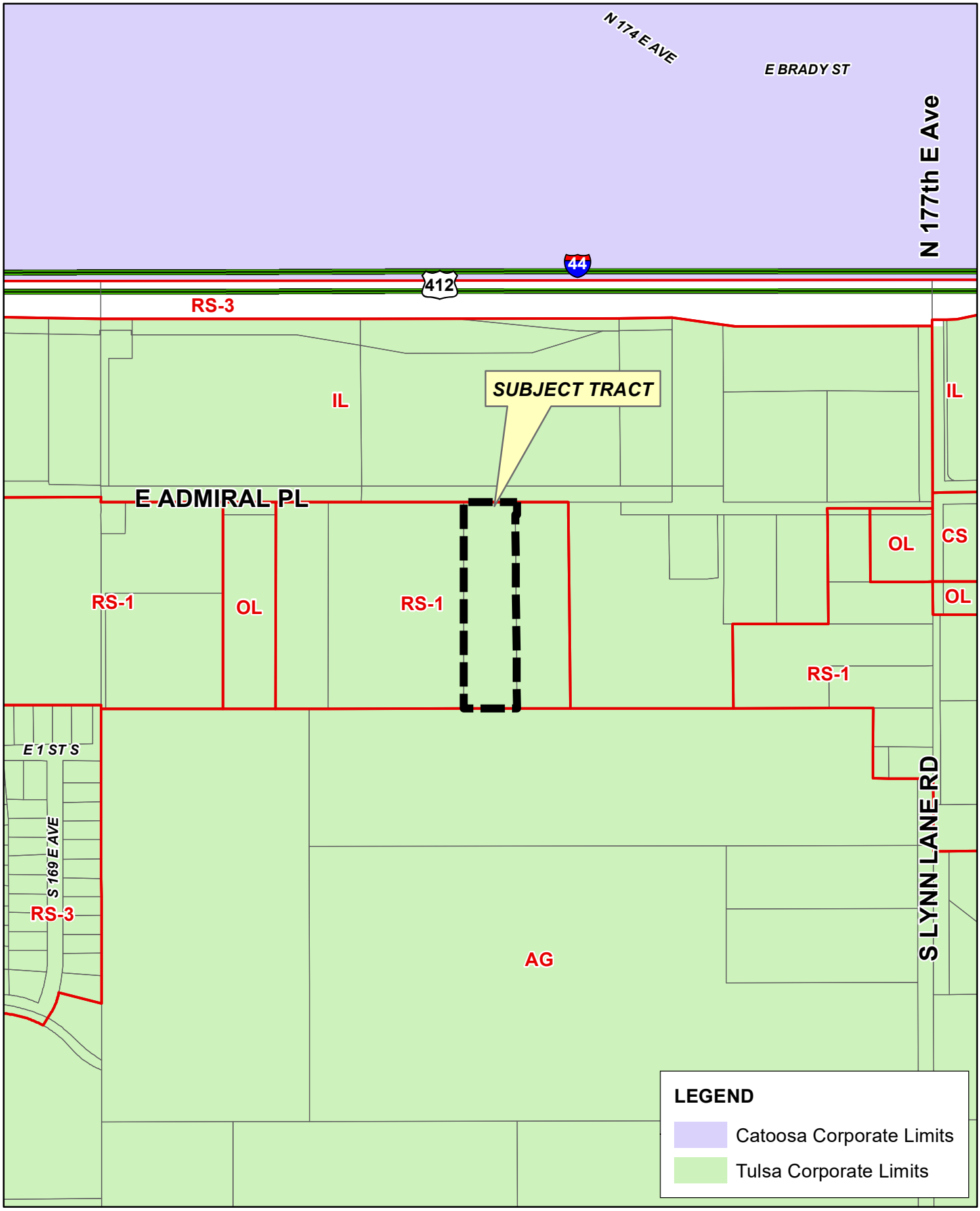


Feet
0 200 400

BOA-23274

19-14 02

N

BOARD OF ADJUSTMENT
CASE REPORT

STR: 9402 Case Number: **BOA-23274**
CZM: 40
CD: 6

HEARING DATE: 02/22/2022 1:00 PM

APPLICANT: Joel Collins

ACTION REQUESTED: Variance to allow the aggregate floor area of a detached accessory structure to exceed 750 sq. ft. and 40% of the of the floor area of the principal structure (Sec. 45.030-A.1)

LOCATION: 17330 E ADMIRAL PL S **ZONED:** RS-1

PRESENT USE: Residential **TRACT SIZE:** 110259.52 SQ FT

LEGAL DESCRIPTION: W168.32 OF E174.82 LT 7 SEC 2 19 14 2.53AC,

RELEVANT PREVIOUS ACTIONS: None.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a “Mixed-use Corridor “ and an “Area of Growth“.

Mixed-Use Corridors are Tulsa’s modern thoroughfares that pair high-capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

ANALYSIS OF SURROUNDING AREA: The subject tract is located on the Sout side of E. Admiral Pl. West of Lynn Lane.

STATEMENT OF HARDSHIP: The area is agricultural in nature and was developed prior to the City’s comprehensive plan. It creates a hardship to not be allowed to build an accessory building for personal storage and use on 2.5 acres of property purchased.

STAFF COMMENTS: The applicant is requesting **Variance** to allow the aggregate floor area of a detached accessory structure to exceed 750 sq. ft. and 40% of the of the floor area of the principal structure (Sec. 45.030-A.1)

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]

The statement of hardship seems to imply the property should be treated as though it is zoned Agricultural. The exisitng lot width of the property is too small to conform to the lot and building requirements of the AG district and the requested setback of the building is to close to the rear lot to conform to the AG district. The property is allowed 750 square feet for accessory building and the proposed structure is 5,000 square feet. The exisitng residnece on the property per the county assesor is a 510 square feet manufactured home. The proposed accessory building would be almost 10 time the size of the home to which it is accessory.

45.010-B Allowed Uses and Structures

Allowed accessory uses and structures are limited to those expressly regulated in this chapter as well as those that, in the determination of the development administrator, satisfy all of the following criteria:

1. They are customarily found in conjunction with the subject principal use or principal structure;
2. They are subordinate and clearly incidental to the principal use of the property; and
3. They serve a necessary function for or contribute to the comfort, safety or convenience of occupants of the principal use.

The Board ***should deny*** the application if they find that the proposed building does not meet the standards listed above for what an accessory structure is in relation to the principal use of the property. The applicant has failed to provide enough information per the Letter of Deficieny included in your packet for the Permit Center to make the determination that the proposed building is clearly accesory to the principal residential use of the property.

SAMPLE MOTION:
Move to _____ (approve/deny) a **Variance** to allow the aggregate floor area of a detached accessory structure to exceed 750 sq. ft. and 40% of the of the floor area of the principal structure (Sec. 45.030-A.1)

- 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."

Danny Whiteman
Zoning Official
Plans Examiner II

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

DEVELOPMENT SERVICES

175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103

ZONING CLEARANCE PLAN REVIEW

LOD No. 1 **1/5/2022**

Joel Collins
320 S. Boston Ave.
Tulsa, OK 74103

APPLICATION NO: BLDR-105392-2021 *(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)*
Project Location: 17330 E. Admiral Pl.
Description: New detached accessory 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 WWW.INCOG.ORG 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://tulsaplanning.org/plans/TulsaZoningCode.pdf

Application No. **BLDR-105392-2021**

1. **45.010-B Allowed Uses and Structures** Allowed accessory uses and structures are limited to those expressly regulated in this chapter as well as those that, in the determination of the development administrator, satisfy all of the following criteria:
   1. They are customarily found in conjunction with the subject principal use or principal structure;
   2. They are subordinate and clearly incidental to the principal use of the property; and
   3. They serve a necessary function for or contribute to the comfort, safety or convenience of occupants of the principal use.

   Review comments: Please provide some details for the use of this building. How will the building be used as an accessory building? Will there be any business or commercial activity conducted in this building? Will there be customers, clients, employees, or contractors at this location? Will commercial vehicles as defined by Section 45.130-A be parked our stored outside at this location? Will the use of this building cause additional traffic? Certain home occupations may require a special exception from the Board of Adjustment if this building is going to be used as part of a home occupation.

2. **45.030-A.1 Accessory Building Size, 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.
   Review comments: The proposed detached accessory building has 5,000 sq. ft. of floor area. Based on the floor area of the existing mobile home (510 sq. ft. per the county assessor's website) you are allowed a total of 750 sq. ft. of detached accessory structure floor area on this lot which is zoned RS-1. Apply to the Board of Adjustment (BOA) for a variance to allow the aggregate floor area of all detached accessory buildings to exceed 750 sq. ft. and 40% of the floor area of the principal residential structure. Alternatively, you may reduce the floor area of the new proposed accessory building to 750 sq. ft. or less.

3. **55.090-F.1 Surfacing** All off-street parking areas must be surfaced with a dustless, all-weather surface unless otherwise expressly stated in this zoning code. Pervious pavement or pervious pavement systems are allowed subject to the supplemental regulations of Section 55.090-F.4. Parking area surfacing must be completed prior to initiation of the use to be served by the parking.
   Review comments: The new driveway must be a dustless all-weather material; gravel is not considered a dustless all-weather material. Revise the plans to indicate that the new driveway will be of an approved dustless all-weather surface such as concrete or asphalt, or you may seek a variance from the Board of Adjustment for a driveway other than an approved dustless all-weather material.

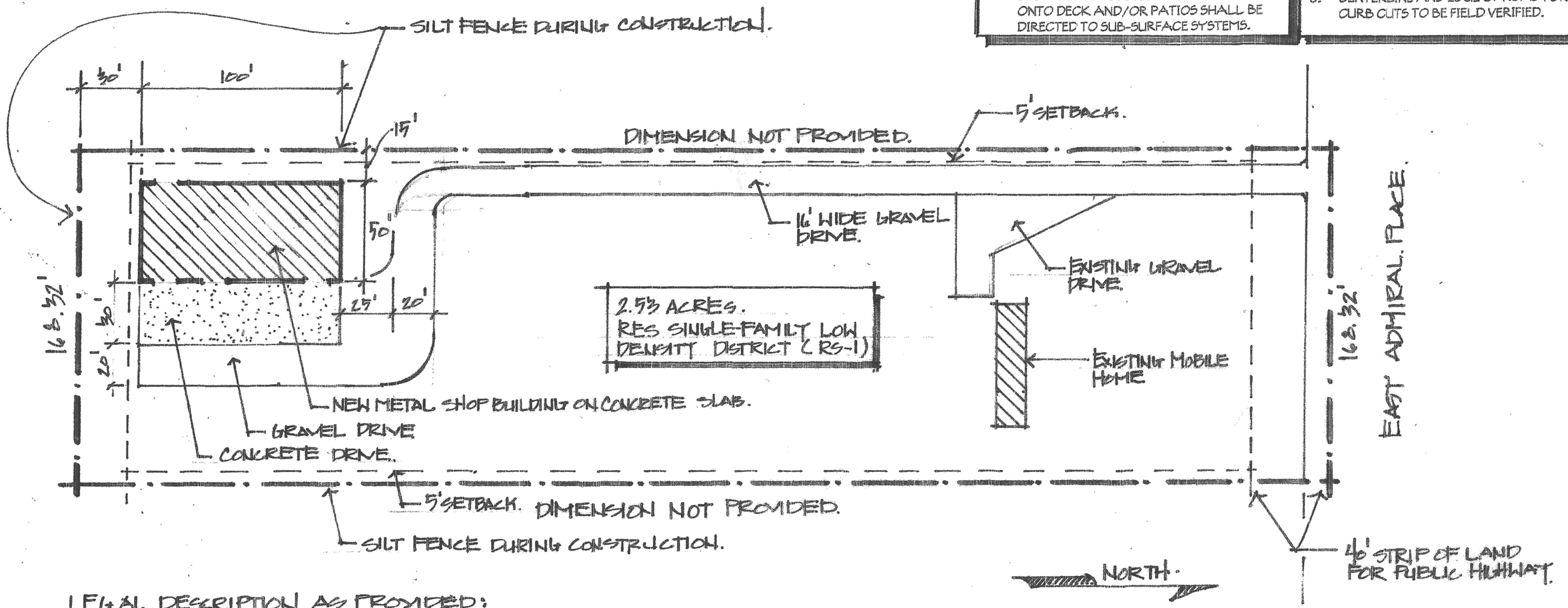
The zoning review will resume after revised plans and/or BOA approval documents are submitted.

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.

NOTES:

1. CONTRACTOR SHALL INSTALL AND MAINTAIN ALL BARRIERS FOR EROSION CONTROL FOR THE DURATION OF THE PROJECT.
2. ALL GRADES ADJACENT TO THE STRUCTURE SHALL HAVE A MINIMUM SLOPE AWAY FROM THE STRUCTURE OF 6" PER 10'-0".
3. ALL GUTTERS, DOWNSPOUTS, AND SURFACE DRAINS SHALL TIGHTLINE TO STORM DRAIN SYSTEMS. ALL DRAINING ONTO DECK AND/OR PATIOS SHALL BE DIRECTED TO SUB-SURFACE SYSTEMS.
4. NEW CONSTRUCTION SHALL NOT CAUSE ANY ADDITIONAL RUNOFF ONTO ADJACENT PROPERTIES.
5. CONTRACTOR SHALL FIELD VERIFY ALL EXISTING CONDITIONS.
6. CONTRACTOR SHALL COORDINATE WITH OWNER ON PRESERVATION OR REMOVAL OF ANY AND ALL EXISTING TREES AND LANDSCAPING MATERIALS.
7. EXACT LOCATION OF HOUSE IS APPROXIMATE. CONTRACTOR SHALL VERIFY EXACT COORDINATES WITH OWNER.
8. CENTERLINE AND EDGE OF ROAD FOR CURB CUTS TO BE FIELD VERIFIED.



2. SITE PLAN.
SCALE 1" = 50'

LEGAL DESCRIPTION AS PROVIDED:

THE WEST 168.32' FEET OF THE EAST 174.32 OF LOT SEVEN (7) OF SECTION TWO (2) TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED U.S. GOVERNMENT SURVEY THEREOF, AND KNOWN AS 17330 EAST ADMIRAL PLACE

SITE PLAN

P1.01

Feet
0 200 400

Subject Tract

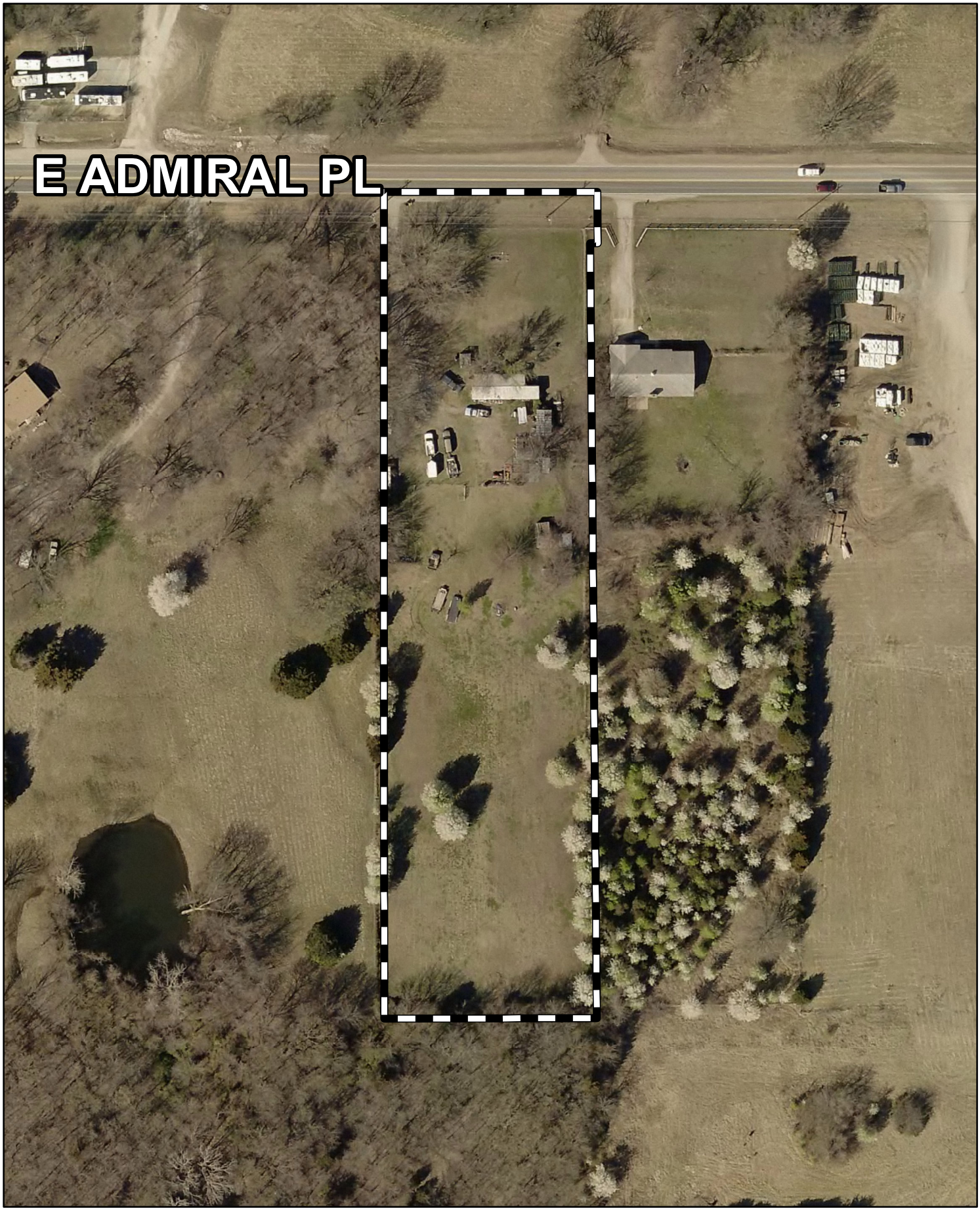
BOA-23274

19-14 02

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

Aerial Photo Date: 2020/2021

N



Feet
0 50 100

Subject Tract

BOA-23274

19-14 02

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

Aerial Photo Date: 2020/2021

N