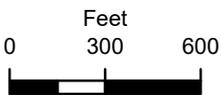


SUBJECT TRACT

BOA-23372



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20.1

BOARD OF ADJUSTMENT CASE REPORT

STR: 9318
CZM: 37
CD: 4

Case Number: **BOA-23372**

HEARING DATE: 06/14/2022 1:00 PM

APPLICANT: Nathalie Cornett

ACTION REQUESTED: Variance to allow more than 25% coverage of the rear setback by a Detached Accessory Building (Sec.90.090-C.2) Variance to reduce the side street setback from 15-feet to 2-feet for a covered patio (Section 5.030-A, Table 5-3)

LOCATION: 2667 S TRENTON AV E

ZONED: RS-2

PRESENT USE: Residential

TRACT SIZE: 11308.22 SQ FT

LEGAL DESCRIPTION: LOT SIXTEEN (16) AND THE NORTH 30 FEET OF VACATED STREET, BLOCK FIFTEEN (15), TERWILLEGER HEIGHTS, AN ADDITION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF

RELEVANT PREVIOUS ACTIONS:

Subject property: None.

Surrounding Properties:

BOA-21363; On 01.10.2012 the Board approved a variance to increase the permitted coverage amount in the rear yard for detached accessory building. Property located 2660 S. Trenton Ave. E.

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.

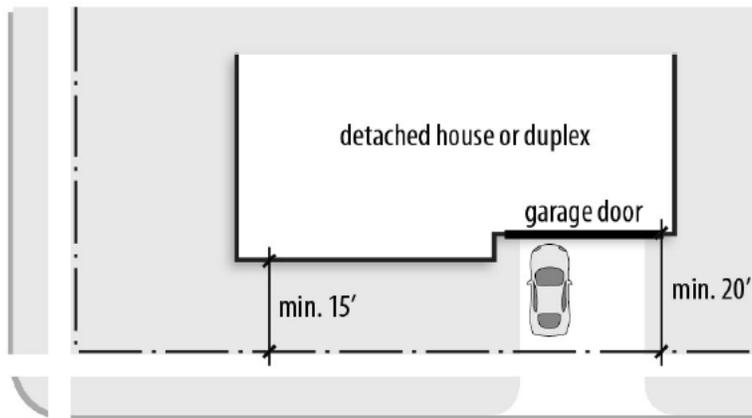
ANALYSIS OF SURROUNDING AREA: The subject tract is located at the NE/c of E. 26th Pl. S. and S. Utica Ave.

STATEMENT OF HARDSHIP: Please see attached “Exhibit A”.

STAFF COMMENTS: The applicant is requesting a **Variance** to allow more than 25% coverage of the rear setback by a Detached Accessory Building (Sec.90.090-C.2) **Variance** to reduce the side street setback from 15-feet to 2-feet for a covered patio (Section 5.030-A, Table 5-3)

- (3) For detached houses and duplexes on corner lots, the minimum side street setback along a non-arterial street may be reduced to 15 feet, provided that the minimum setback for street-facing garage doors is 20 feet or 20 feet from the back of the sidewalk, whichever is greater. The street setback specified in [Table 5-3](#) applies along the other street.

Figure 5-1: Street Side Setback on Corner Lots



- (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%

The applicant is allowed to occupy 552 square feet in the rear setback and is requesting permission to occupy 621 square feet and to reduce the side street setback from 15-feet to 2 feet for a covered patio also described as a pergola.

SAMPLE MOTION: Move to _____ (approve/deny) a **Variance** to allow more than 25% coverage of the rear setback by a Detached Accessory Building (Sec.90.090-C.2) **Variance** to reduce the side street setback from 15-feet to 2-feet for a covered patio (Section 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:

- 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

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

1/7/2022

Robby Reed
713 N. 8th St.
Sapulpa OK 74066

APPLICATION NO: BLDR-105584-2021 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 2667 S. Trenton Ave.

Description: New accessory buildings

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-105584-2021**

1. Section 5.030-A – Setback(s) footnote [3]: For detached houses and duplexes on corner lots, the minimum side street setback along a non-arterial street may be reduced to 15 feet, provided that the minimum setback for street-facing garage doors is 20 feet or 20 feet from the back of the sidewalk, whichever is greater. The street setback specified in Table 5-3 applies along the other street.

Review Comment: Garages, detached or attached, must be set back 20' from a side street on a corner lot. The site plan shows the proposed detached garage only set back 15' from the south property line. Revise the site plan to show the garage to be set back at least 20' from the south property line, or you may seek a variance from the Board of Adjustment to have a detached garage with a 15' side street setback.

In addition, the proposed covered patio is only shown to have a 2' side setback from the south property line. Revise the site plan to show the covered patio will be located no closer than 15' to the south property line, or you may seek a variance from the Board of Adjustment to have a detached structure set 2' from a side street property line.

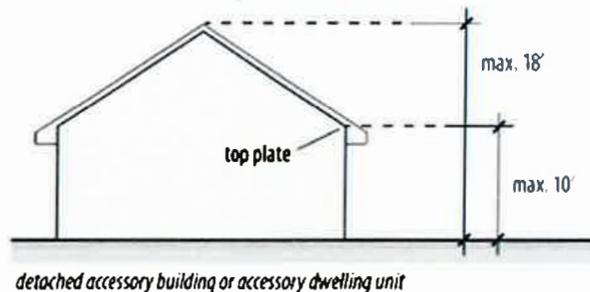
2. Section 45.030-A.2 Accessory Building Size, RS-2, RS-3, RS-4, RS-5 and RM Districts

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 garage and covered patio have 1,270 square feet of combined floor area. According to the plans the floor area of the principal residential structure (the house) is 3,082 square feet. Based on the floor area of your house you are allowed 1,233 sq. ft of total detached accessory building floor area on your lot (3,082 square feet x 40%). You may seek a variance from the Board of Adjustment (BOA) to allow the floor area of all detached accessory buildings on your lot to be 1,270 square feet and to exceed 500 sq. ft. and 40% of the floor area of the principal residential structure.

3. Section 90.090-C.2.a.1 Detached accessory buildings, including Accessory Dwelling Units, may be located in rear setbacks provided that: (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.

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)



Review Comment: The proposed detached garage will have a height over 10' to the top of the top plate and an overall height of over 18'. You may revise the plans to show 10' or less to the top of the top plate, and 18' or less for the overall height, or you may apply for a variance from the Board of Adjustment to have a detached accessory building in the rear setback over 10' in height to the top of the top plate and an overall height of over 18'.

4. **Section 90.090-C.2.a.2** 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 Comment: It appears that the proposed detached garage will exceed 25% of coverage for accessory buildings in a rear setback for this RS-2 lot. This lot has a 2,211 square foot rear setback area (88.44' lot width x 25' rear setback). The proposed detached garage appears to have approximately 660 square feet of coverage in the rear setback. You may revise the site and building plans so that the aggregate coverage of accessory buildings in the rear setback does not exceed 25%, or you may pursue a variance from the BOA to exceed the allowed coverage of accessory buildings in the rear setback.

The zoning clearance review for your permit application will resume after revised plans and/or BOA approval documents are 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.

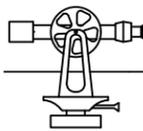
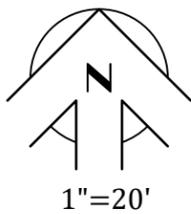
Exhibit "A"

The Applicant requests (1) a Variance of Table 90-2 of the Tulsa Zoning Code (the "Code") to permit a detached garage to exceed 25% of coverage of the rear setback in an RS-2 District, and (2) a Variance of Section 5.030-A to permit a covered patio to be located in the fifteen foot (15') side street setback, two feet (2') from the south property line for property located at 2667 South Trenton Avenue (the "Property").

The Property is a corner lot located at the southeast corner of S. Trenton Ave. and E. 26th Place, one block north and west of the intersection South Utica Avenue and Terwilleger Boulevard. Currently, access to the Property is located at the rear (east) with a driveway off of 26th Place leading to a 400 square foot, detached garage in the northeast corner of the lot. The owner desires to demolish the original garage, built in 1930, and construct a 621 square foot garage to accommodate modern-sized vehicles and provide additional storage space. The current configuration of the existing residence and driveway requires the proposed garage to be pushed forward (to the south) closer to E. 26th Place, as shown on the attached site plan.

Additionally, the Property owner desires to construct a covered outdoor living space in the southerly side yard. The Property is comprised of a platted lot and a portion of a vacated street, as shown on the attached boundary survey. The Code requires a 15 foot side yard setback for corner lots; however, with the additional right-of-way of the vacated street, the covered patio will be set back 15 feet from the curb and 27 feet from the centerline of 26th Place.

The Code allows for a detached accessory structure to occupy up to 25% of the rear setback, in this case, 552 square feet. The proposed 621 square foot garage will only occupy 28% of the rear setback. The outdoor living space will be set back from the actual street by 15 feet and will thus achieve the intent of setback provisions of the Code. Due to the configuration of the home and its orientation on a corner lot, the literal enforcement of the Code results in unnecessary hardship to the property owner. The requested Variances are *de minimis* in nature and will not cause any detriment to the public good or impair the spirit and intent of the Code.



WHITE SURVEYING COMPANY

providing land surveying services since 1940

9936 E. 55th Place • Tulsa, OK 74146 • 918.663.6924 • 918.664.8366 fax

BOUNDARY SURVEY

LEGEND

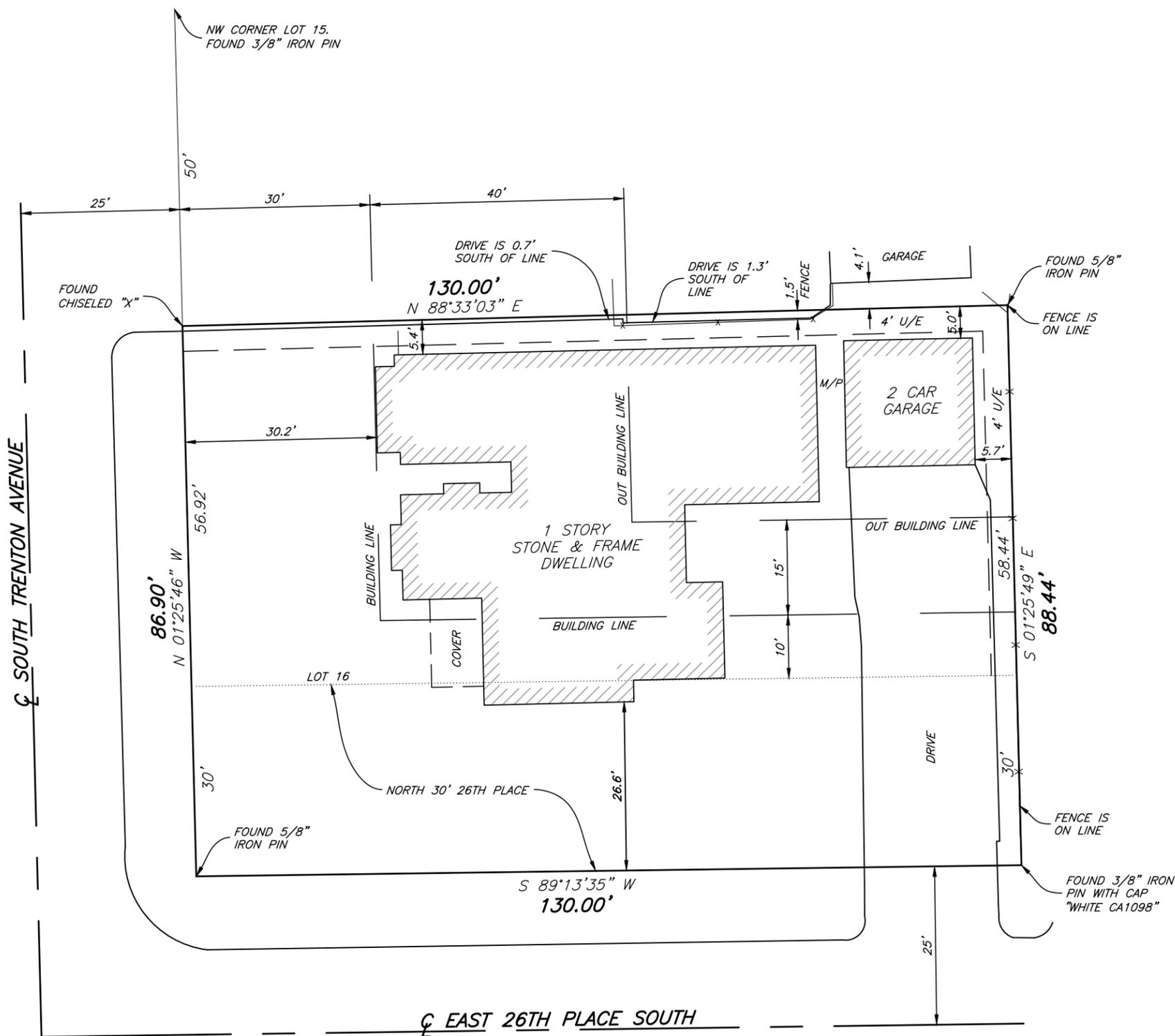
- *— FENCE
- U/E UTILITY EASEMENT
- D/E DRAINAGE EASEMENT
- M/P METERING POINT
- CB CHORD BEARING
- B/E BURIED ELECTRIC & TELEPHONE CABLE EASEMENT (APPROXIMATE LOCATION)

INVOICE NO.: STK 20-103948
CLIENT: LISE INMAN

GENERAL NOTES

THE BEARINGS SHOWN HEREON ARE BASED ON: THE OKLAHOMA STATE PLANE COORDINATE SYSTEM NAD 83 (2011).

FIELD WORK COMPLETED OCTOBER 23, 2020.



LEGAL DESCRIPTION:

LOT SIXTEEN (16) AND THE NORTH 30 FEET OF VACATED STREET, BLOCK FIFTEEN (15), TERWILLEGER HEIGHTS, AN ADDITION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND KNOWN AS 2667 SOUTH TRENTON AVENUE.

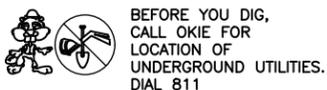
SURVEYOR'S STATEMENT

WHITE SURVEYING COMPANY, AN OKLAHOMA CORPORATION, AND THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE THAT IN OUR PROFESSIONAL OPINION THE ABOVE BOUNDARY SURVEY IS AN ACCURATE REPRESENTATION OF THE PROPERTY DESCRIBED HEREON, AND MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION. WE FURTHER STATE THAT THE ABOVE AND FOREGOING BOUNDARY SURVEY ACCURATELY SHOWS THE LOCATION OF THE BOUNDARY CORNERS AND THEIR MONUMENTATION, THE DIMENSIONS OF THE PROPERTY, THE LOCATIONS OF ALL BUILDINGS ON PERMANENT FOUNDATIONS, ALL RECORDED PLAT EASEMENTS AND BUILDING SETBACK LINES (IF APPLICABLE), AND ALL OTHER SUCH EASEMENTS WHICH HAVE BEEN DISCLOSED BY A CURRENT TITLE OPINION OR COMMITMENT FOR TITLE INSURANCE AND COPIES THEREOF PROVIDED TO US PRIOR TO THE TIME OF THIS SURVEY AND THAT THIS PLAT OF SURVEY IS PREPARED SOLELY FOR THE PARTIES LISTED HEREON AS OF THIS DATE AND MAY NOT BE USED FOR ANY SUBSEQUENT LOAN CLOSING, REFINANCE, OR OTHER TRANSACTION.

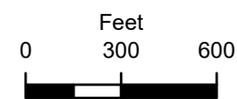


WHITE SURVEYING COMPANY
CERTIFICATE OF AUTHORIZATION NO.
CA1098 (RENEWAL 6/30/2021)

BY: *Randy K. Shoefstall* DATE: 10/28/20
REGISTERED PROFESSIONAL LAND
SURVEYOR OKLAHOMA NO. 1676



BEFORE YOU DIG,
CALL OKIE FOR
LOCATION OF
UNDERGROUND UTILITIES.
DIAL 811



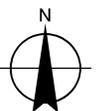
 Subject Tract

BOA-23372

18-19 13

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

Aerial Photo Date: 2020/2021



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S UTICA AVE

E 26TH PL S

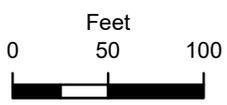
TERWILLEGER BLVD

BOA-23372

18-19 13

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

Aerial Photo Date: 2020/2021



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