



BOA-23113

19-13 29

8.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9329

Case Number: **BOA-23113**

CZM: 47

CD: 9

HEARING DATE: 04/27/2021 1:00 PM

APPLICANT: Kyle Gibson

ACTION REQUESTED: Variance to reduce the required 25' rear setback in an RS-1 District (Sec. 5.030, Table 5-3)

LOCATION: 4618 S FLORENCE PL E

ZONED: RS-1

PRESENT USE: Residential

TRACT SIZE: 19702.27 SQ FT

LEGAL DESCRIPTION: LT 4, LEIGH HAVEN ADDN SUB PRT TR 7 CLAYPOOL ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property: None.

Surrounding Properties:

BOA-21002; On 11.24.09 the Board approved a variance to reduce the rear yard requirement from 25' to 19' 3" in and RS-1 District. Property located 3141 E. 47th St. S.

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 cul-de-sac of S. Florence Pl. North of E. 47th St. S.

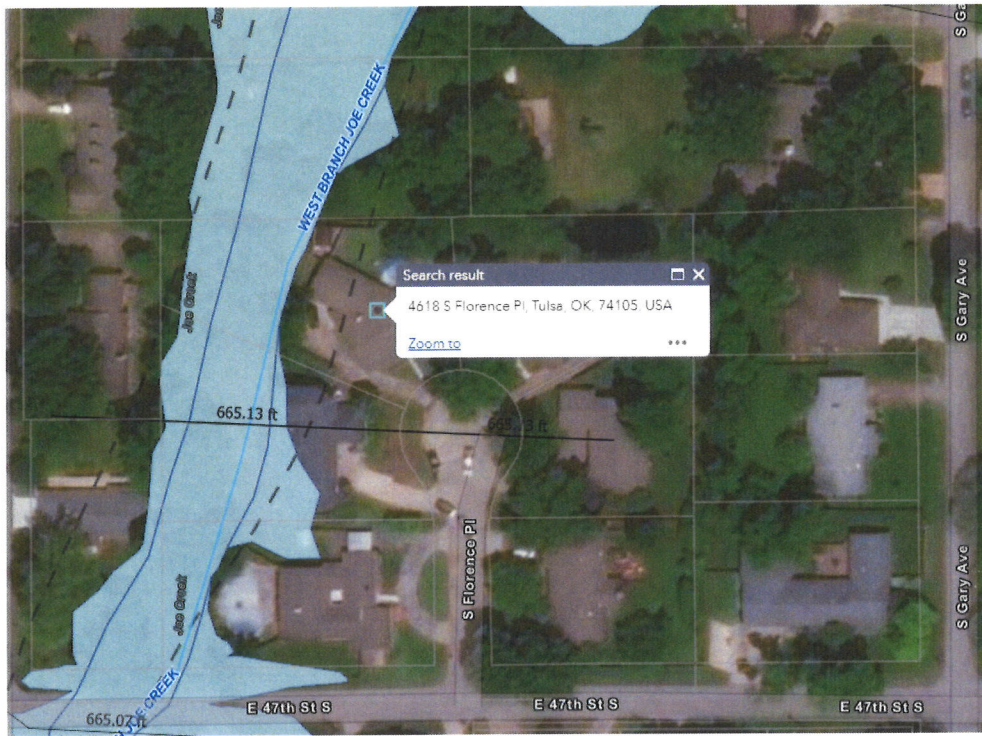
STAFF COMMENTS: The applicant is requesting Variance to reduce the required 25' rear setback in an RS-1 District (Sec. 5.030, Table 5-3)

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
Minimum Lot Area (sq. ft.)													
Detached house	22,500	13,500	9,000	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	5,500
Patio house	-	-	-	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	-
Townhouse	-	-	-	4,500	4,500	2,200	2,750	1,600	1,600	1,600	1,600	1,600	-
Cottage house dev't	-	-	-	-	-	15,000	15,000	15,000	15,000	15,000	15,000	15,000	-
Duplex	-	-	-	9,000	9,000	3,300	6,900	6,900	6,900	6,900	6,900	6,900	-
Multi-unit house	-	-	-	-	-	3,300	6,900	5,500	5,500	5,500	5,500	5,500	-
Apartment/condo	-	-	-	-	-	-	-	-	10,000	10,000	6,000	24,000	-
Mobile home park	-	-	-	-	-	-	-	-	-	-	-	-	[1]
Other allowed buildings/uses													
Permitted by right	22,500	13,500	9,000	6,900	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500
Special exceptions	22,500	13,500	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000
Min. Lot Area per Unit (sq. ft.)													
Detached house	22,500	13,500	9,000	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	-
Patio house	-	-	-	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	-
Townhouse	-	-	-	4,500	4,500	2,200	2,750	1,600	1,600	1,600	1,600	1,600	-
Cottage house dev't	-	-	-	-	-	2,750	2,750	2,750	2,750	2,750	2,750	2,750	-
Duplex	-	-	-	4,500	4,500	1,650	3,450	3,450	3,450	3,450	3,450	3,450	-
Multi-unit house	-	-	-	-	-	1,100	1,800	1,800	1,800	1,375	1,100	900	-
Apartment/condo	-	-	-	-	-	-	-	-	2,900	1,750	1,100	400	-
Other allowed buildings/uses													
Permitted by right	-	-	-	-	-	-	-	-	5,500	5,500	5,500	5,500	5,500
Special exceptions	22,500	13,500	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000
Minimum Lot Width (ft.)													
Detached house	150	100	75	60	50	30	50	50	50	50	50	50	-
Patio house	-	-	-	60	50	30	50	50	50	50	50	50	-
Townhouse	-	-	-	30	30	20	25	20	20	20	20	20	-
Cottage house dev't	-	-	-	-	-	75	75	75	75	75	75	75	-
Duplex	-	-	-	75	75	30	60	60	60	60	60	60	-
Multi-unit house	-	-	-	-	-	30	50	50	50	50	50	50	-
Apartment/condo	-	-	-	-	-	-	-	-	100	100	50	100	-
Other allowed buildings/uses													
Permitted by right	150	100	75	60	50	50	50	50	50	50	50	50	50
Special exceptions	150	100	100	100	100	100	100	100	100	100	100	100	100
Minimum Street Frontage													
Residential bdgs/uses [2]	30	30	30	30	30	30	30	30	30	30	30	30	30
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
Min. Open Sp./Unit (sq. ft.)	12,000	7,000	5,000	4,000[8]	2,500	600	2,000	1,200	1,200	600	200	-	2,500

The applicant is requesting to reduce the 25' setback down to 10'. The Board may wish to note in their minutes that relieving any requirements or prohibitions of the City of Tulsa Floodplain ordinances is not the purview of this Board and the applicant should comply with those requirements.

STATEMENT OF HARDSHIP: The neighboring property to the North is a side yard. Existing utility easement will ensure a 10' setback is maintained. The existing floodplain conditions dictate buildable area on lot.



Taken from the City of Tulsa Floodplain map available at <https://maps.cityoftulsa.org/floodplains/>

SMAPLE MOTION: Move to _____ (approve/deny) a Variance to reduce the required 25' rear setback in an RS-1 District (Sec. 5.030, 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.”



- GRADING NOTES:**

- 1. CONTRACTOR TO VERIFY LOCATION OF ALL EXISTING UTILITIES.**

2. PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDING.

- ### 3. FINAL GUIDE TO CONVERT SURFACE DRAINAGE TOWARD ROCK CHANNELS AND DISPERSION TRENCHES.

4. AREAS TO BE FILLED SHALL BE CLEARED, GRUBBED TO REMOVE TREES,

- VEGETATION, ROOTS AND OTHER OBJECTIONABLE MATERIAL AND

- STRIPPED OF TOPSOIL.**
E INACE FULL CLOVER HAY & CO. QUALITY GUARANTEED. 100% & 100% GUARANTEED.

5. PLACE FILL SLOPES WITH A GRADIENT SLOPEER THAT 3:1 IN LIFT IS NOT TO EXCEED 8 INCHES AND MAKE SURE EACH LIFT IS PROPERLY COMPACTED

- CONTRIBUTOR'S STATEMENT: I HAVE READ THIS ARTICLE AND AGREE TO ITS PUBLICATION.

DRAWING

SCHEMATIC

CONSTRUCTION

DATE: 2/24/2021

SCALE:
1" = 10' - 0"

SHEET

A001





And

[illegible]

1. All construction shall conform to the International Residential Code (IRC) latest adopted edition. City of Tulsa.

- [illegible]

PROJECT ADDRESS: 4618 SOUTH EL DORADO BL APT 201

LEGAL DESCRIPTION:	LOT 7 OF LEIGH HAVEN ADDITION	TULSA, OK 74105
PROJECT DESCRIPTION:	GARAGE ADDITION TO EXISTING SINGLE FAMILY RESIDENCE	
APPLICABLE CODES AND REGULATIONS:		
CITY OF TULSA ZONING CODE		
2015 RESIDENTIAL CODE (RC)		
2015 RESIDENTIAL CODE (IRC)		
2015 INTERNATIONAL PLUMBING CODE (IPC)		
2015 INTERNATIONAL ELECTRICAL CODE (IEC)		
2015 INTERNATIONAL MECHANICAL CODE		
BUILDING CODE INFORMATION:		
OCCUPANCY:	RES1	
NUMBER OF STORIES:	1	
MINIMUM HEIGHT ABOVE AVERAGE EXISTING GRADE:	10'-0" EXISTING	
MINIMUM HEIGHT ALLOWED:	35'-0"	
AREA CALCULATIONS:		
EXISTING HABITABLE AREA:	2,880 SF	
NEW HABITABLE AREA:	N/A	
TOTAL HABITABLE AREA:	2,880 SF	
EXISTING GARAGE AREA:	625 SF	
NEW GARAGE AREA:	640 SF	
TOTAL GARAGE AREA:	1,265 SF	
HEATING SYSTEM:		
FORCED AIR GAS FURNACES		
VENTILATION SYSTEM:		
EXHAUST FANS		
BATHROOM EXHAUST FANS AT 80 CFM EA. (1) UNIT REQUIRED AT EACH BATHROOM		
CITY OF TULSA SEWER:		
WATER		
WATER ELECTRICITY		

JOSEPH AND HEATHER ZALOUDEK

2010 S. CORNELIA AVENUE
TULSA, OKLAHOMA 74120
TEL. 918.499.0454

ARCHITECT

JASON GIBSON, RA, NCARB

ALIGN DESIGN GROUP
551 S. QUAKER AVENUE
TULSA, OKLAHOMA 74120

TEL. 918.499.0454

ALIGN
DESIGN GROUP
18.499.0454
GIBSON, RA, NCARR

JASON GIBSON, RA, NCARB

DRAWING INDEX	
A000	COVER SHEET
A001	SITE PLAN

4618 SOUTH FLORENCE PLACE
TULSA, OK 74105

COVER SHEET

**SCHEMATIC
NOT FOR
CONSTRUCTION**

DATE: 2/24/2021

SCALE:

SHEET:

A000

Board Action:

On **Motion of Van De Wiele**, the Board voted 4-0-0 (White, Stead, Tidwell, Van De Wiele "aye"; no "nays"; no "abstentions"; Henke "absent") to **APPROVE** a Variance of the parking requirement for an office use from a previously reduced 201 spaces to 187 spaces existing (Section 1211); and an Amendment to a previously approved site plan (BOA-18484), finding the uniqueness and use of the property the number of spaces at 187 are adequate for the property; with the condition if the use changed to medical use the owner would need more relief for parking, per plan 5.5 as shown in the agenda packet with the exception of the gross building square footage, which is 66,300 sq. ft., rather than a net of 68,560 sq. ft.; 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 variance 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, on the following described property:

LT 2 LESS E50 THEREOF BLK 9, KENSINGTON, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 21002

Action Requested:

Variance of the rear yard requirement from 25 ft. to 19 ft. - 3 in. to allow for an addition in an RS-1 district (Section 403), located: 3141 East 47th Street South.

Presentation:

Jeremy Perkins, 1244 East 25th Street, Tulsa, Oklahoma, 74114, stated his client proposed to build an addition to his home (Exhibit E-1), including two bedrooms and a bath.

Interested Parties:

There were no interested parties.

FILE COPY

Board Action:

On **Motion of White**, the Board voted 4-0-0 (White, Stead, Tidwell, Van De Wiele "aye"; no "nays"; no "abstentions"; Henke "absent") to **APPROVE** a Variance of the rear yard requirement from 25 ft. to 19 ft. - 3 in. to allow for an addition in an RS-1 district (Section 403), finding this to be a corner lot, and is compatible with the surrounding neighborhood, and the existing house on the west portion also extends closer than the required rear yard setback; per plan as shown on page 6.6 of the agenda packet, 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;

11:24:09:1014(6)

FILE COPY

that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance 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 on the following described property:

S110 OF E155 OF LT 7, CLAYPOOL, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 21003

Action Requested:

Verification of the spacing requirement for a liquor store of 300 ft. from blood banks, plasma centers, day labor hiring centers, bail bond offices, pawn shops, and other liquor stores (Section 1214.C.3) , located: 8005 South Sheridan Road.

Presentation:

Todd Hensley, 4622 South Columbia, Tulsa, Oklahoma, 74105, provided verification of spacing at Square One Shopping Center.

Interested Parties:

There were no interested parties.

Board Action:

On **Motion** of **White**, the Board voted 4-0-0 (White, Stead, Tidwell, Van De Wiele "aye"; no "nays"; no "abstentions"; Henke "absent") to **ACCEPT** a Verification of the spacing requirement for a liquor store of 300 ft. from blood banks, plasma centers, day labor hiring centers, bail bond offices, pawn shops, and other liquor stores (Section 1214.C.3), based upon the facts in this matter as they presently exist, subject to the action of the Board being void should another above referenced conflicting use be established prior to this liquor store, on the following described property:

PRT LT 1 BEG NWC TH E390.32 S536.68 W215.59 N175 W175 N361.68 POB LESS S8 W162.98 THEREOF FOR ST BLK 1, SQUARE ONE, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 21004

Action Requested:

Special Exception to permit a single family dwelling (Use Unit 6) in an OM district (Section 601), located: 1617 South Denver Avenue.

11:24:09:1014(7)



0 250 500
Feet



Subject
Tract

BOA-23113

19-13 29

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

Aerial Photo Date: February 2018

8.11



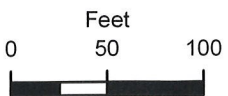


E46 ST S

SFLORENCE AVE

SFLORENCE PL

E47 ST S



**Subject
Tract**

BOA-23113

19-13 29

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

Aerial Photo Date: February 2018

8.12

