 840 sq. ft of detached accessory structure floor area. The proposed detached structure exceeds 500 sq. ft and 40% of the size of your house. Based on the size of your house (1,224 sq. ft.) you are allowed 500 sq. ft of detached accessory structure floor area on your lot. Reduce the size of your proposed detached accessory structure to be less than 500 sq. ft of total floor area or apply to BOA for a variance to allow a detached accessory structure to exceed 500 sq. ft. and 40% of the floor area of the principal residential structure.

The zoning review will resume after these modified plans are submitted.

Note: Please direct all questions concerning variances, special exceptions, alternative landscape plans, alternative compliance parking ratios 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.

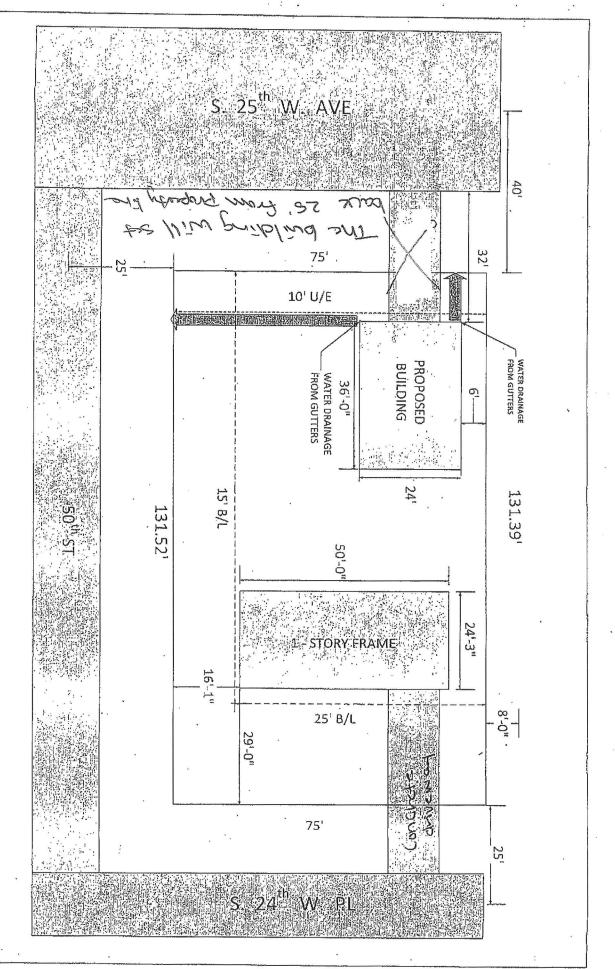
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter. A hard copy of this letter is available upon request by the applicant.

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.



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GROUND ANCHOR AND PANEL FASTENER SPACING SPECIFICATIONS BOW/RAFTER FRAME, END POST,

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NOTES: 1. Specifications applicable to 29 gauge metal panels fostened directly to 12 or 14 gauge steel tube bow frames.

2. Fosteners consist of  $\|12 \times 2^n$  self-drilling screens with control seed washers. 3. Specifications applicable only for mean roof height of 24 feet or less and roof slopes of 7 to 27 degrees (15:12 to 6:12 pilch). Spacing requirements for other roof heights and/or slopes may vary.

# STANDARD CARPORT 12 ft to 24 ft SPAN **DETAILS**



# CAROLINA CARPORTS INC. P.O. BOX 1263

TOLL FREE 1-800-670-4262 LOCAL 336-367-6400 **DOBSON, NC 27017** FAX 336-367-6410 This document is the property of Corolino Corports, Inc. Use of these plans without the permission of Caroline Corports is prohibited.

METAL CARPORT INSTALLATION PLANS AND DETAILS

# FRAMING AND FASTENER SPECIFICATIONS

STEEL TUBE FOR ALL FRANE AND BASE RAIL MEMBERS UNLESS OTHERWISE SHOWN.

CAROLINA CARPORTS, INC. DOBSON, NORTH CAROLINA 27017 187 Cardinol Ridge Trail

THE OWNER IS RESPONSIBLE FOR OBTAINING A BUILDING PERMIT, IF NEEDED, AND FOR COMPLYING WITH ALL LOCAL BUILDING CODE REQUIREMENTS.

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GINEER 10/15/2019 ROBERT LUEGREPS

SHEET 1 OF 4

4936 S 24th W Place Mike Foshee Tulsa Name: Chy S. Market

These plans have been provided for the purpose of obtaining a building No Sales 74107 permit for:





THESE PLANS PERGUAN ONLY TO THE STRUCTURE, INCLIDING MAIN WIND FORCE RESISTING SYSTEM (MARTES), COMPONENTS
AND CLADISHIC, BAD BLOSE BRA, ANCHORAGE, OTHER DESIGN ISSUES, INCLIDING, BUT NOT UNITED TO, PLUMBRIC, ELECTRICAL
RICHESS/FERESS, PROPERTY SET-BACKS, OR OTHER LICKL, ZORING RECURREMENTS ARE THE RESPONSEBURY OR OTHERS.

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Use of these plans by anyone else or for any other purpose is prohibited.

# Neighbors Notified and approved of building

- 1. Randy McClellan 918.446.2339 2422 W 50th St
- 2. Lonnie Moss 2428 W 50th St
- 3. Marshiela and Allen Prior 918.521.3312 (They own but rent out houses)

4928 S 24th W PI

4923 S 24th W PI

4929 S 24th W PI

(Mailing address:10965 Harreld Rd Beggs, OK 74421)

- 4. Brad Triplett 4924 S. 24th W PI
- 5. Joy Arnold and John 918.638.1256 (They own but rent out house) 4935 S 24th W PI (Mailing address: 9049 S 111th W Ave Sapulpa, OK 74066)

All neighbors were notified in person except Marshiela, she was notified by a phone call. They were all notified in February, except Marshiela was notified March 3rd.

See adached map of neighbors houses who where notified



# Allen and Marsheila Prior 10965 Harreld Rd Beggs, OK 74421

March 3, 2021

Mike Foshee 4936 S 24<sup>th</sup> West Pl Tulsa, OK 74107

Dear Mike:

Today we spoke about the metal building you would like to build in your back yard. I understand that it is an 800 square foot metal building to be professionally built on a slab foundation. The main purpose for the building will be as a two car garage and expanded storage.

As the owners of the house at 4928 S 24<sup>th</sup> West Place, located next door to your property, and also the owners of 4923 and 4928 S 24<sup>th</sup> West Place across the street from your property, we agree that this building, as proposed, will not decrease the value of the homes in the neighborhood. A quality metal building on a permanent foundation that replaces two free standing storage buildings would add value to your property, and thus, potentially increase the value of homes in the neighborhood.

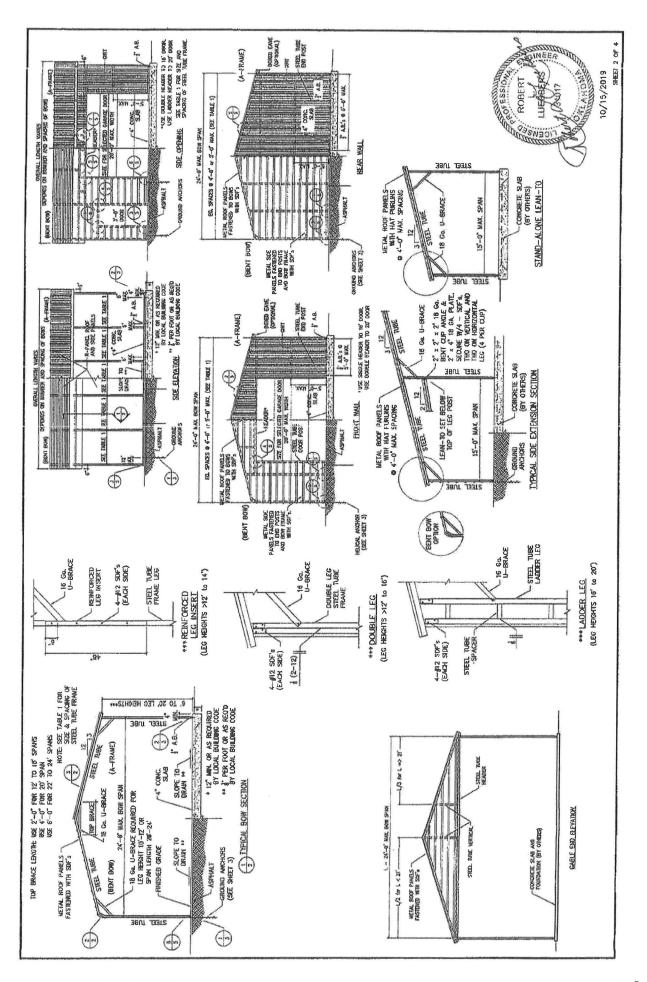
As such, we have no problem with this building being constructed next door.

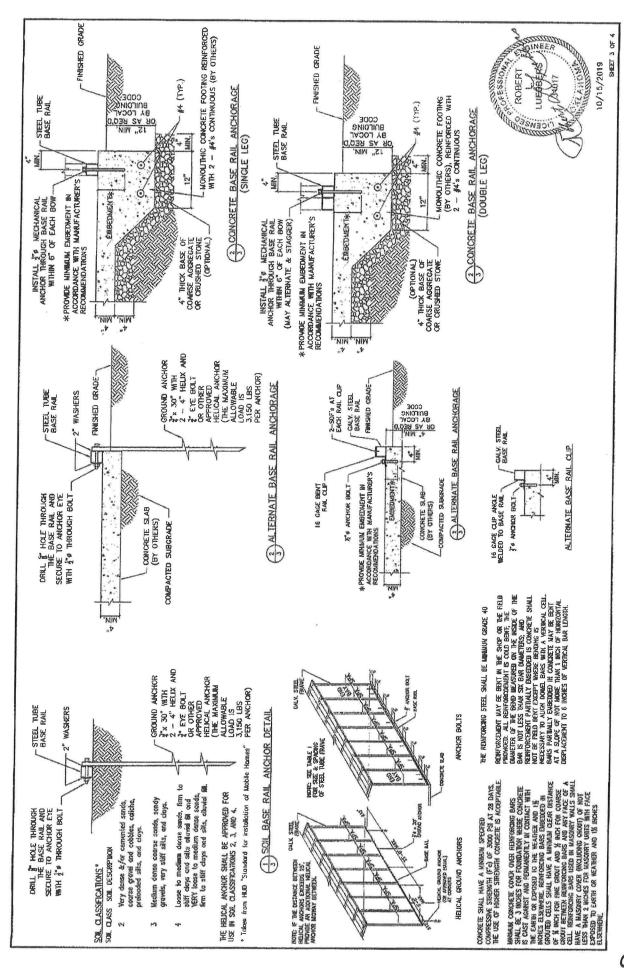
If anyone has any questions they may contact me at 918-521-3312.

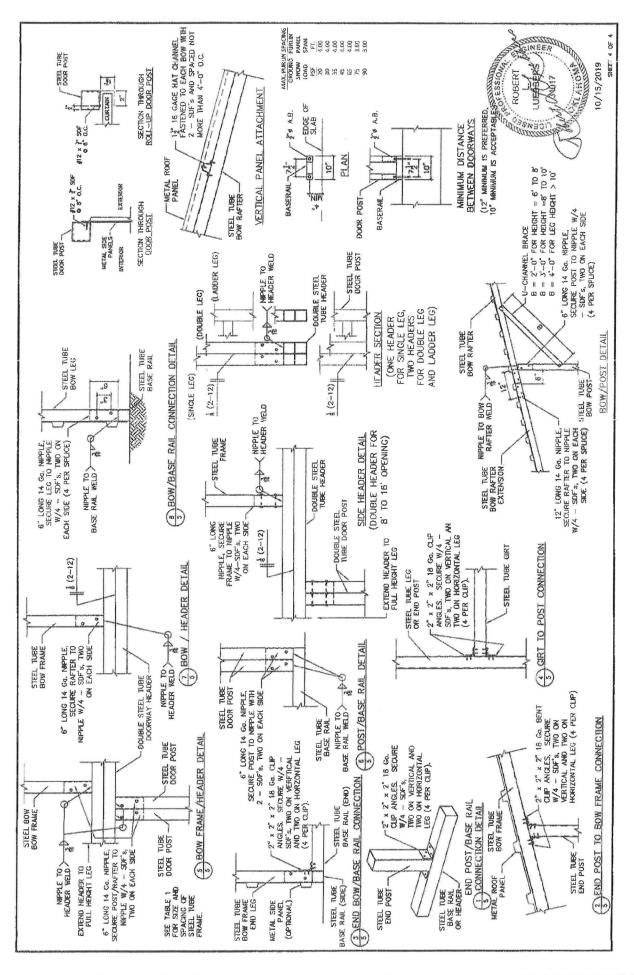
Best regards,

Marsheila B. Prior - owner

Allen Prior - owner







9.17

P.O. Box 1263 / 187 Cardinal Ridge Trail
Dobson. N.C. 27017
Email: CCI@carolinacarports.com
Website: www.carolinacarports.com



Tell Free: (800) 670-4262 Local: (336) 367-6400 Fax: (336) 367-6410

Fax: (336) 367-6410 Fax: -(336) 367-6411: ....

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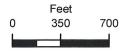
CHECK WITH YOUR COUNTY/CITY TO SEE IF YOU NEED A ZONING AND/OR BUILDING PERMIT

arolina corporation, and greement, the Item described above. Buyer has	(the "Agreement") is made by and between Carolina Carports, Inc. ("CCI"), a North (the "Buyer"). Buyer agrees to buy, and CCI agrees to sell, pursuant to the terms listed in this read and understand the terms of this Agreement, including the terms and conditions contained on e side of this document and agrees to be bound by the same.
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THANK YOU FOR CHOOSING CAROLINA CARPORTS INC.

Rev. Aug. 21 201







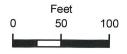
**BOA-23106** 

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

Aerial Photo Date: February 2018









**BOA-23106** 

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

Aerial Photo Date: February 2018 Q.20

