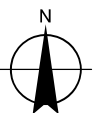
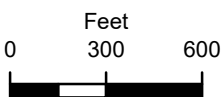


BOA-23378

19-13 28

12.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9328

Case Number: **BOA-23378**

CZM: 47

CD: 9

HEARING DATE: 06/28/2022 1:00 PM

APPLICANT: Jason Day

ACTION REQUESTED: Variance of the required street setbacks in the RS-2 District (Section 5.030-A, Table 5-3)

LOCATION: 4112 S NEW HAVEN PL E

ZONED: RS-2

PRESENT USE: Residential

TRACT SIZE: 18722.16 SQ FT

LEGAL DESCRIPTION: LT 6 BLK 13, PATRICK HENRY B13-23

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 at the SE/c of E. 41st St. S. and S. New Haven Pl.

STATEMENT OF HARDSHIP:

The property is a pie shaped lot with significant restriction to building or improving the property within with the updated setbacks. Without the given variance no improvement to update and align the property to the standards of the neighborhood for improvement can be made within keeping to the standards of the property. This is a single level mid-century ranch style house. My proposed building is a setback garage no larger than to accommodate 2 standard size vehicles, which will allow the house current space to accommodate modern conveniences such as an additional bath, laundry room (which the current home does not have) updated kitchen with an office/bed space for a single-family home.

STAFF COMMENTS: The applicant is requesting a Variance of the required street setbacks in the RS-2 District (Section 5.030-A, Table 5-3)

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
Min. Open Sp./Unit (sq. ft.)	12,000	7,000	5,000	4,000[8]	2,500	600	2,000	1,200	1,200	600	200	-	2,500
Max. Building Height (feet)	35	35	35	35	35	35	35	35	35	35	35	-	35

The applicant is seeking to reduce the 30-foot setback from S. New Haven Pl. to accommodate an addition to the existing house and to reduce the 35-foot setback from E. 41st St. S. to 21-feet and 7-inches. The existing house is encroaching on the setback from S. New Haven Pl. Staff would agree that the unique shape of the lot does present a hardship on the property.

SAMPLE MOTION: Move to _____ (approve/deny) a **Variance** of the required street setbacks in the RS-2 District (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:

- 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;*
- That the variance to be granted is the minimum variance that will afford relief;*
- 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*
- 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 showing the existing setback to 41st St.



Subject Property

Lauren Parker
PLANS EXAMINER

TEL (918) 596-9499
lauren.parker@cityoftulsa.org



DEVELOPMENT SERVICES

175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103-3227

ZONING CLEARANCE PLAN REVIEW

LOD Number: 01

May 19, 2022

Jason Day
4107 S New Haven PI E
Tulsa, OK 74135

Phone: (918) 289-6158

APPLICATION NO: **BLDR-116989-2022** (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)
Location: 4112 S New Haven PI
Description: Residential - Addition

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)

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 OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALLY SUBMITTED ON-LINE, FOR 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" **THIS 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

WWW.CITYOFTULSA-BOA.ORG

Application No. BLDR-116989-2022

4112 S New Haven PI E

May 19, 2022

Note: As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. **Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans 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 office 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.

1. **Site Plan:** Provide a dimension line from the centerline of both S. New Haven PI and E 41st St to the respective property line.
2. **Site Plan:** Provide dimensions for the proposed driveway. There should be two-dimension lines. One in the Right-of-way and one in the front setback.

3. **5.030-A Table of Regulations – Front Setback**

The lot and building regulations of Table 5-3 apply to all principal uses and structures in R districts, except as otherwise expressly stated in this zoning code. General exceptions to these regulations and rules for measuring compliance can be found in Chapter 90. Regulations governing accessory uses and structures can be found in Chapter 45.

Review Comments: The proposed garage addition requires a 30-foot street setback from the front property line in an RS-2 zoning district. You may increase the garage street setback to 30 feet from the P/L or pursue a variance from the BOA (INCOG) to reduce the street setback to permit a garage addition in an RS-2 zoning district from 30 feet to 21 feet.

4. **5.030-A Table of Regulations – Side Street Setback**

The lot and building regulations of Table 5-3 apply to all principal uses and structures in R districts, except as otherwise expressly stated in this zoning code. General exceptions to these regulations and rules for measuring compliance can be found in Chapter 90. Regulations governing accessory uses and structures can be found in Chapter 45.

Review Comments: East 41st St is a secondary arterial per the major street and highway plan. The proposed garage addition requires a 35-foot street setback from the side street property line along E 41st St in an RS-2 zoning district. You may increase the garage street setback to 35 feet from the P/L or pursue a variance from the BOA (INCOG) to reduce the street setback to permit a garage addition in an RS-2 zoning district from 35 feet to 21 feet.

CONT. ON NEXT PAGE

5. 55.090-F3 Surfacing

In RE and RS zoning districts, driveways serving residential dwelling units may not exceed the following maximum widths unless a greater width is approved in accordance with the special exception procedures of Section 70.120. Maximum Driveway Width is 27' within ROW and 30' in the street setback on your lot.

Review Comments: The submitted site plan proposes a driveway width of more than 30' in width on the lot in the street setback and more than 27' wide in ROW which exceeds the maximum allowable driveway widths both within and outside of the ROW. Revise plans to indicate the driveway shall not exceed the maximum allowable widths in the table or apply to the BOA for a special exception, one for the proposed driveway width within the ROW and also for the proposed driveway width outside of the ROW.

Please notify the reviewer via email when your revisions have been submitted

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.

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.

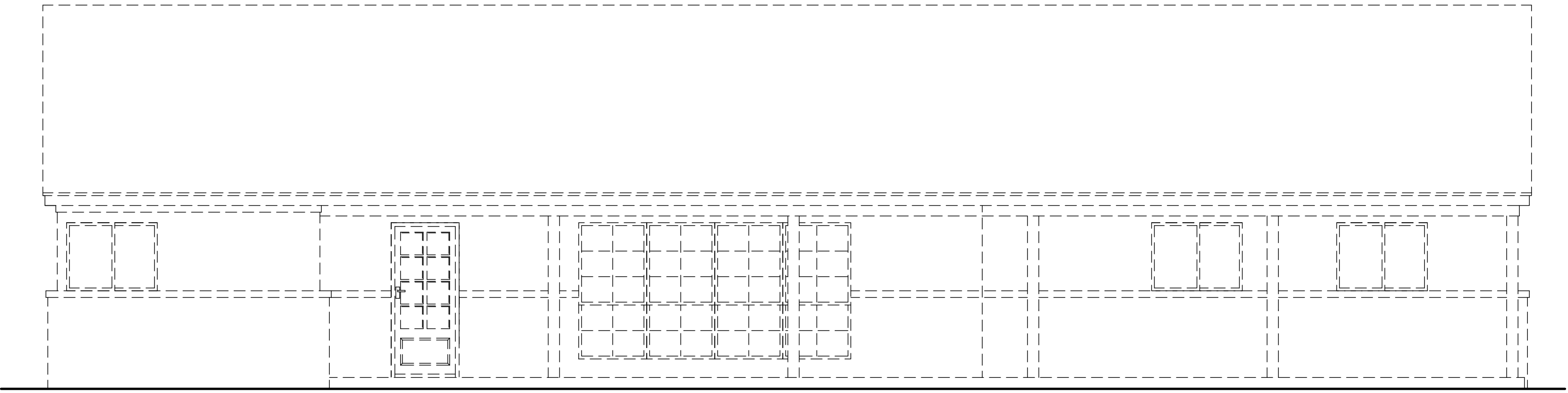




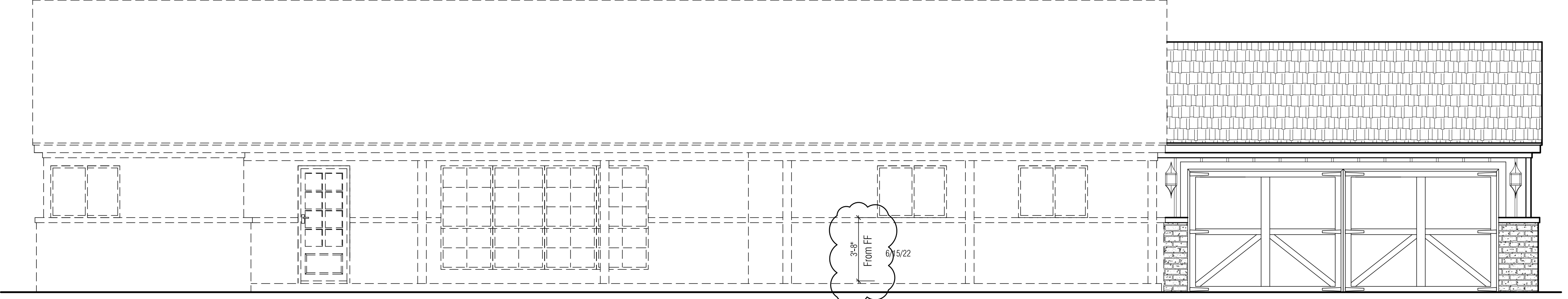




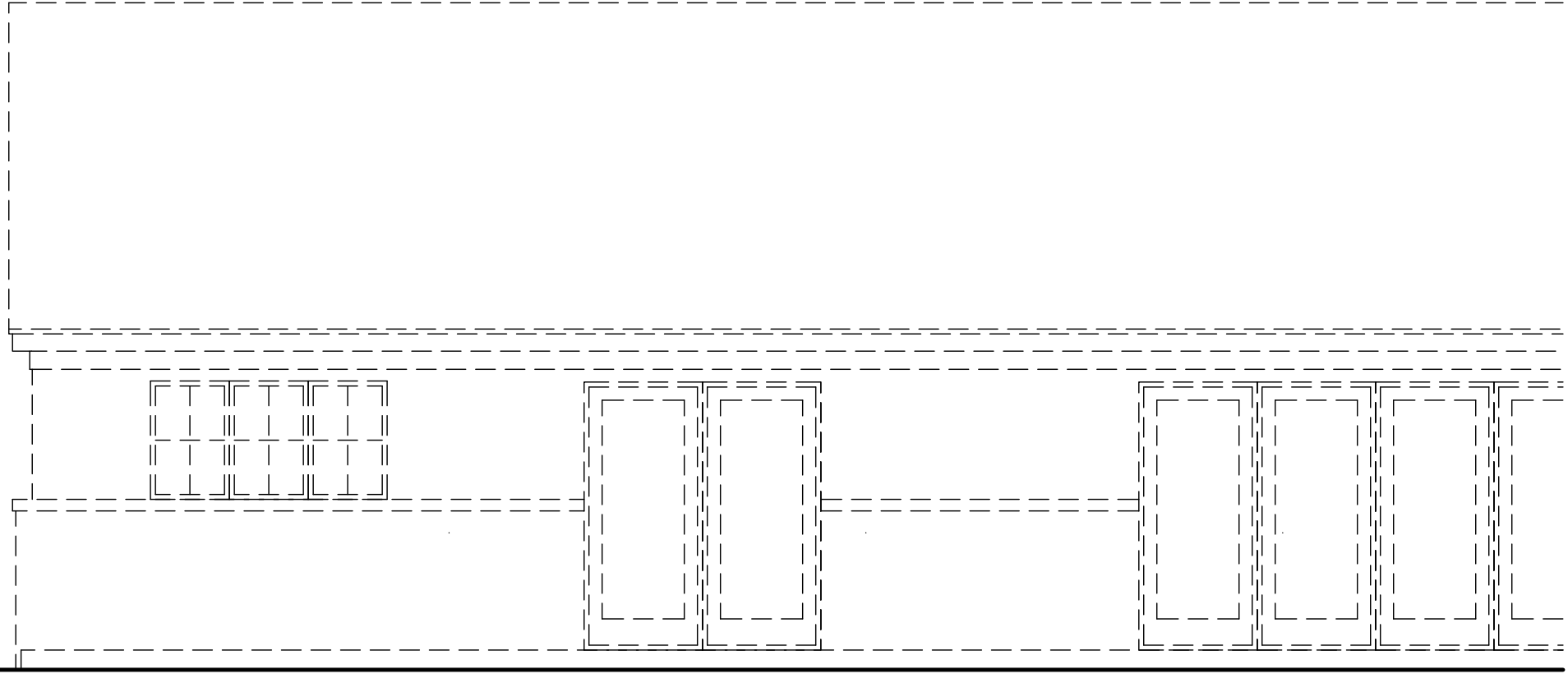
Address	spoken to	Any Issue	Do they support the plans
4107 S. New haven pl	y	None	Yes
4113 S. New Haven PL	Y	None	Yes
4122 S. New Haven pL	Y	None	Yes
4130 S. New Haven PL	Y	None	Yes
4121 S. New Haven PL	N		
4129 S. New Haven PL	Y	None	Yes
4135 S. New Haven PL	N		
4141 S. New Hven PL	N *group home		
4153 S. New Haven PL	N		
4161 S. New Haven PL	N		
4171 S. New Haven PL	Y	None	Yes
4179 S. New Haven PL	N		



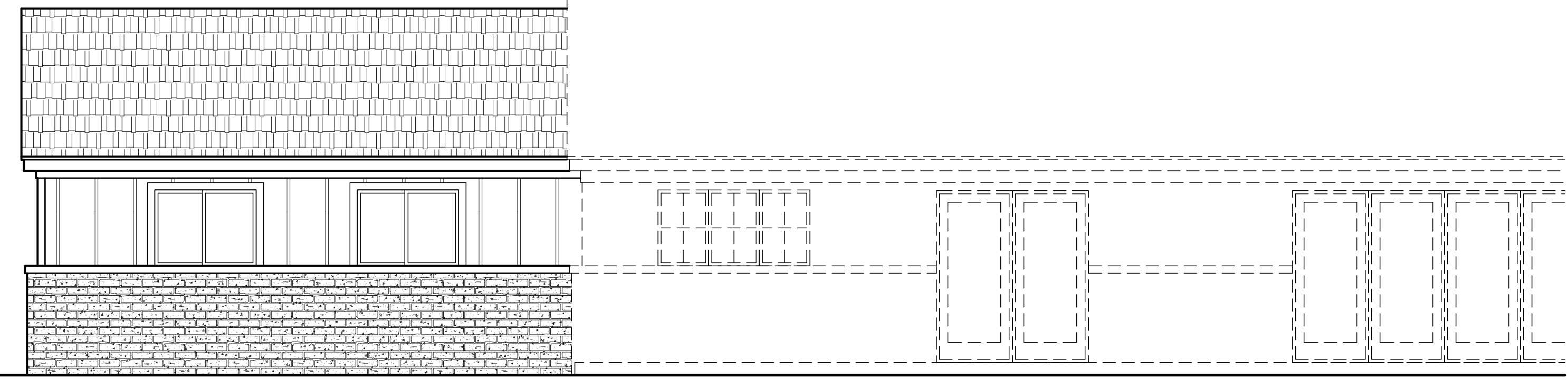
④ Front Elevation
Scale: 1/4"=1'-0"



③ Right Elevation
Scale: 1/4"=1'-0"



② Rear Elevation
Scale: 1/4"=1'-0"



Designed and Drawn By:	Kenny W Martin	918.381.6332
SWA Rev. 4 10/10/2022	All Rights Reserved	

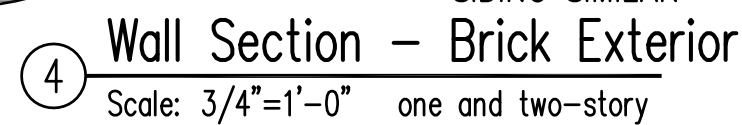
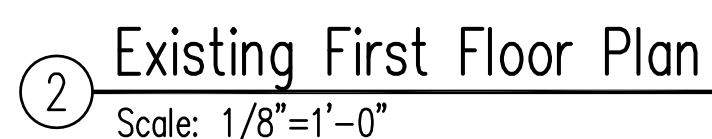
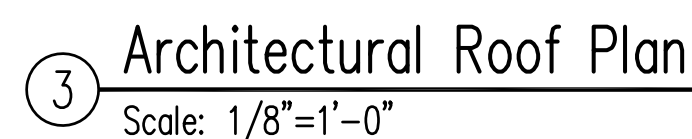
Project For:
Day Remodel
4112 S New Haven Pl, Tulsa Ok

Builder:

Date: 04-18-2022
Rev: 06-15-2022

Builder To Check	Initial
Site Plan Setbacks & Plan Location on Lot	
Plan Dimensions	
Roof Plan & Slope	
Dormers & Roof Clips	
Noted Materials	
Plate Height	
Window Sizes	
Fixture Locations	

A-207

[illegible]

Project For: Day Remodel

Builder:

Date: 04-18-2022

Rev:

06-15-2022

Builder To Check

Initial

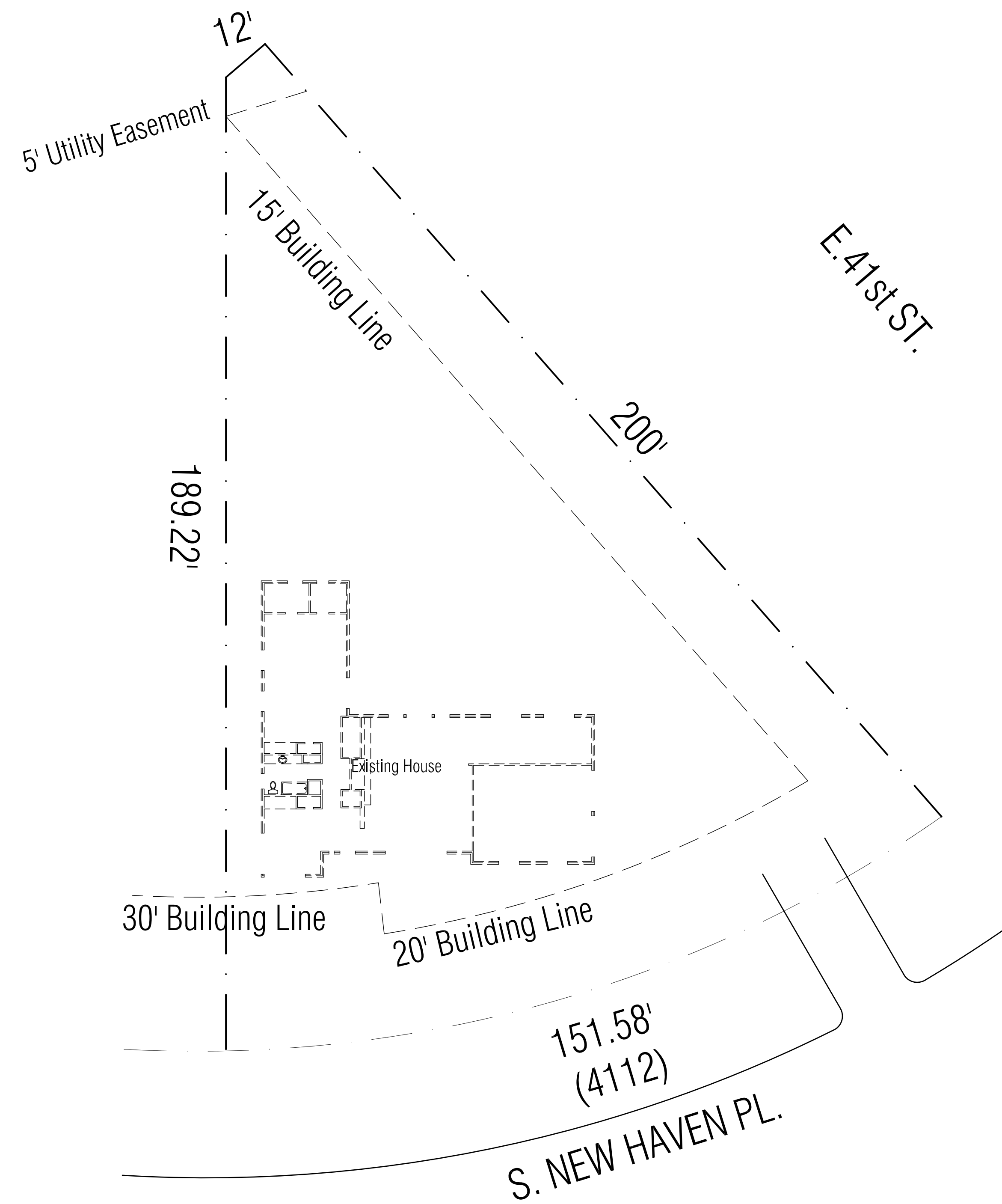
Site Plan Setbacks
& Floor Location on Lot

Roof Plan & Slope

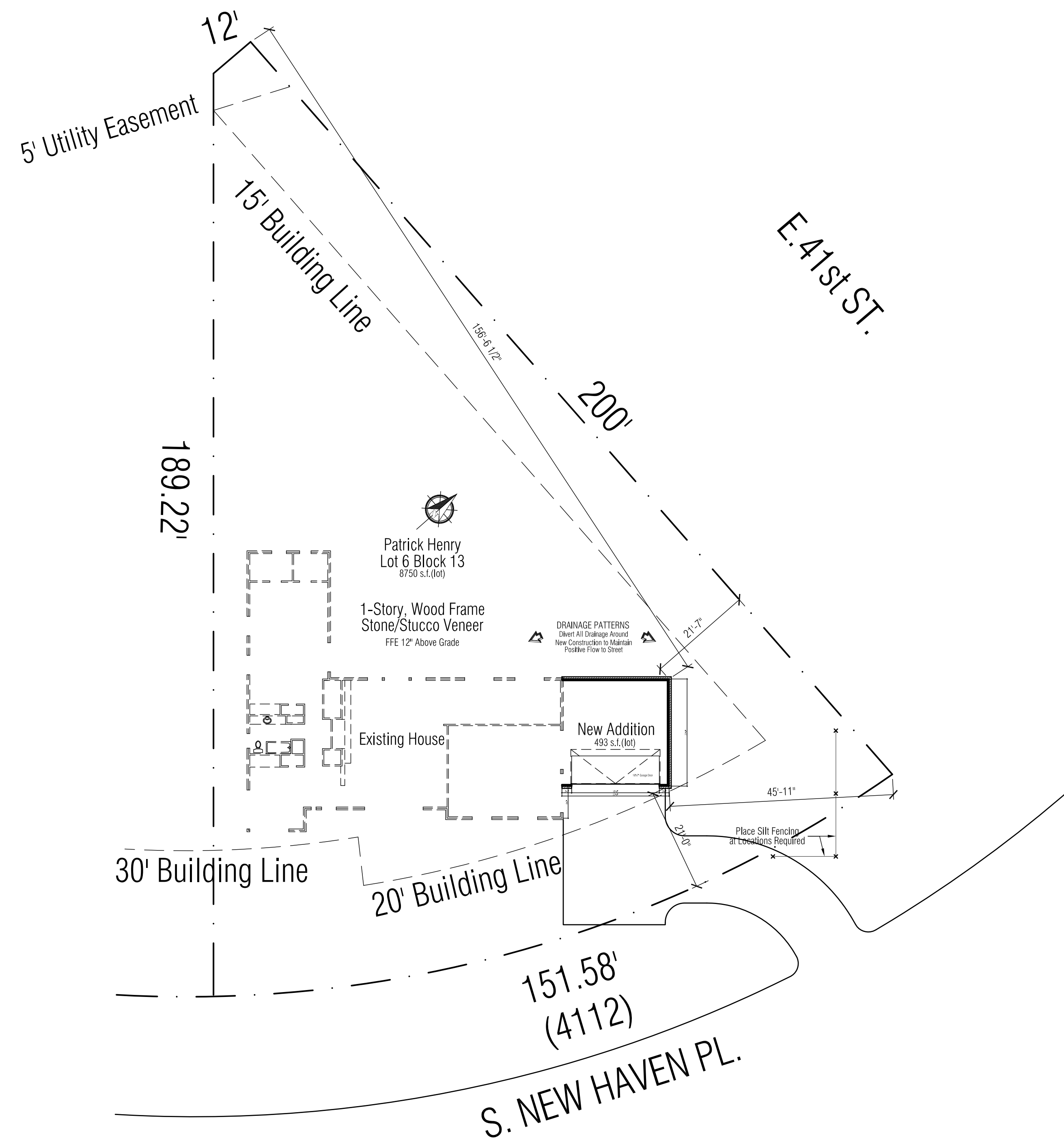
Dormers & Roof Clips

Plate Height	
--------------	--

A-201



② Architectural Existing Site Plan
Scale: 1/8"=1'-0"



② Architectural New Site Plan
Scale: 1/8"=1'-0"

Designed and Drawn By:	Kenny W Martin	918.381.6332
SWA Review & Prod App	2022	All Rights Reserved

Project For:
Day Remodel
4112 S New Haven Pl, Tulsa Ok

Builder:

Date: 04-18-2022
Rev:

Builder To Check	Initial
Site Plan Setbacks & Plan Location on Lot	+
Plan Dimensions	+
Roof Plan & Slope	+
Dormers & Roof Clips	+
Noted Materials	+
Plate Height	+
Window Sizes	+
Fixture Locations	+

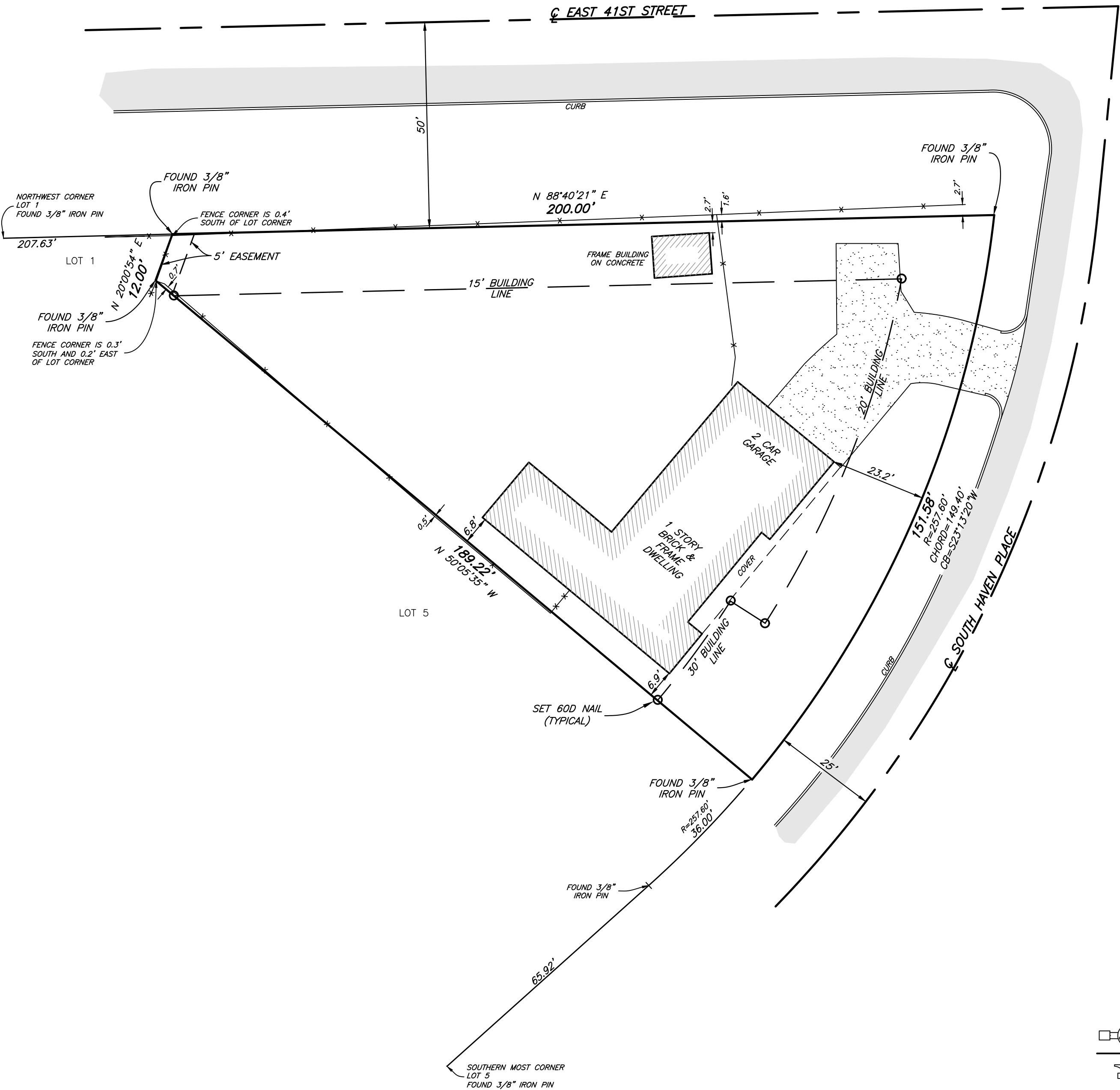
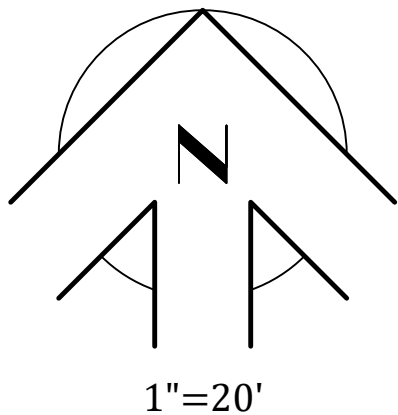
GENERAL NOTES

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

THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE COMMITMENT, THIS SURVEYOR HAS NOT ABSTRACTED THE SUBJECT TRACT. THERE MAY BE UNDERLYING ISSUES OF TITLE THAT ARE NOT SHOWN.

THE PROPERTY DESCRIBED HEREON CONTAINS 0.36 ACRES, MORE OR LESS.

FIELD WORK COMPLETED MARCH 24, 2022.



LEGEND

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



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

BOUNDARY SURVEY

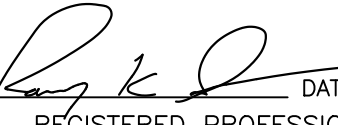
INVOICE NO.: STK 22-108491
CLIENT: JASON & STEPHANIE DAY

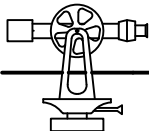
LEGAL DESCRIPTION:
LOT SIX (6), BLOCK THIRTEEN (13), PATRICK HENRY BLOCKS 13 THROUGH 23, INCLUSIVE, AN ADDITION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

SURVEYOR'S STATEMENT
I, RANDY K. SHOEFSTALL, CERTIFY THAT THIS PROJECT WAS COMPLETED UNDER MY DIRECT AND RESPONSIBLE CHARGE FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION AND THIS PLAT OF SURVEY MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.



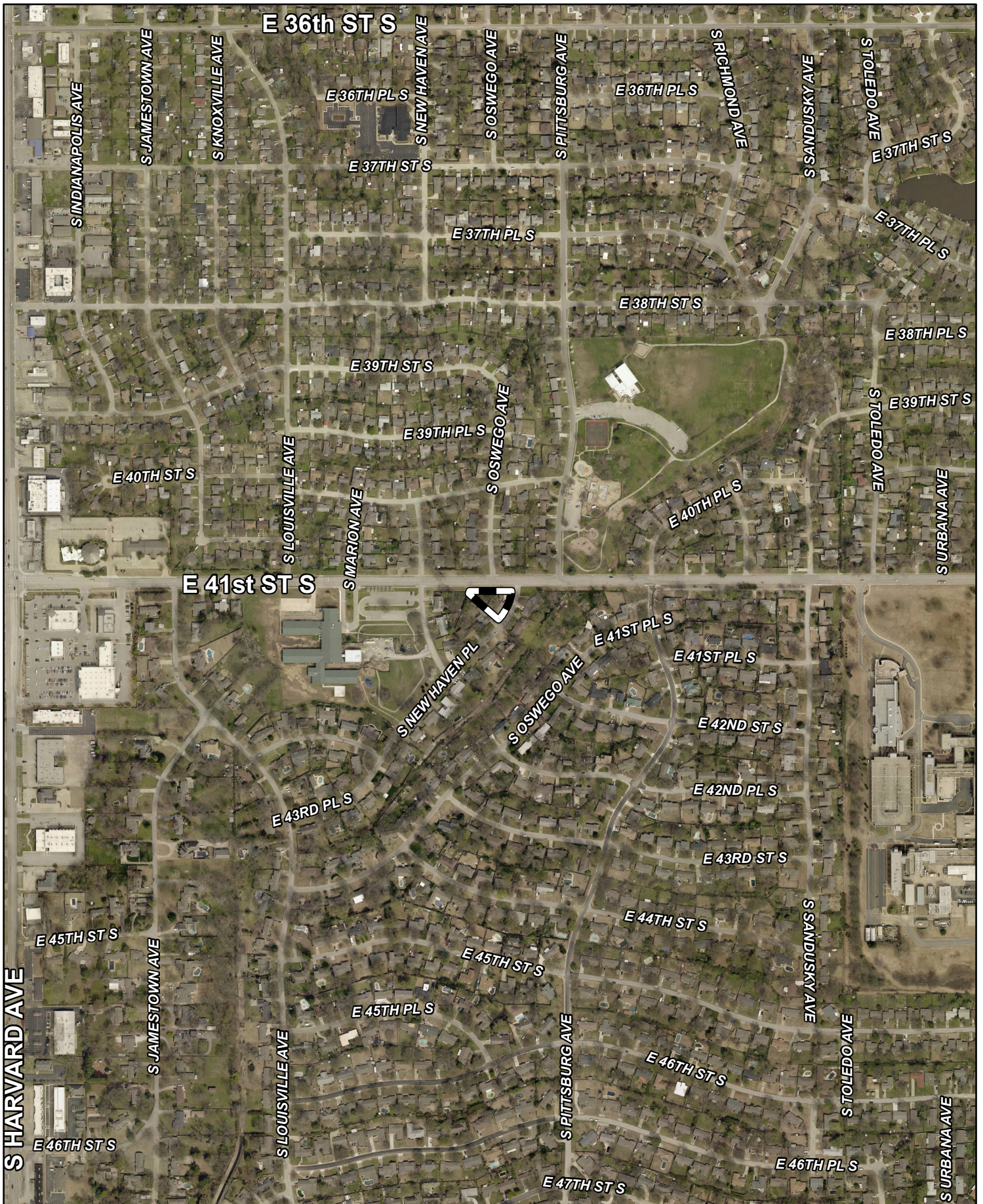
WHITE SURVEYING COMPANY
CERTIFICATE OF
AUTHORIZATION NO. CA1098

BY:  DATE: 3/31/22
REGISTERED PROFESSIONAL LAND
SURVEYOR OKLAHOMA NO. 1676



WHITE SURVEYING COMPANY
providing land surveying services since 1940

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



0 300 600
Feet



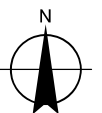
Subject
Tract

BOA-23378

19-13 28

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

Aerial Photo Date: 2020/2021



12.17



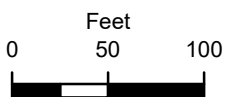
S NEW HAVEN AVE

S OSWEGO AVE

S PITTSBURG AVE

E 41st ST S

S NEW HAVEN PL



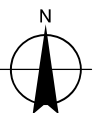
Subject
Tract

BOA-23378

19-13 28

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

Aerial Photo Date: 2020/2021



12.18