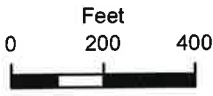


**SUBJECT TRACT**

**BOA-23163**

10.1



19-13 27



**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:** 9327

Case Number: **BOA-23163**

**CZM:** 48

**CD:** 5

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

**APPLICANT:** Tom Neal

**ACTION REQUESTED:** Special Exception to permit a Carport in the street setback and the street yard with modifications to its allowable height (Sec. 45.030-B; Sec. 90.090-C1); Variance of the 25-foot street setback in an RS-3 District (Sec. 5.030-A, Table 5-3)

**LOCATION:** 4347 S BRADEN PL E

**ZONED:** RS-3

**PRESENT USE:** Residential

**TRACT SIZE:** 10702.74 SQ FT

**LEGAL DESCRIPTION:** LT 8 BLK 8, MAX CAMPBELL FIFTH ADDN B7-11

**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 on the East side of Braden Place between E. 43 St. S. and E. Skelly Dr.

**STAFF COMMENTS:** The applicant is requesting **Special Exception** to permit a Carport in the street setback and the street yard with modifications to its allowable height (Sec. 45.030-B; Sec. 90.090-C1); **Variance** of the 25-foot street setback in an RS-3 District (Sec. 5.030-A, Table 5-3)

10.2

## 45.030-B Carports

Carports are allowed in R zoning districts. Any carport that occupies all or a portion of the street setback or street yard area must be approved in accordance with the special exception procedures of Section 70.120 and comply with the regulations of Section 90.090-C1.

### 1. Carports

Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures of Section 70.120. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception process:

- a. A carport may be a detached accessory building or an integral part of the principal building.
- b. The area of a carport may not exceed 20 feet in length by 20 feet in width.

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page 90-6

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Chapter 90 | Measurements  
Section 90.090 | Setbacks

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- c. A detached carport may not exceed 8 feet in height at its perimeter or 18 feet in height at its highest point. A carport erected as an integral part of the principal building may not exceed 8 feet in height within 10 feet of a side lot line or 18 feet at its highest point.
- d. The carport structure must be setback from side lot lines by a minimum distance of 5 feet or the depth of the principal building setback, whichever is a greater distance from the side lot line.
- e. The carport structure may project into the required street setback by a maximum distance of 20 feet. This distance must be measured from the required street setback line or the exterior building wall of the principal building, whichever results in the least obstruction of the street setback.
- f. All sides of a carport that are within the required street setback must be open and unobstructed, except for support columns, which may not obstruct more than 15% of the area of any side.
- g. The entire area under a carport may be used only for storage of operable, licensed motor vehicles (i.e., cars, boats, pickup trucks, vans, sport utility vehicles), which are customarily accessory to the dwelling. No other use of the carport area is allowed.

The height of the carport will be 9' at the bottom of the eave and 13' 6" at the ridge.

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

**STATEMENT OF HARDSHIP:** The homeowner is making accommodations for her brother who is substantially disabled and requires a ramp to access the house. For protection from the weather for him and his full-time caregivers, a porch to provide a covered way from the carport to the front entry is desire. The porch will connect to the new carport to the entry.

**SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to permit a Carport in the street setback and the street yard with modifications to its allowable height (Sec. 45.030-B; Sec. 90.090-C1)

- Per the Conceptual Plan(s) shown on page(s) \_\_\_\_\_ of the agenda packet.
- Subject to the following conditions (including time limitation, if any):  
\_\_\_\_\_

The Board finds that the requested Special Exception 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.

Move to \_\_\_\_\_ (approve/deny) a **Variance** of the 25-foot street setback in an RS-3 District (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:

- 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;*

10.4

*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 Braden***



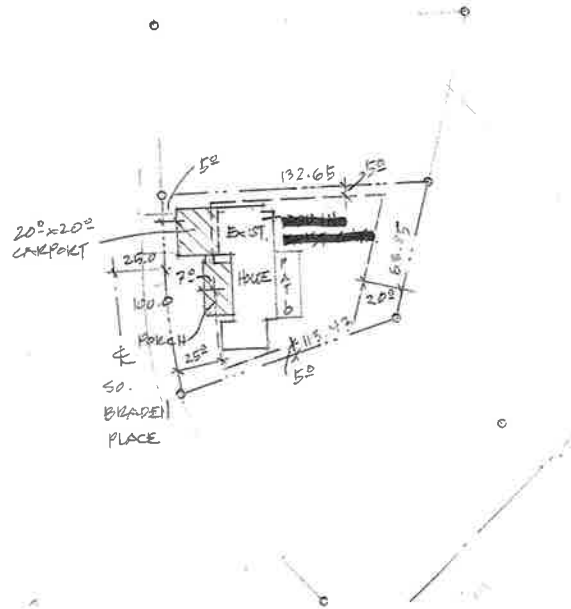
***Facing North on Braden***



***Subject Property***

10.7

WALL  
SECTION  
TO GO  
HERE

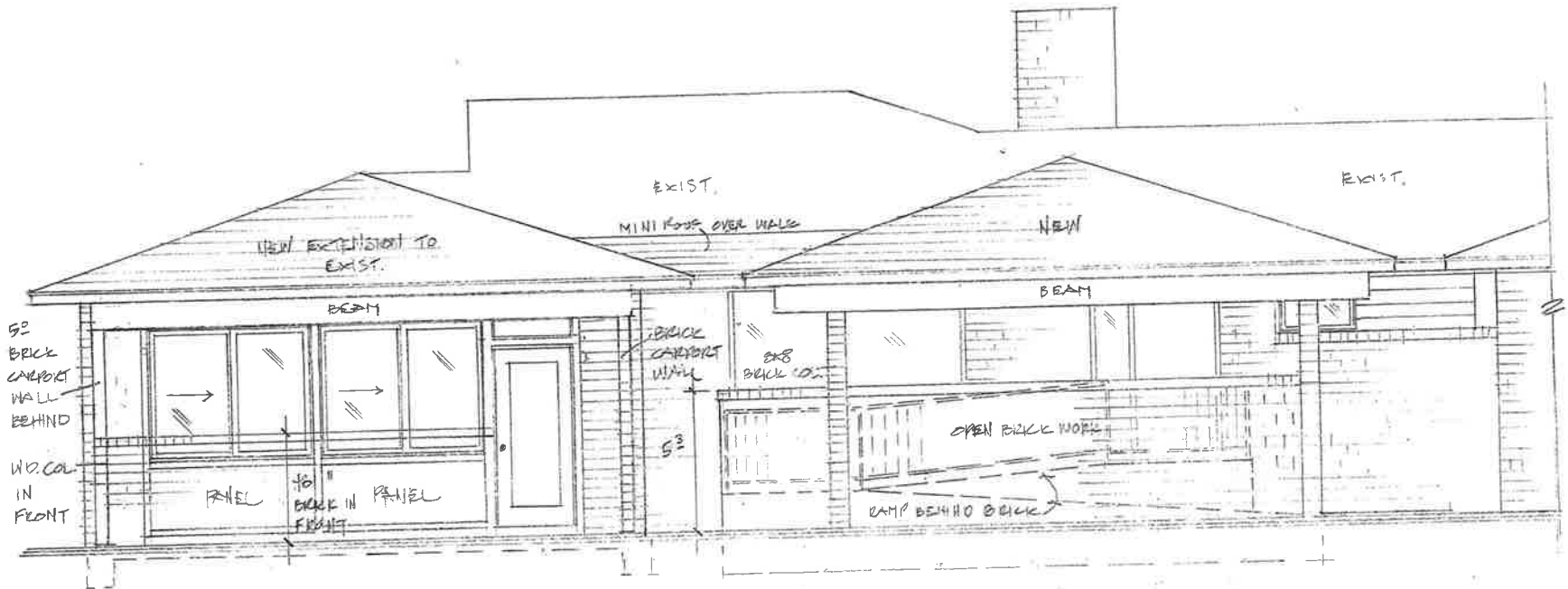


SITE DRAINAGE PLAN 1" = 60' ↑  
(DRAINAGE NOT YET DONE) NORTH  
PRE-LIM. ONLY - NOT FOR PERMIT

EDILES  
4347 SO. BRADEN PLACE  
TULSA - OKLA 74119  
PRE-LIM. NOT FOR PERMIT

TOM NEAL  
DESIGN  
Associate member, American Institute of Architects  
918.231.7372



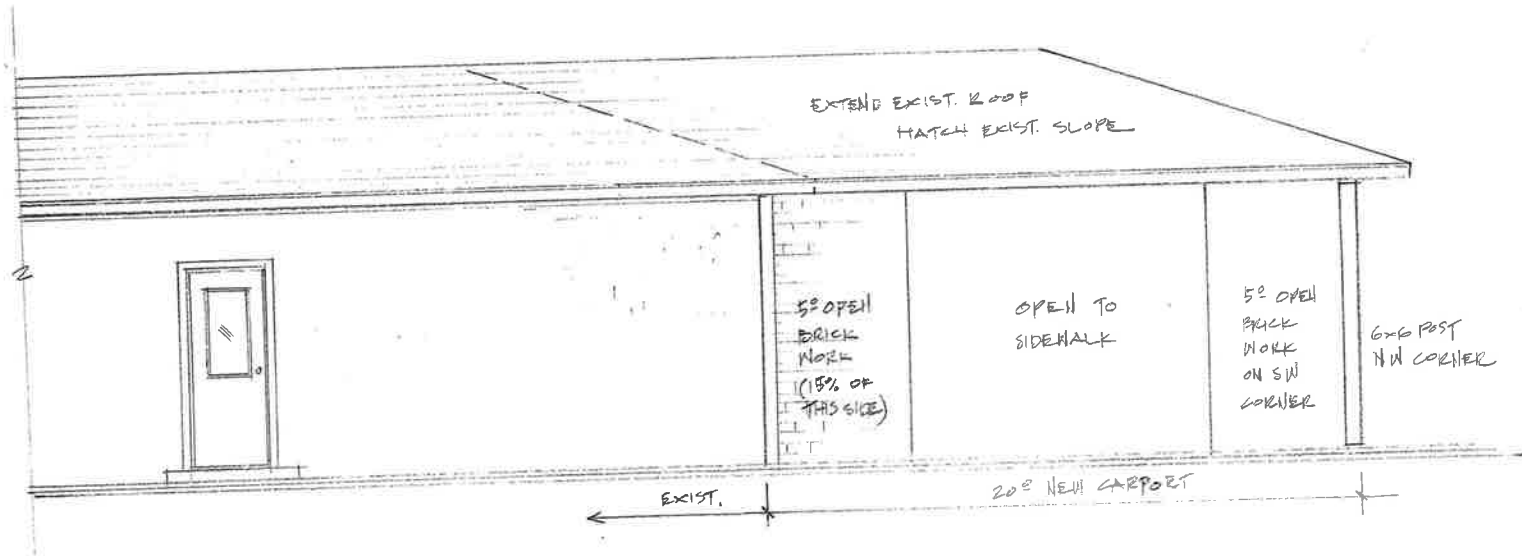


WEST 1/4" = 1'-0"

ENDRES  
 4347 SO. BRADEN PLACE  
 TULSA - OKLA 5-2021  
 PRE-LIM = NOT FOR PERMIT

TOM NEAL  
 DESIGN  
 Associate member, American Institute of Architects  
 918.231.7372

10.9

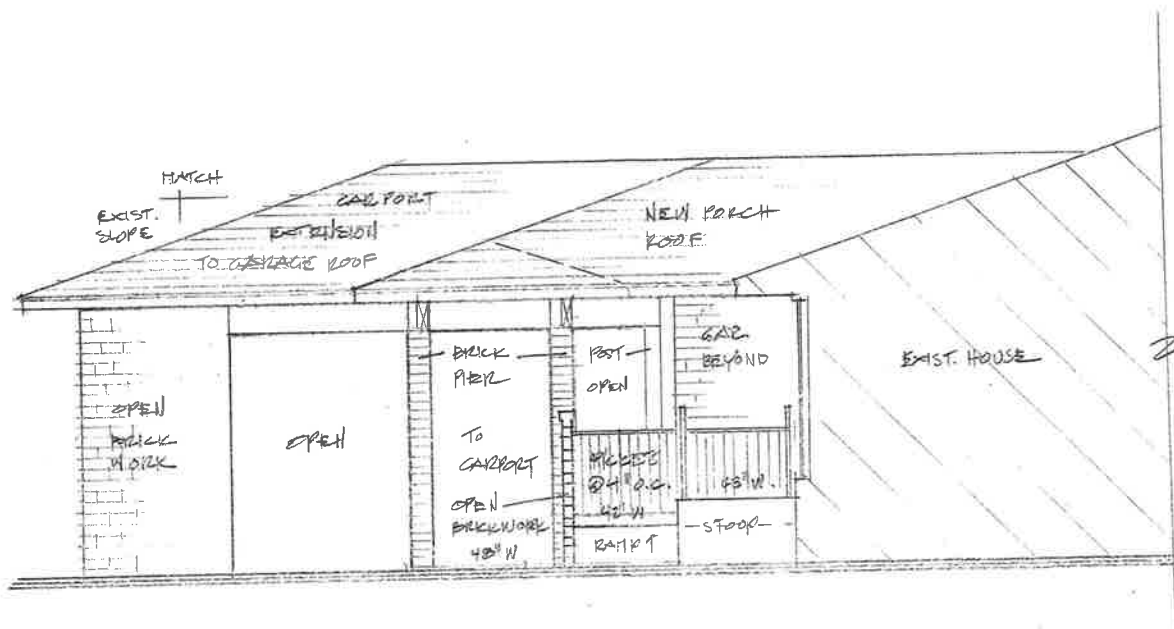


NORTH 1/4" = 1'-0"

ENDRES  
 4347 EAST BRADEN PLACE  
 TULSA - OKLA 74119  
 PRE-LIM: NOT FOR PERMIT

**TOM NEAL  
 DESIGN**  
 Associate member, American Institute of Architects  
 918.231.7372

10.10



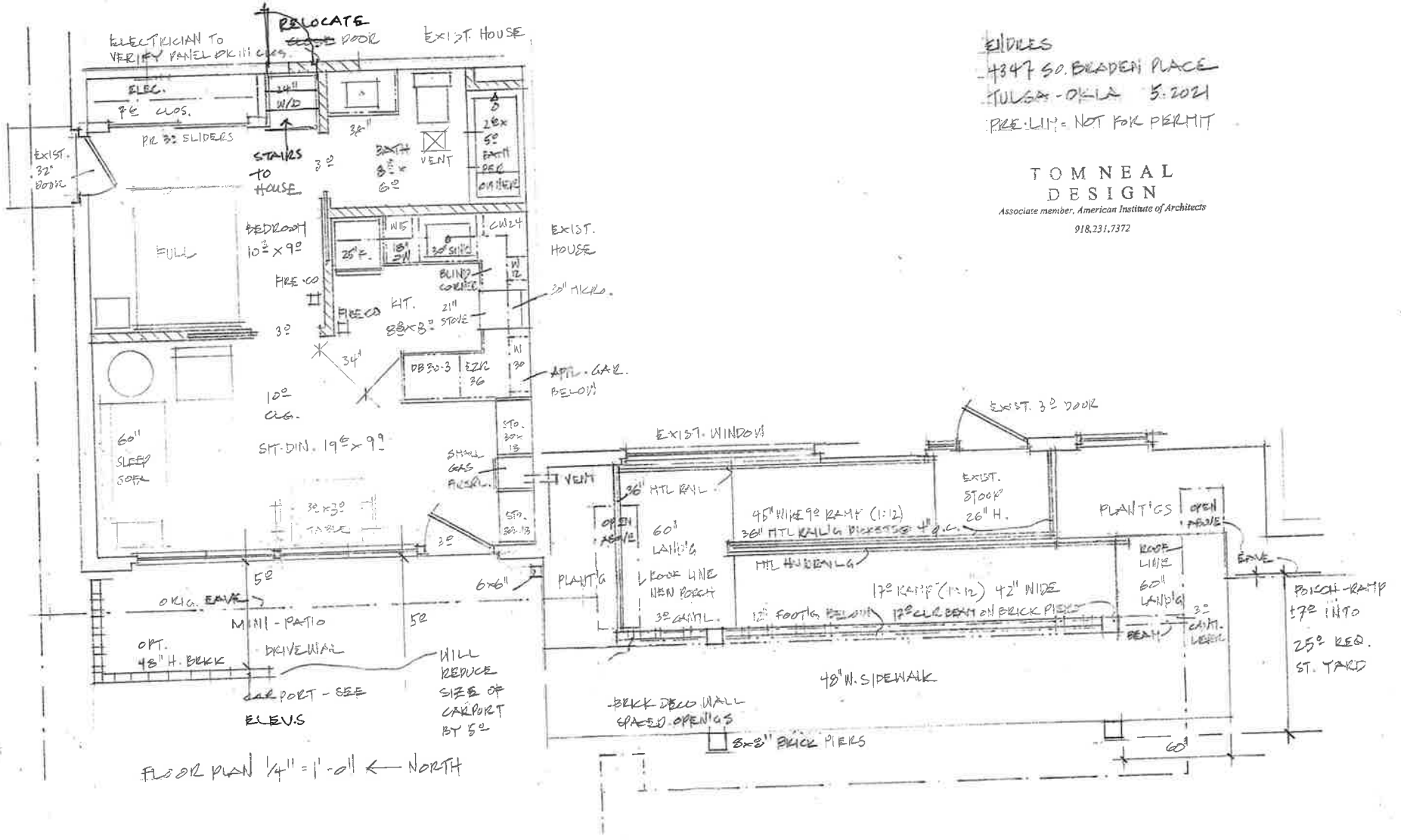
50' SECTION

ENTRIES  
 4347 SO. BRADEN PLACE  
 TULSA - OKLA 5-2021  
 PRELIM: NOT FOR PERMIT

TOM NEAL  
 DESIGN  
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10.11

10.12

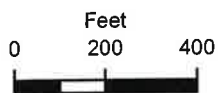


FLOOR PLAN 1/4" = 1'-0" ← NORTH

EDILES  
 4347 SO. BLADEN PLACE  
 TULSA - OKLA 5.2021  
 PRE-LIM = NOT FOR PERMIT

TOMNEAL  
 DESIGN  
 Associate member, American Institute of Architects  
 918.231.7372

10.12



 Subject Tract

**BOA-23163**

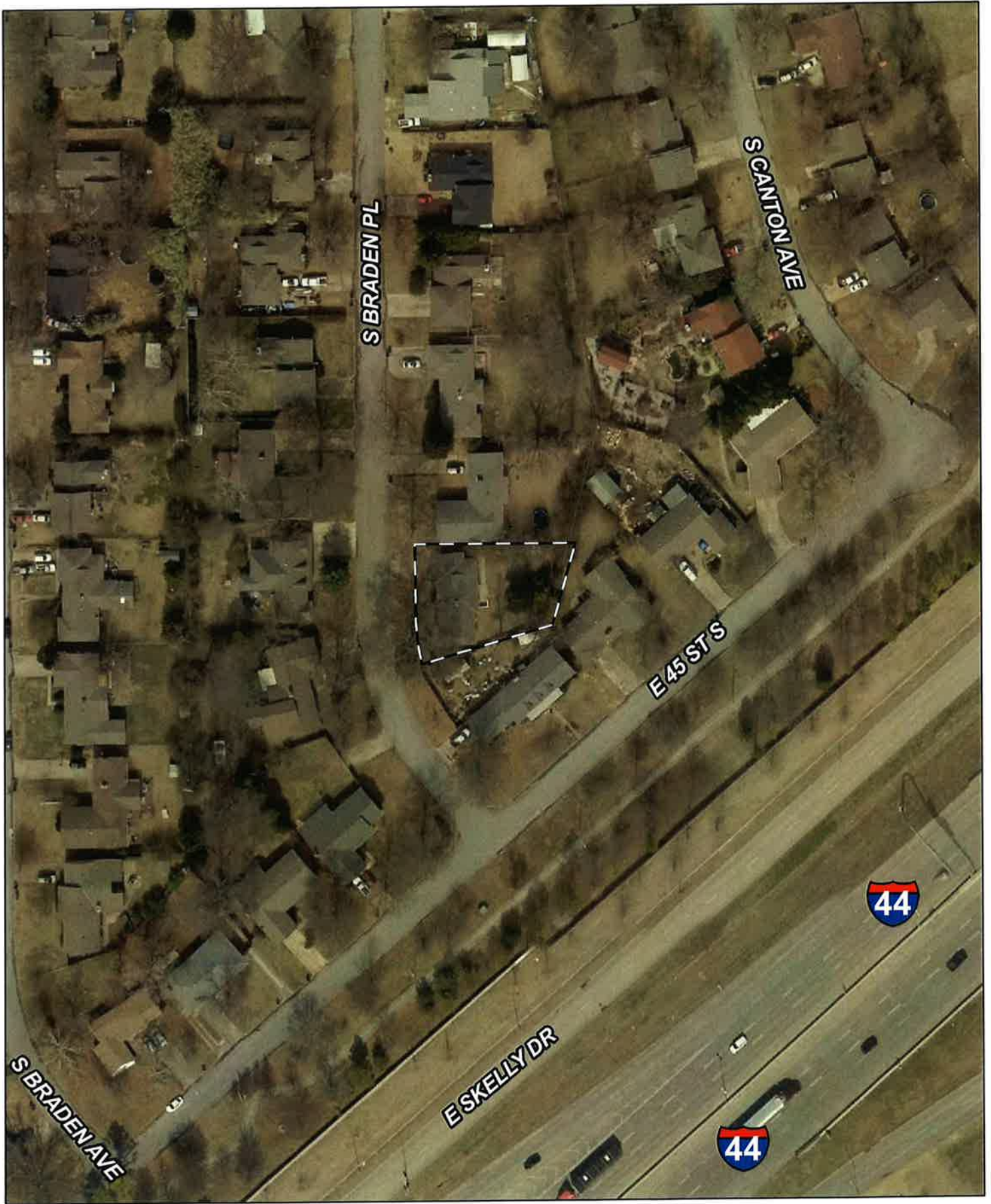
19-13 27

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

Aerial Photo Date: 2020/2021



10.13



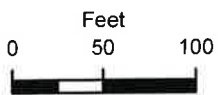
S BRADEN AVE

S BRADEN PL

S CANTON AVE

E 45 ST S

E SKELLY DR



Subject Tract

**BOA-23163**

19-13 27

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

Aerial Photo Date: 2020/2021



10.14