

BOA-23319

19-13 09

4.1

BOARD OF ADJUSTMENT CASE REPORT

STR: 9309

Case Number: **BOA-23319**

CZM: 37

CD: 4

HEARING DATE: 07/16/2022 (Continued from 7/26/2022, item was originally on the 4/26/2022 agenda)

APPLICANT: Jason Evans

ACTION REQUESTED: Variance to allow the floor area of a detached accessory building to exceed 500 square feet and 40% of the floor area of the principal residential structure (Sec. 45.030-A.2) Variance of the 35-foot setback from an arterial street. (Sec. 5.020, Table 5-2) Variance to permit a Detached Accessory Building exceeding 10-feet in height to the top of the top plate in the rear setback (Sec. 90.090-C)

LOCATION: 4217 E 15 ST S

ZONED: RS-3

PRESENT USE: RS-3

TRACT SIZE: 7139.51 SQ FT

LEGAL DESCRIPTION: LT 10 BLK 4, ELECTA HGTS ADDN

RELEVANT PREVIOUS ACTIONS: None.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "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 NW/c of E. 15th St. S. and S. Richmond Ave. Property is immediately North of the Tulsa County Fairgrounds.

STATEMENT OF HARDSHIP: The proposed building is necessary to house a vehicle and would not alter the appearance of the property or neighborhood. This is a significant aesthetic improvement and functional improvement for the property.

STAFF COMMENTS: The applicant is requesting a **Variance** to allow the floor area of a detached accessory building to exceed 500 square feet and 40% of the floor area of the principal residential structure (Sec. 45.030-A.2) **Variance** of the 35-foot setback from an arterial street. (Sec. 5.020, Table 5-2) Variance to permit a Detached Accessory Building exceeding 10-feet in height to the top of the top plate in the rear setback (Sec. 90.090-C)

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]

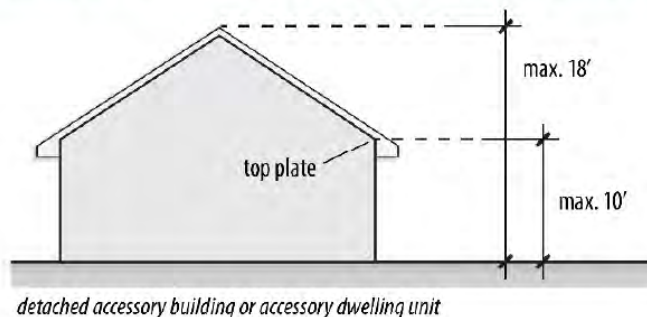
[1] For detached accessory buildings, including accessory dwelling units, located within rear setbacks see §90.090-C2.

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	10	10	10	10	35
Other streets	35	35	30	25	20	20	25	10	10	10	10	10	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

- (1) The building does not exceed one story or 18 feet in height and is not more than 10 feet in height to the top of the top plate; and

Figure 90-9: Maximum Height of Accessory Buildings, Including Accessory Dwelling Units In Rear Setbacks (RE, RS and RD Districts or RM Zoned Lots Used for Detached Houses or Duplexes)



The applicant would be allowed 500 square foot detached accessory building by right based on the size of the existing structure and is requesting 576 square feet. East 15th street is classified as a Secondary arterial Street which prescribes a 100-foot Right-of-way. The planned Right-of-way would encroach 10 feet into his property. The 35-foot street setback would cover almost the entirety of the lot including the existing house and without relief from the code would not permit any new structures on the lot. The applicant is requesting a top plate height of 12-feet.

SAMPLE MOTION: Move to _____ (approve/deny) a Variance to allow the floor area of a detached accessory building to exceed 500 square feet and 40% of the floor area of the principal residential structure (Sec. 45.030-A.2) Variance of the 35-foot setback from an arterial street. (Sec. 5.020, Table 5-2) Variance to

permit a Detached Accessory Building exceeding 10-feet in height to the top of the top plate in the rear setback (Sec. 90.090-C)

- 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:

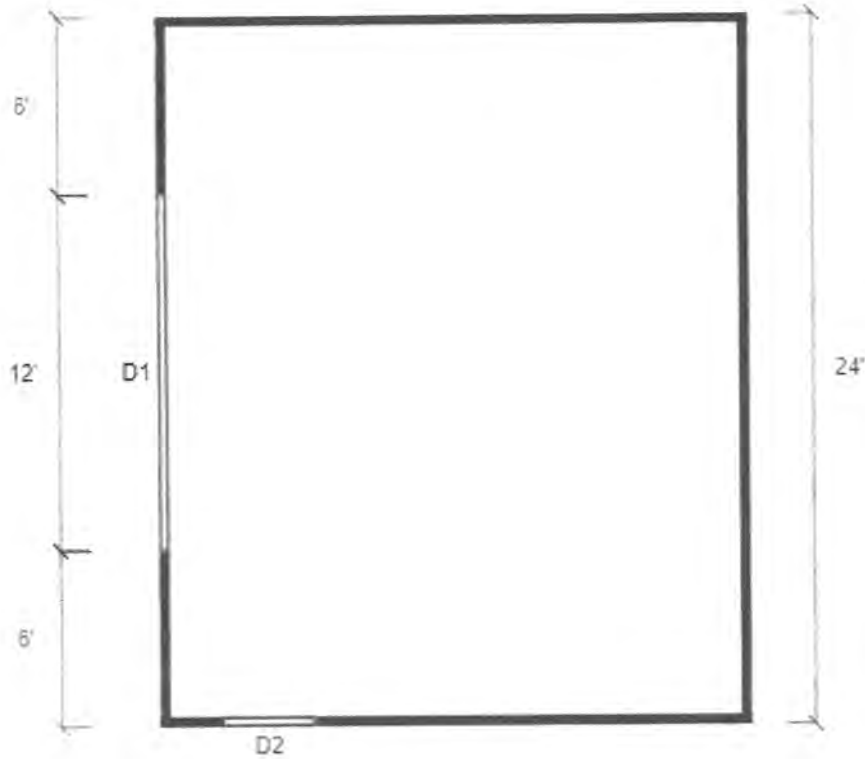
- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*
- b. That literal 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."*



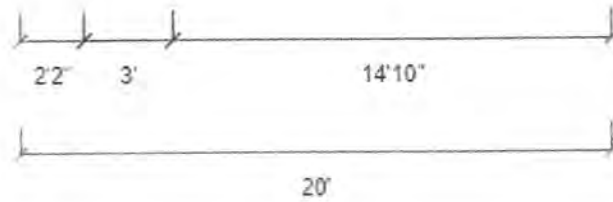
Subject property

LEFT SIDE

FRONT



BACK



RIGHT SIDE

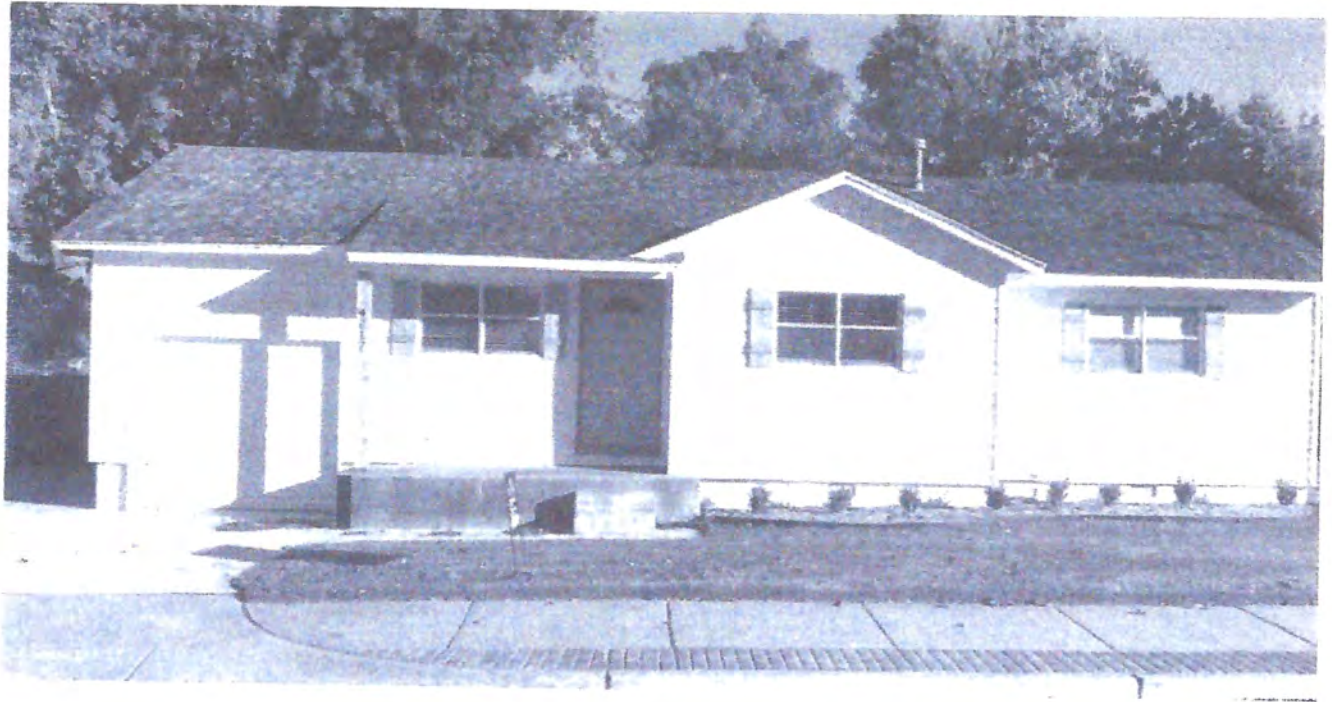
SYMBOL LEGEND

D1	12'x10' Rollup Door	D2	Walk-In Door (36x80)
	Closed Wall		

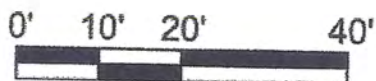
The information below is an estimate only. Final pricing - including pricing adjustments, discounts, delivery, and taxes - will be provided with final quote prior to purchase.

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SCALE

LEGEND

U/E - Utility Easement

B/L - Building Line

CL - Center Line

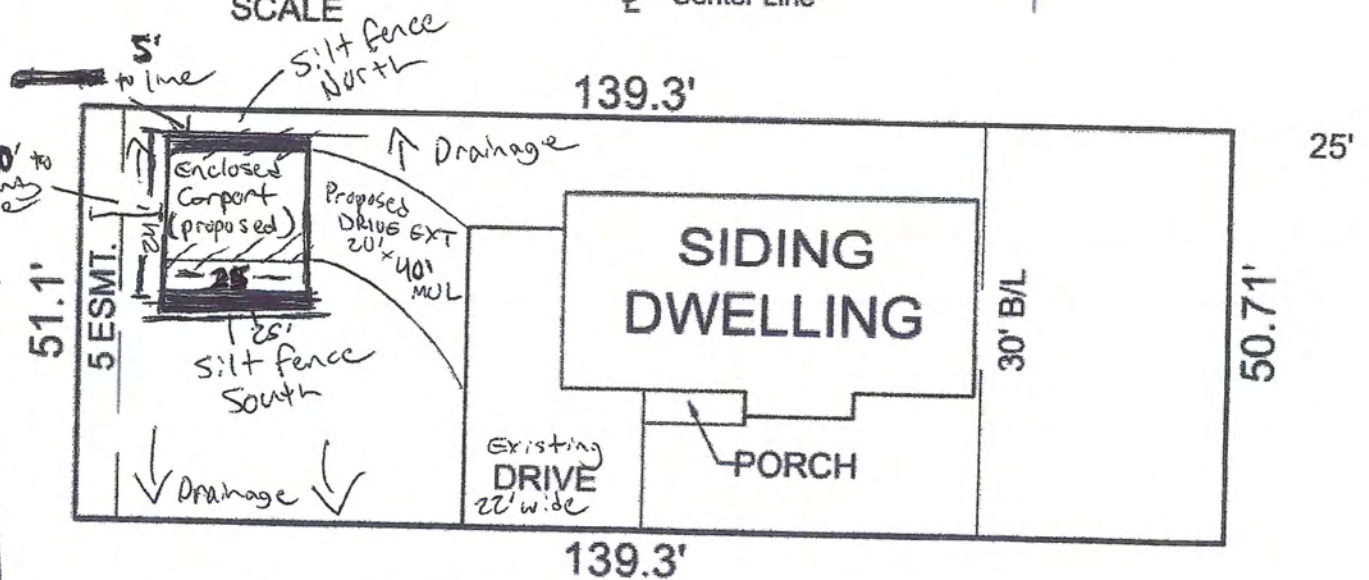


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65'
Set back
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up 15m.

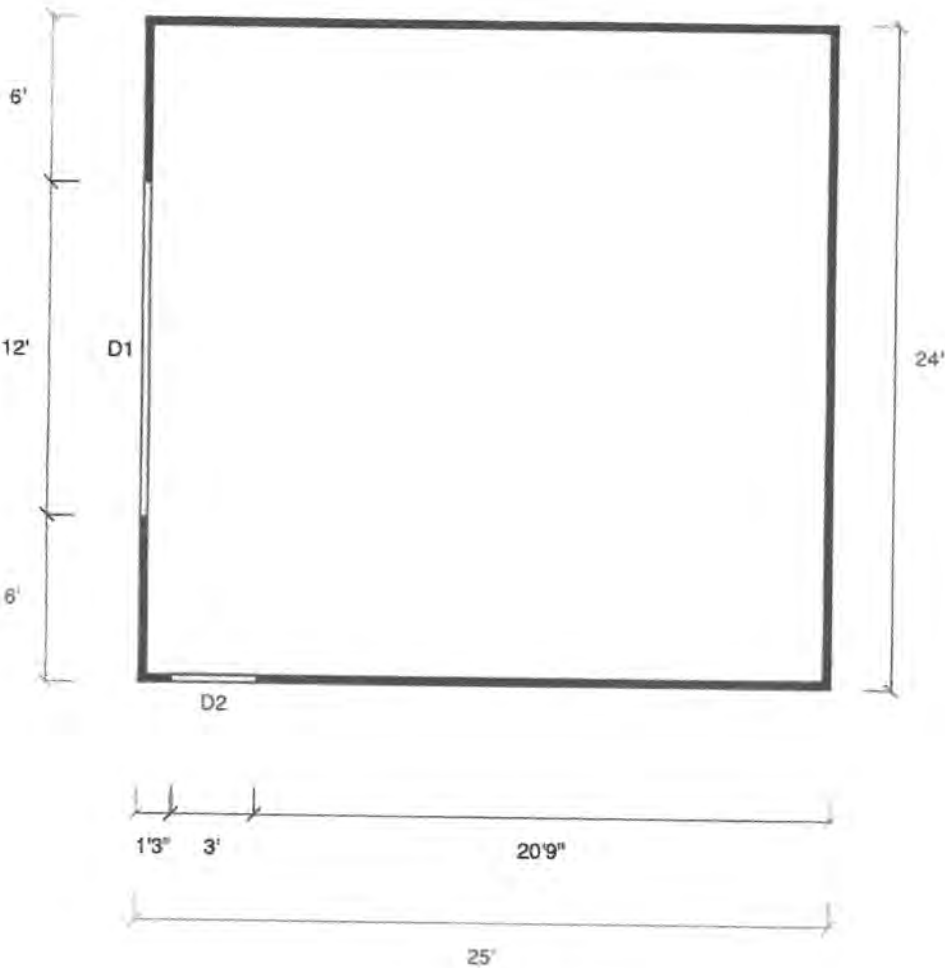
No ground will be disturbed. If silt fence is needed, it will be supplied
at that time. JPG.



E. 15TH ST.

LEFT SIDE

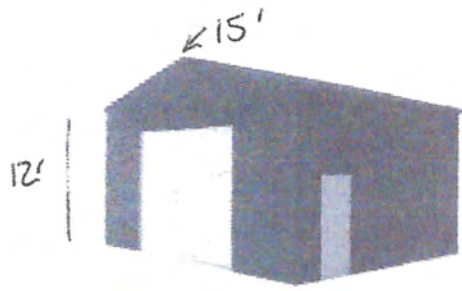
FRONT



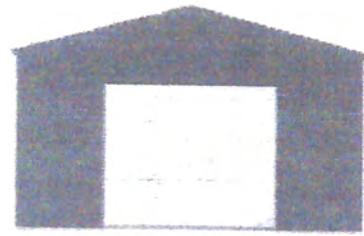
RIGHT SIDE

SYMBOL LEGEND			
D1	12'x10' Rollup Door	D2	Walk-In Door (36x80)
		Closed Wall	

Building Images



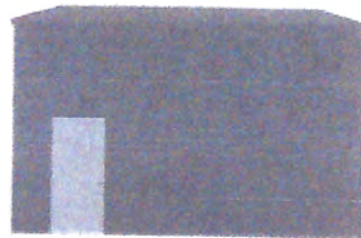
Perspective View



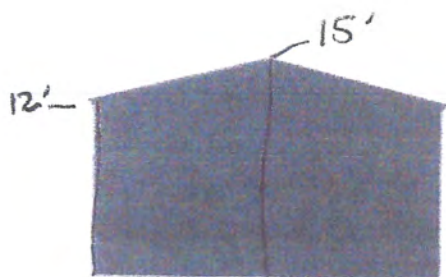
Front



Left Side



Right Side



Back

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

1/14/2022

LOD No. 1

Jason Evans
4217 E. 15th St.
Tulsa, OK 74112

APPLICATION NO: BLDR-104073-2021 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 4217 E. 15th St.

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** ☒ **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-104073-2021

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 comments: Your application did not include a complete site plan. Submit a site plan that provides the following information:

- a. Drawing to scale with location, dimensions and identification of existing and proposed buildings, structures and driveway. Dimensions for both existing and proposed driveways must be shown;
- b. Drawing to scale with distances from the side and rear property lines to the proposed building, and the distance from the existing house and proposed building to the centerline of 15th street;
- c. Identify any easements and public rights of way.

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 and 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: The proposed detached building has 600 square feet of floor area. According to the county assessor's website, the floor area of the principal residential structure (the house and attached garage) is 1,239 square feet. Based on the floor area of the house you are allowed 500 sq. ft. of total detached accessory building floor area on your lot. You may revise the plans to show that the total square footage of the proposed accessory building will not exceed 500 square feet, or you may seek a variance from the Board of Adjustment (BOA) to allow the floor area of a detached accessory building on this RS-3 zoned lot to exceed 500 sq. ft. and 40% of the floor area of the principal residential structure.

3. 55.090-B: Ingress and Egress: All parking areas must be designed to allow vehicles to enter and exit a street and cross public sidewalks in a forward motion, except that this requirement does not apply to lots with access on a minor street.

Review comments: Since the required driveway would be accessed from 15th St., which is not a minor street; the driveway needs to be designed so that cars can enter and exit in a forward motion. Show this on the revised site plan.

4. 55.090-F.3 Surfacing. In RE and RS zoning districts, driveways serving residential dwelling units may not exceed 50% of the lot frontage or the following maximum widths, whichever is less, unless a greater width is approved in accordance with the special exception procedures of Section 70.120, or, if in a PUD, in accordance with the amendment procedures of Section 30.010-1.2. (Refer to the City of Tulsa Standard Specifications and Details for Residential Driveways #701-704).

Maximum Driveway Width

Lot Frontage	75'+	60' – 74'	46' – 59'	30' – 45'	Less than 30' [2]
Driveway Within Right-of-Way (feet) [1]	27'	26'	22'	20'	12'
Driveway Within Street Setback (feet)	30'	30'	--	--	--

[1] Maximum width applies to the composite of all driveways if multiple curb cuts are provided.

[2] Provided that for lot frontages less than 24 feet, a driveway up to 12 feet in width is permitted.

Review comments: Revise the site plan to show a driveway for the building and show the dimensions of the new driveway, as well as the dimensions for the existing driveway. For any new driveway areas in the street setback, the combined widths of all driveways (including existing driveways) on the lot may not exceed 22' in the right of way, or 25.35' within the street side building setback, since this lot has 50.71' of frontage. Revise the plans to show the width and dimensions of both the existing and proposed driveways. If you are proposing greater than 22' in the right of way, or 25.35' within the street side building setback, you may seek a special exception from the Board of Adjustment for driveways exceeding the allowed width in an RS-3 zoned lot with 50.71' of street frontage. In addition, the street setback from 26th W. Ave is 55' from the center of the street and from 48th St. it is 40' from the center of the street. Please show these setback lines on the revised site plan.

5. 90.090-A Setbacks Measurement Required setbacks are measured from the applicable lot line, right-of-way, planned right-of-way or location referred to below. Building setbacks are measured to the nearest exterior building wall. Minimum setbacks that apply to other features (parking areas, fences, storage areas) are measured from the nearest point of the area or feature for which a setback is required. See §90.090- C for information on structures and building features that are allowed to occupy setback and yard areas in R zoning districts. Unless otherwise expressly stated, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan. If a variance of the prohibition against location of a structure within the right of way or planned right of way is granted by the Board of Adjustment, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan, unless a license has been granted by the city, in the case of the right-of-way, or a removal agreement has been entered into, in the case of the planned right-of way.

1.) Street setbacks are measured from the actual right-of-way line of the street (other than an alley), provided that if the following measurement results in a greater setback, the greater setback applies:

a.) For streets shown on the major street and highway plan, if the width of the planned right-of-way exceeds the width of the actual right-of-way, the measurement must be taken from the planned right-of-way.

Review comments: According to the major street and highway plan, 15th St. is shown to be a secondary arterial with a 100' wide planned right of way (ROW). According to the rules of measurements for 90.090-A, the planned ROW line is 50' from the centerline of 15th St. The setback from an arterial street in an RS-3 district is 35'. Therefore, the building setback line for this property is 85' from the centerline of 15th St. (50' from the center of the street plus the 35' setback). Show that this building is not going to be located any closer than 85' to the center of 15th St.

6. 90.090-C. Detached Accessory Buildings, including Accessory Dwelling Units, in RE, RS, RD Districts and RM Zoned Lots Used for Detached Houses or Duplexes.

a. Detached accessory buildings, including Accessory Dwelling Units, may be located in rear setbacks provided that: (2) Building coverage in the rear setback does not exceed the maximum limits established in Table 90-2:

Table 90-2: Accessory Building, Including Accessory Dwelling Units, Coverage Limits in Rear Setback

Zoning District	Maximum Coverage of Rear Setback
RS-1 and RE Districts	20%
RS-2 District	25%
RS-3, RS-4, RS-5 and RD Districts	30%
RM zoned Lots Used for Detached Houses or Duplexes	30%

Review comments: This lot is zoned RS-3; and the proposed building cannot take up more than 30% of the rear setback (RS-3 lots require a 20' rear setback). Once the revised site plan is resubmitted, we can determine how much of the building is located in the rear setback, and we can verify whether or not the west or north side of the property is considered to be the rear of the lot. If the proposed building will take up more than 30% of the rear setback, you may apply for a variance from the Board of Adjustment for a detached accessory building which covers more than 30% of a rear setback for an RS-3 zoned lot.

NOTE: The zoning clearance review for your permit application will resume after a complete site plan is submitted. Please note that additional deficiencies may be found and will need to be resolved prior to approval of your application.

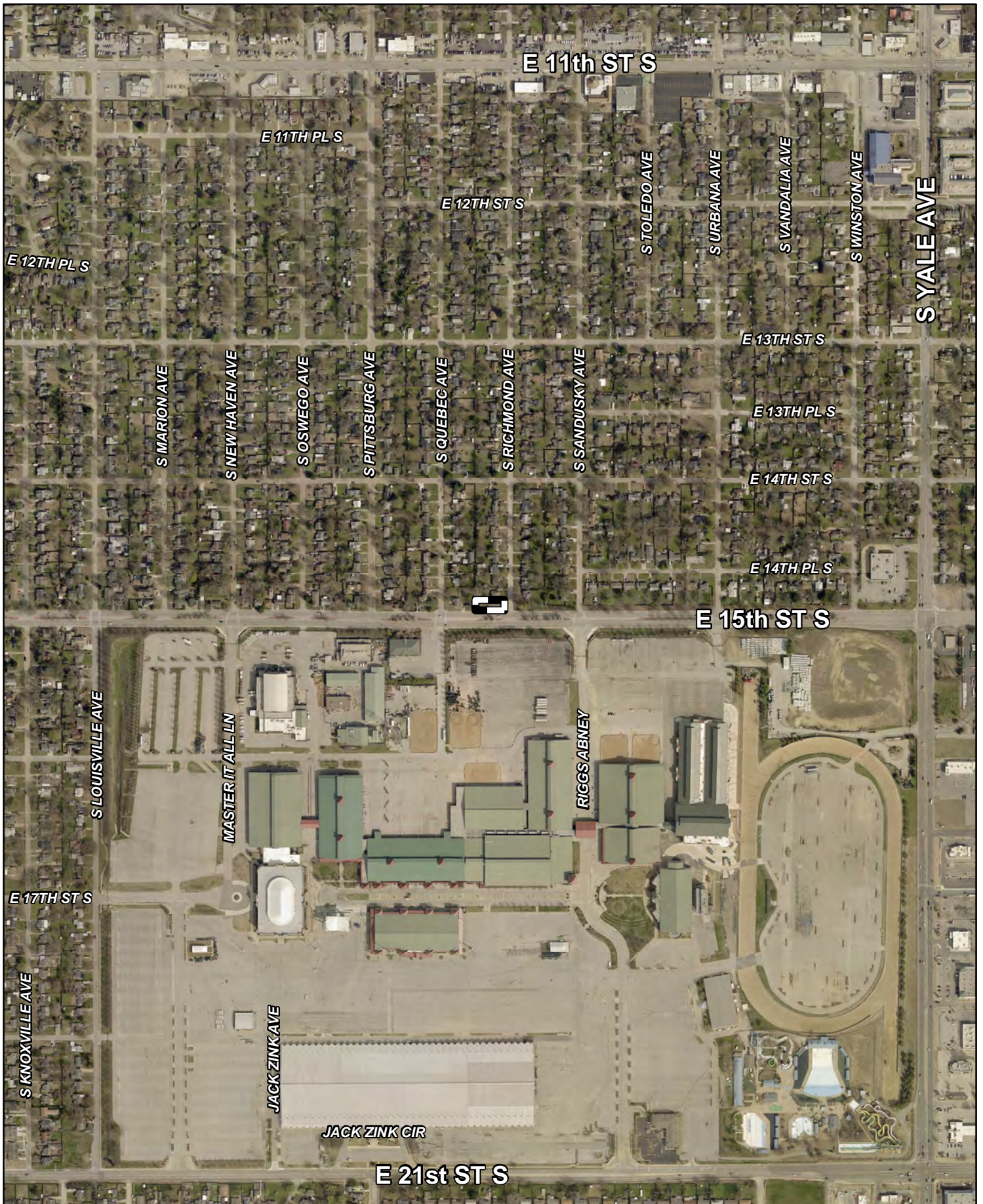
Note: Please direct all questions concerning variances, special exceptions, alternative landscape plans, alternative compliance parking ratios and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices 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.



0 300 600
Feet



Subject
Tract

BOA-23319

19-13 09

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

Aerial Photo Date: 2020/2021



4.14



S QUEBEC AVE

S RICHMOND AVE

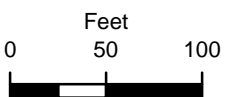
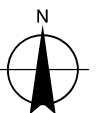
E 15th ST S

BOA-23319

19-13 09

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

Aerial Photo Date: 2020/2021



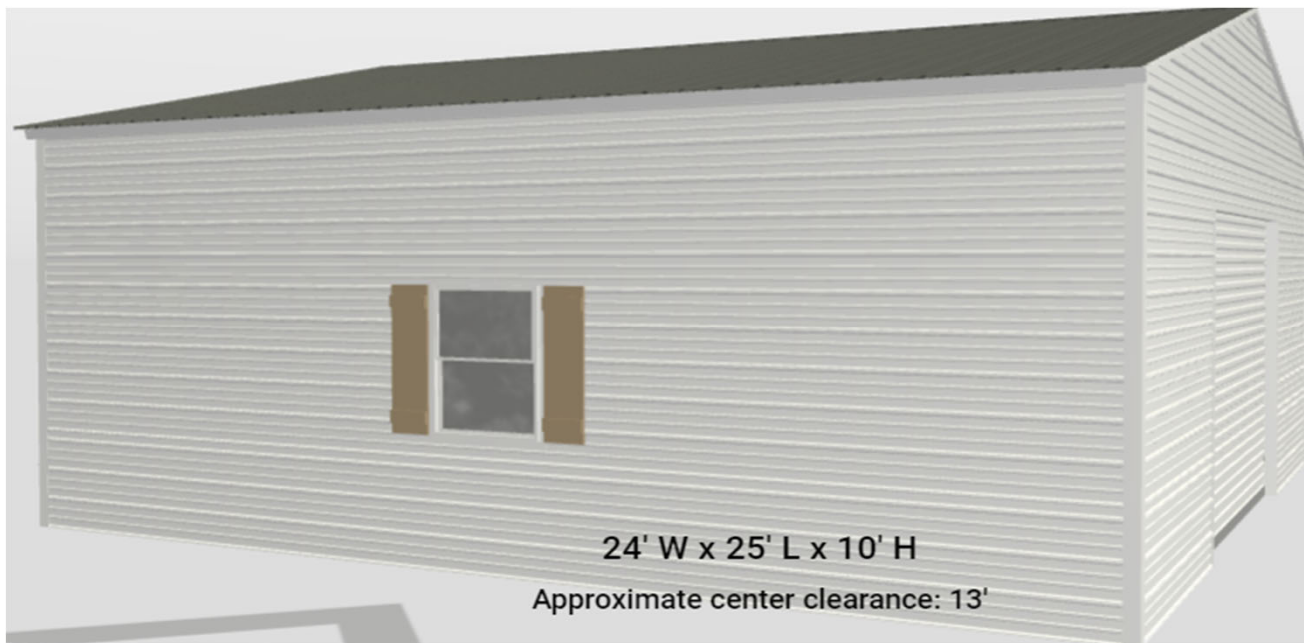
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4.15









24' W x 25' L x 10' H

Approximate center clearance: 13'

