

**SUBJECT TRACT**

**BOA-23162**

9.1



19-12 24



**BOARD OF ADJUSTMENT  
CASE REPORT**

Case Number: **BOA-23162**

**STR:** 9224

**CZM:** 46

**CD:** 9

**HEARING DATE:** 07/27/2021 1:00 PM

**APPLICANT:** M+P Advocates

**ACTION REQUESTED:** Variance to reduce the minimum lot width in the RS-3 district to permit a lot split (Sec. 5.030, Table 5-3).

**LOCATION:** 1020 E 34 ST S

**ZONED:** RS-3

**PRESENT USE:** Single-family/ Vacant

**TRACT SIZE:** 14701.56 SQ FT

**LEGAL DESCRIPTION:** E 23 LT 47 & W 82 LT 48 BLK 1, BURGESS ACRES ADDN

**RELEVANT PREVIOUS ACTIONS:**

**Surrounding properties:**

**BOA-19893;** on 08.24.04 the board approve **Variance** to reduce the minimum lot width in an RS-3 District from 60' to 40.47'. Property located 1025 E. 33<sup>rd</sup> Pl. 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 on the South side of 34<sup>th</sup> Street between Riverside Drive and S. Peoria Ave.

**STAFF COMMENTS:** The applicant is requesting Variance to reduce the minimum lot width in the RS-3 district to permit a lot split (Sec. 5.030, Table 5-3)

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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
<b>Minimum Lot Area (sq. ft.)</b>													
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
<b>Min. Lot Area per Unit (sq. ft.)</b>													
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
<b>Minimum Lot Width (ft.)</b>													
Detached house	150	100	75	60	50	30	50	50	50	50	50	50	-

The applicant is seeking to split the lot into two 52.50' wide lots, the RS-3 zoning would require the lots be 60' wide.

**STATEMENT OF HARDSHIP:** We are requesting a variance of the minimum lot width (per Section 5.030-A) to allow for a lot split/lot line adjustment and the construction of two (2) new single-family, detached homes. The subject tract currently has a dilapidated structure that needs demolished, prompting the redevelopment of the property. We are seeking to replace the structure with two lots that, in our opinion, would more appropriately match current development patterns in the area. Additionally, the subject property is 14,700-sq.ft. in area and 105-ft wide, which easily makes it the largest and widest parcel on the street – yet it is still not wide enough to allow a lot split with 2 single-family homes by right. Alternately, a large single-family home with an ADU is allowed by right, and a duplex is allowable by Special Exception, but these typologies are seemingly out of character for the neighborhood and do not allow for fee-simple ownership of both units. The minimum width requirement per RS-3 zoning for this lot creates an undue hardship for the client who seeks only to continue current development patterns and provide new homeownership opportunities in the area.

**SAMPLE MOTION:** Move to \_\_\_\_\_ (approve/deny) a **Variance** to reduce the minimum lot width in the RS-3 district to permit a lot split (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."



***Subject property***



***Subject property***

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**Board Action:**

On **Motion** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Stephens, Paddock "aye"; no "nays"; no "abstentions"; no "absences") in agreement that no relief is needed for parking on the following described property:

LT 7 BLK 1, ASHTON CREEK OFFICE PARK

\*\*\*\*\*

**Case No. 19868**

**Action Requested:**

Appeal from decision of City of Tulsa to issue building permits, located: 1503 East 26<sup>th</sup> Place South.

**Presentation:**

**Louis Bullock**, 1393 East 26<sup>th</sup> Place, stated they have resolved the issues and withdrew the appeal.

**Board Action:**

No action was needed, on the following described property:

LTS 3 THRU 5 & E/2 LT 6 BLK 12, TERWILLEGER HGTS

\*\*\*\*\*

**Case No. 19893**

**Action Requested:**

Variance of required average lot width from 60' to 40.47' for westerly tract and 45.71' for easterly tract in an RS-3 zoned district to permit a lot split. SECTION 403 BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS, located: 1025 East 33<sup>rd</sup> Place South.

**Presentation:**

Mr. Beach reminded the Board this case was continued so the applicant could prepare a survey. It has been done and the revised average lot widths are: Tract A – 50.33' and Tract B – 51.93'.

**Dean Solberg**, 5711 East 71<sup>st</sup>, Suite 100B, stated he was the attorney for the applicant, Shannon Walker. The surveyor estimated that 70' from the rear property line would be affected by the 100-year floodplain. The existing structure is not in the 100-year floodplain. They intend to bulldoze the property and build two new homes, no further back than the existing structure. A site plan, survey and map were provided (Exhibits C-1, C-2 and C-3).

**Mr. White abstained from Case No. 19893.**

**Comments and Questions:**

Ms. Turnbo asked the hardship considering RS-3-zoned property has 60' width. He pointed out the estimates of other lots in the area. Mr. Paddock stated that in light of the previous approval to allow a duplex on this property, he wanted the record to be clear that any approval today would only allow two single-family dwellings, not two duplex dwellings. Mr. Beach noted that there are two dwelling units as a duplex within the outer perimeter of the existing lot. The project would replace it with two separate dwellings, one on each lot.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **Motion** of **Turnbo**, the Board voted 4-0-1 (Dunham, Turnbo, Stephens, Paddock "aye"; no "nays"; White "abstained"; no "absences") to **APPROVE** a **Variance** of required average lot width from 60' to 40.47' for westerly tract and 45.71' for easterly tract in an RS-3 zoned district to permit a lot-split, per plan, finding there are already two dwellings on this piece of property, the lot-split would be the average of the widest part of the property, on the following described property:

PT.LT 3 BEG.NW.COR. LT 3 TH.E.125.8 TH.S.140'W.84. 2.TH.NW.TO. BEG.  
BK 1, PEEBLES ADDN

\*\*\*\*\*

**NEW APPLICATIONS**

**Case No. 19895**

**Action Requested:**

Approve an amendment to a previously approved site plan, located: 1370 East 24<sup>th</sup> Place South.

**Presentation:**

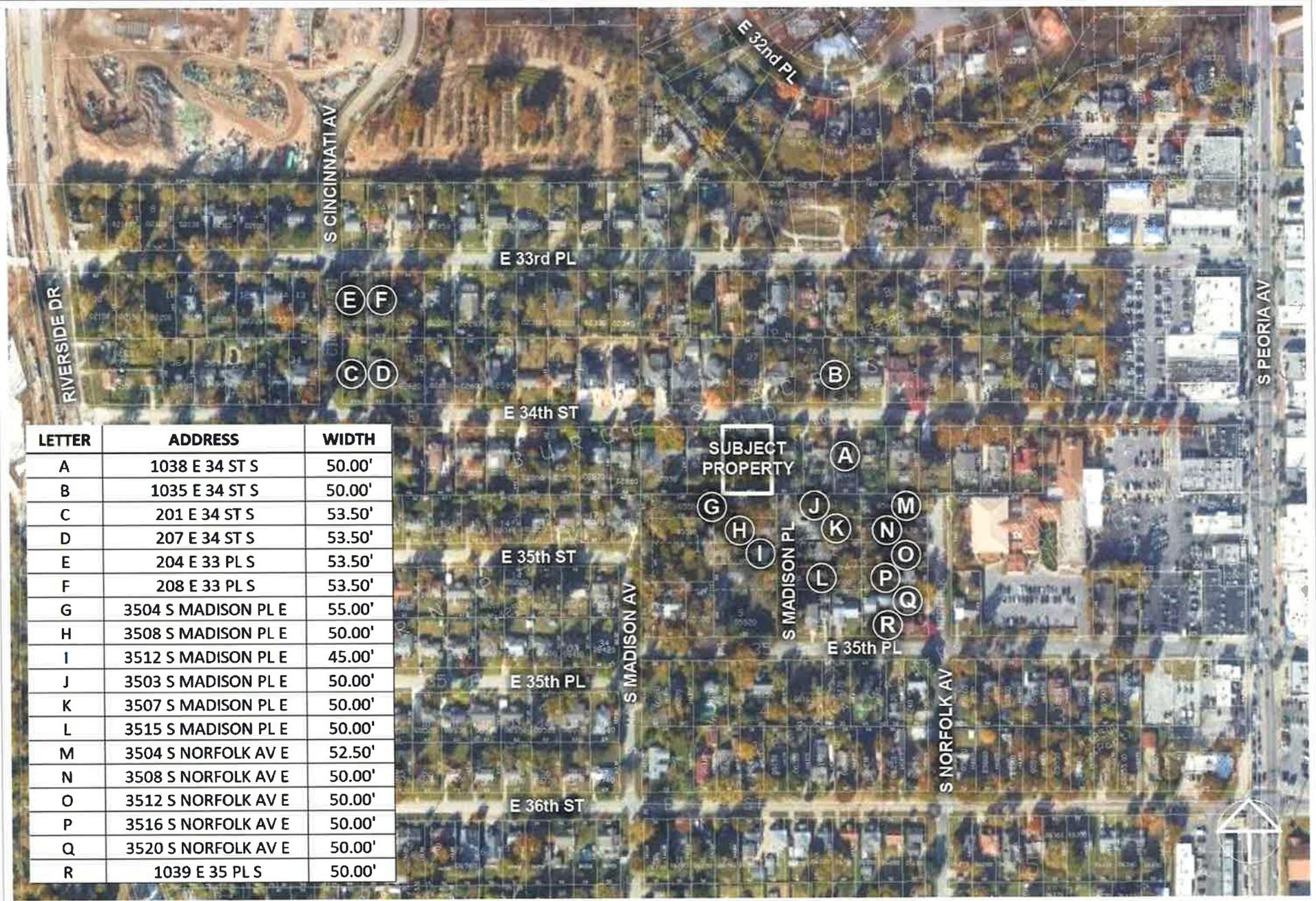
**Greg Warren**, stated he is the Data Resource Manager for the City of Tulsa Parks Department. They proposed a new concept to Woodward Park, called Linnaeus Gardens. The plan is to exhibit landscape developments in the southeast corner of the park for public view. Some of the materials would be provided by some vendors and staffed by volunteers. The plan submitted (Exhibit D-1) at this meeting was the final proposal.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **Motion** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Stephens, Paddock "aye"; no "nays"; no "abstentions"; no "absences") to



LETTER	ADDRESS	WIDTH
A	1038 E 34 ST S	50.00'
B	1035 E 34 ST S	50.00'
C	201 E 34 ST S	53.50'
D	207 E 34 ST S	53.50'
E	204 E 33 PL S	53.50'
F	208 E 33 PL S	53.50'
G	3504 S MADISON PL E	55.00'
H	3508 S MADISON PL E	50.00'
I	3512 S MADISON PL E	45.00'
J	3503 S MADISON PL E	50.00'
K	3507 S MADISON PL E	50.00'
L	3515 S MADISON PL E	50.00'
M	3504 S NORFOLK AV E	52.50'
N	3508 S NORFOLK AV E	50.00'
O	3512 S NORFOLK AV E	50.00'
P	3516 S NORFOLK AV E	50.00'
Q	3520 S NORFOLK AV E	50.00'
R	1039 E 35 PL S	50.00'

8.6

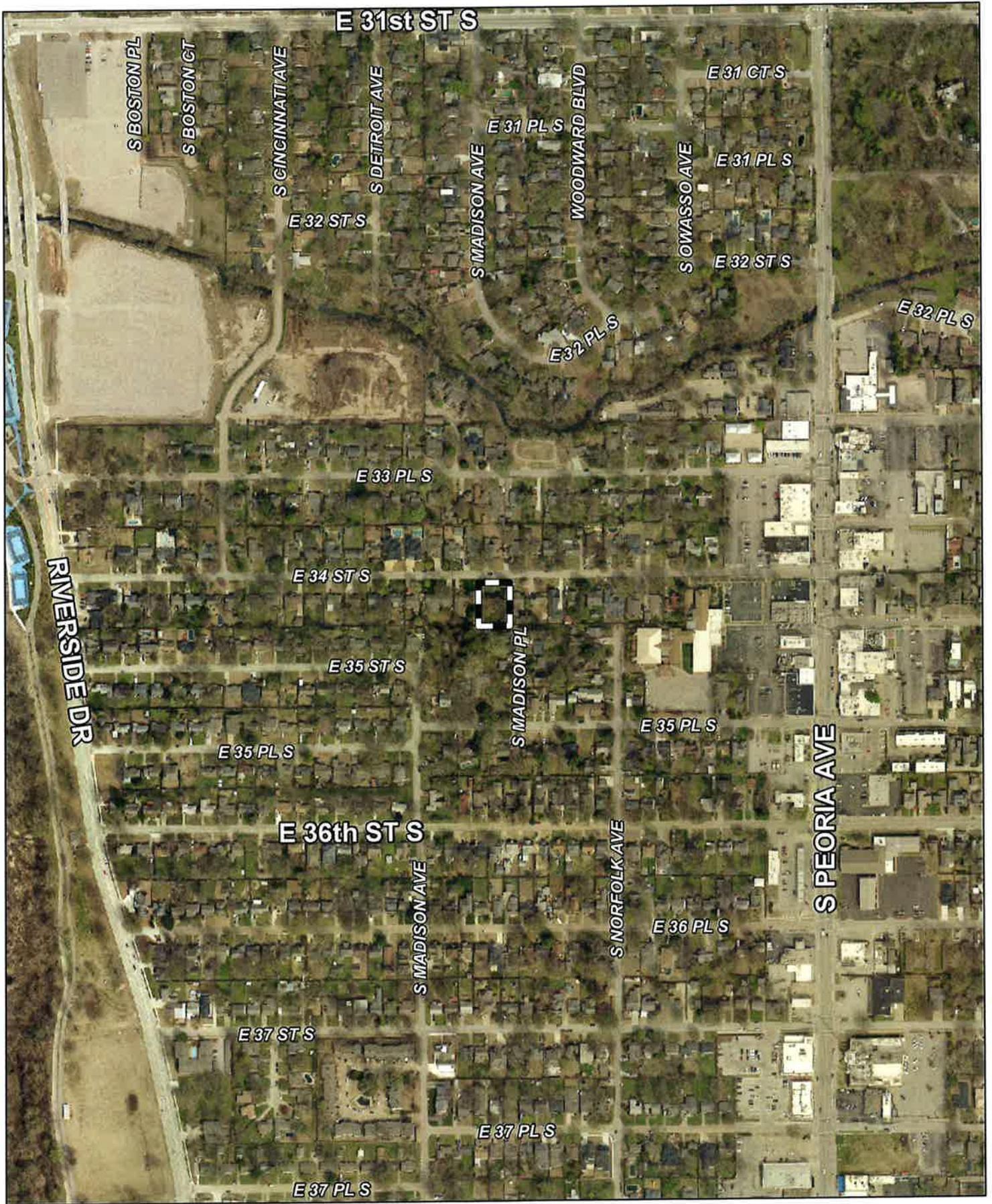
**Board of Adjustment Exhibit 'B'**  
1020 E 34TH ST S



**Board of Adjustment Exhibit 'A'**  
**1020 E 34TH ST S**



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Subject Tract

**BOA-23162**

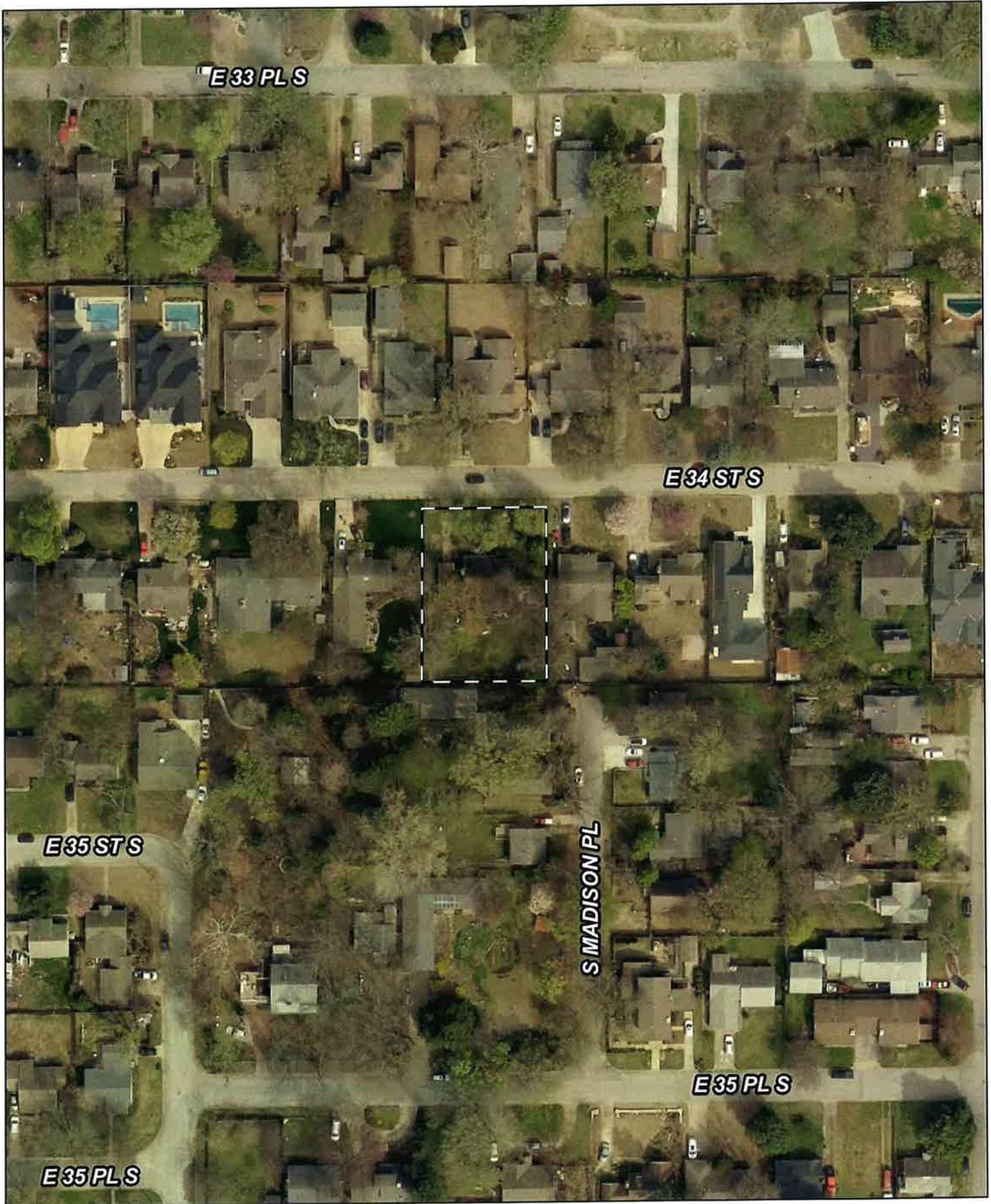
19-12 24

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

Aerial Photo Date: 2020/2021



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E 33 PLS

E 34 STS

E 35 STS

S MADISON PL

E 35 PLS

E 35 PLS



Subject Tract

**BOA-23162**

19-12 24

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

Aerial Photo Date: 2020/2021



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