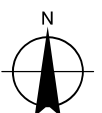


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BOARD OF ADJUSTMENT CASE REPORT

STR: 9319

Case Number: **BOA-23376**

CZM: 47

CD: 9

HEARING DATE: 07/12/2022 1:00 PM (Continued from 6/28/2022)

APPLICANT: Guy and Kim Thiessen

ACTION REQUESTED: Variance to permit a detached accessory building in the rear setback to exceed 10-feet in height to the top of the top plate (Sec. 90.090-C2); Variance to allow more than 25% coverage by a detached accessory building in the rear setback in an RS-2 District (Section 90.090-C2) Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A)

LOCATION: 2241 E 32 PL S

ZONED: RS-2

PRESENT USE: Residential

TRACT SIZE: 13499.3 SQ FT

LEGAL DESCRIPTION: LT 6 BLK 3, OAKNOLL

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 East of the NE/c of S. Zunis Pl. and E. 32nd Pl. S.

STATEMENT OF HARDSHIP: Like many midtown homes, the property has a detached garage, which unfairly limits the ability to improve the property with outdoor living space the given square foot limitations.

STAFF COMMENTS: The applicant is requesting a Variance to permit a detached accessory building in the rear setback to exceed 10-feet in height to the top of the top plate (Sec. 90.090-C2); Variance to allow more than 25% coverage by a detached accessory building in the rear setback in an RS-2 District (Section 90.090-C2) Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A)

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]

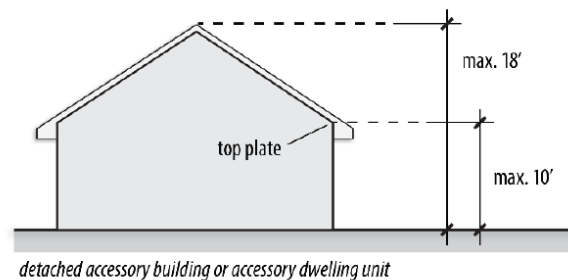
2. RS-2, RS-3, RS-4, RS-5 and RM Districts

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.

- (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)



- (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%

Maximum rear yard coverage: **25% or 625 square feet** Proposed Coverage: **37% or 927 square feet**

Maximum top plate height: **10-feet** Proposed top plate height: **+/- 13-feet**

Maximum size for accessory buildings: **1,124 square feet** Proposed size for accessory buildings: **1,239 square feet**

The applicant is seeking to enclose an existing pergola, the existing conditions are in violation of the zoning code per the plans provided. Staff is unaware how the existing pergola and garage was permitted when it was originally built.

SAMPLE MOTION: Move to _____ (approve/deny) a Variance to permit a detached accessory building in the rear setback to exceed 10-feet in height to the top of the top plate (Sec. 90.090-C2); Variance to allow more than 25% coverage by a detached accessory building in the rear setback in an RS-2 District (Section 90.090-C2) Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A)

- 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

4/28/2022

Stanton Espinoza
3202 E. 21st St.
Tulsa, OK 74114

APPLICATION NO: BLDR-111821-2022 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 2241 E. 32nd Pl.

Description: Addition to an accessory structure

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-111821-2022

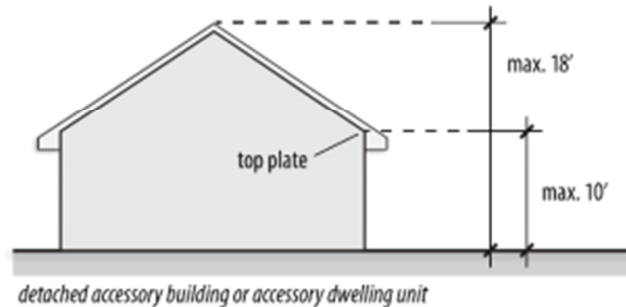
1. Section 45.030-A.2: Accessory Building Size, RS-2, RS-3, RS-4, RS-5 and RM Districts

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 and existing accessory structures will have a combined square footage of 1,239 square feet. The square footage of the principal residential building is 2,809 square feet. The maximum allowable floor area of accessory buildings is 1,124 square feet (2,809 square feet x 40%) for this lot. You may seek a variance from the Board of Adjustment (BOA) to allow the floor area of all detached accessory buildings on this RS-2 zoned lot to exceed 40% of the floor area of the principal residential structure.

2. 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 structure will have a height over 10' to the top of the top plate. You may revise the plans to show 10' or less to the top of the top plate, 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.

3. 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: The proposed pool house and existing detached garage will exceed 25% of coverage for accessory buildings in a rear setback for this RS-2 lot. This lot has a 2,500 square foot rear setback area (100' lot width x 25' rear setback); the setback may have a building coverage of 625 square feet. The proposed and existing detached structures will cover 927 square feet of 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 detached 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.

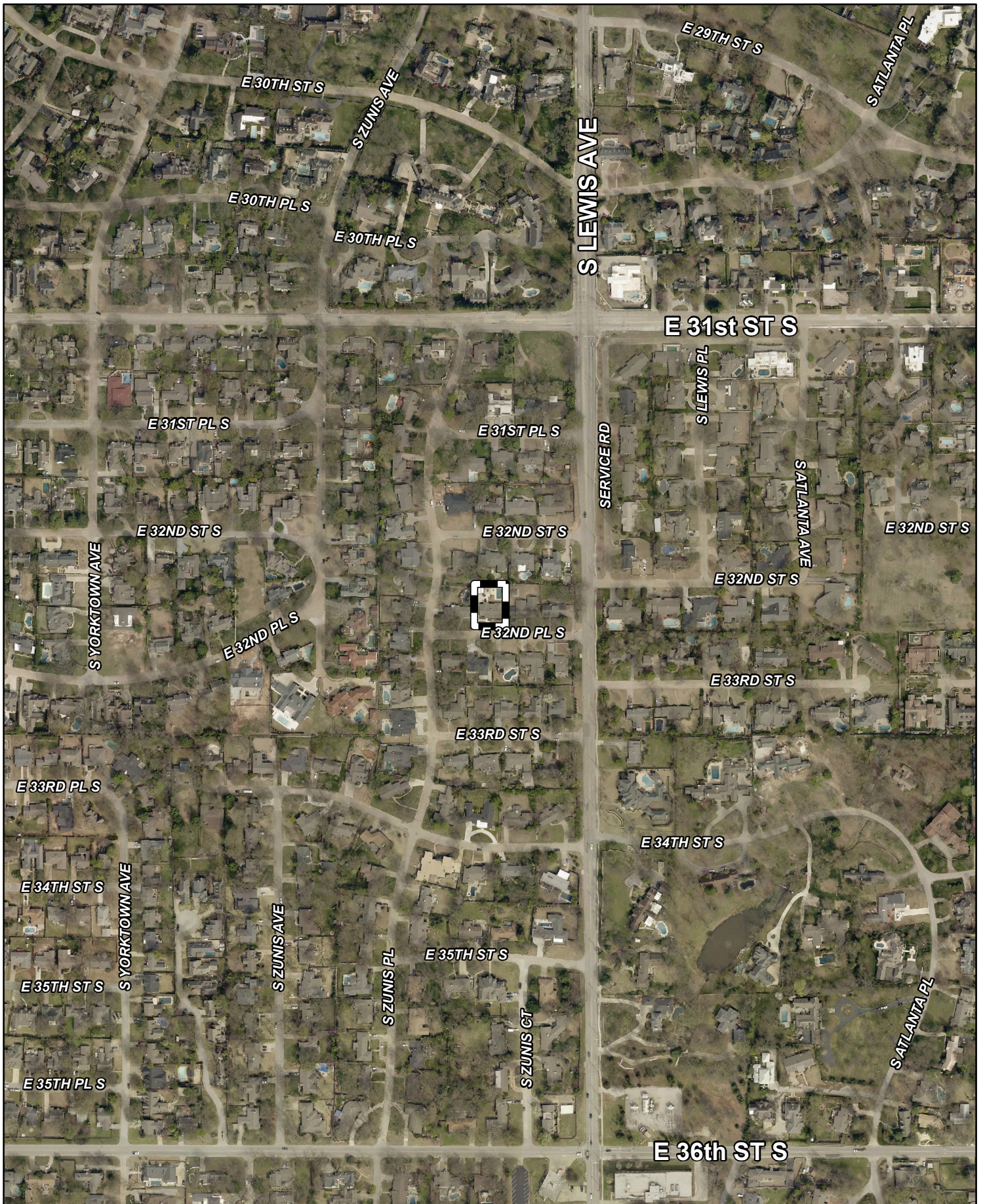
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter. A hard copy of this letter is available upon request by the applicant.

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.



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Subject
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BOA-23376

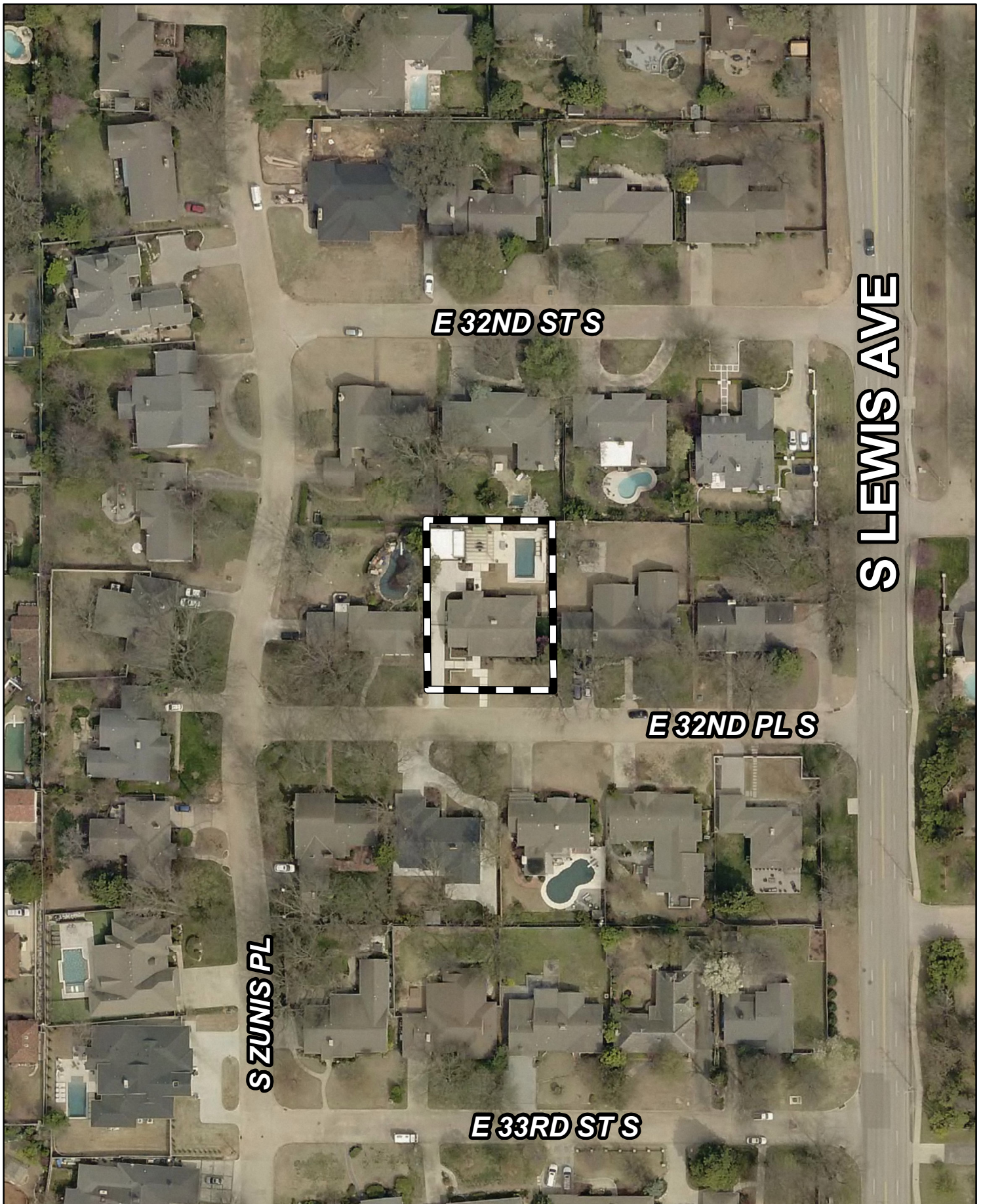
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Note: Graphic overlays may not precisely
align with physical features on the ground.

Aerial Photo Date: 2020/2021



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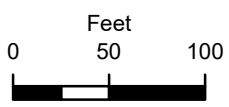
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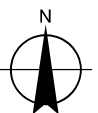
**Subject
Tract**

BOA-23376

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

Aerial Photo Date: 2020/2021



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