Case Report Prepared by: Austin Chapman

Owner and Applicant Information:
Applicant: Kimberly McCoy
Property Owner: ZITTER FAMILY TRUST

Action Requested: Special Exception to permit an addition to existing structure with a non-conforming side setback (Sec. 80.030-D); Variance to reduce the required 50% open space for a non-conforming lot (Sec. 80.020-B)

Location Map:

Additional Information:
Present Use: Residential
Tract Size: 0.13 acres
Location: 1519 S. Norfolk Ave.
Present Zoning: RS-3
BOARD OF ADJUSTMENT  
CASE REPORT

STR: 9212  
CD: 4  

HEARING DATE: 12/13/2022 1:00 PM  

APPLICANT: Kimberly McCoy  

ACTION REQUESTED: Special Exception to permit an addition to existing structure with a non-conforming side setback (Sec. 80.030-D); Variance to reduce the required 50% open space for a non-conforming lot (Sec. 80.020-B)  

LOCATION: 1519 S NORFOLK AV E  
ZONED: RS-3  
PRESENT USE: Residential  
TRACT SIZE: 5623.62 SQ FT  

LEGAL DESCRIPTION: S 45 LT 1 BLK 22, MORNINGSIDE ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA  

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.  

STATEMENT OF HARDSHIP:  

1. That the physical surroundings, shape, or topographic 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: Growing family with business office at the home. Need additional space.  

2. That the literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose: Will still have front and back yard for play and the neighborhood has open space, sidewalks and the park a block away.  

3. 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: Old neighborhood with narrow lot, minimum side setbacks and driveway to the back garage.  

4. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner: The house and garage are built on a narrow lot, close to the property lines on all sides, Current setbacks and limitations are a challenge making function and flow of the house’s interior work with
the addition and requires additional square footage. Also required to meet the Historic Preservations restrictions that the front of the house limiting areas and configuration for an addition.

5. That the variance to be granted is the minimum variance that will afford relief: The 570 square feet design continues existing setbacks and works with interior configuration and flow of the house and property and designed to be economical use of space.

6. 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: The Historic Preservation requirements of the neighborhood will be met. The side setbacks will be maintained on the North and the addition is in the back yard and will continue the character, style and materials of the existing residence.

7. 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: The house at the existing setback will not make any additional impact on the neighborhoods and the add needed space to the back of the house. Also required to meet the Historic Preservation restrictions at the front of the house and as seen from the street.

STAFF ANALYSIS: The applicant is requesting an addition to the existing house that will follow the exiting side setback of the 2-feet on the North side of the property.

Facts staff finds favorable for variance request:
- In addition to the non-conforming side setback the lot is non-conforming with regard to minimum lot width, lot area and lot area per unit.

Facts Staff find unfavorable for the variance request:
- None.

SAMPLE MOTION:

Special Exception:
Move to _________ (approve/deny) a Special Exception to permit an addition to existing structure with a non-conforming side setback (Sec. 80.030-D)

- Per the Conceptual Plan(s) shown on page(s) ______ of the agenda packet.
- Subject to the following conditions (including time limitation, if any):
  ________________________________.

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Variance:
Move to _________ (approve/deny) a Variance to reduce the required 50% open space for a non-conforming lot (Sec. 80.020-B):

- 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.”
WSD Comment (1)
Measurement: 1 Count

Subject: WSD Comment
Page Label: 1
Page Index: 1
Lock: Unlocked
Checkmark: Unchecked
Author: Mike Henley
Date: 8/25/2022 2:16:51 PM
Creation Date: 8/25/2022 2:16:47 PM
Color: X: 11.6389 in
Y: 3.8611 in
Document Width: Count
Document Height: Count
Measurement: 1 Count
Capture: No
File Name: Zitter Drawings 220722_v1.pdf

All developments shall be designed, constructed, and completed in a manner which minimizes the exposure of bare earth to precipitation, please provide an Erosion Control Plan containing detailed location of all silt fence and other erosion and sedimentation control methods. Plans also need to include arrows indicating the drainage flows before and after construction. Please reference the City of Tulsa Standard 126 on the plans.

Zoning Review (2)
Measurement: 2 Count

Subject: Zoning Review
Page Label: 2
Page Index: 2
Lock: Unlocked
Checkmark: Unchecked
Author: DWhiteman
Date: 9/15/2022 3:40:48 PM
Creation Date: 9/15/2022 3:35:28 PM
Color: X: 28.9722 in
Y: 18.6111 in
Document Width: Count
Document Height: Count
Measurement: 1 Count
Capture: No
File Name: Zitter Drawings 220722_v1.pdf

Section 80.030-D Non-conforming structures: Alterations, Enlargements and Expansions. Alterations, including enlargements and expansions, are permitted if the proposed alteration or expansion complies with all applicable lot and building regulations and does not increase the extent of the nonconformity. A building with a nonconforming street setback, for example, may be expanded to the rear as long as the rear expansion complies with applicable rear setback regulations and all other applicable lot and building regulations. Horizontal and vertical extensions of an exterior wall that is nonconforming with regard to applicable setbacks may be approved in accordance with the special exception procedures of Section 70.120, provided the extensions are not located closer to the lot line than the existing structure.

Review Comment: Since the existing structure is within the 5’ side setback required for RS-3 lots, it is considered a non-conforming structure. Since you are proposing to extend the structure, and the extension will be no closer to the lot line than the existing structure, you may seek a special exception from the Board of Adjustment for an addition 2’ 3” from a side property line that extends a non-conforming structure horizontally.

This constitutes a Plan Review to date in response to the information submitted with and after 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 client. Any code items not reviewed are still in force, and it shall be the responsibility of the owner and design professional(s) to ensure that all code requirements are satisfied.
80.020-B Nonconforming Lots in Residential Zoning Districts: In residential zoning districts, a single detached house may be erected on a nonconforming lot without complying with the minimum lot area, minimum lot area per unit, minimum lot width, minimum street frontage or minimum open space per unit requirements of the subject zoning district, provided that at least 50% of the lot area remains as open space. All other lot and building regulations apply, except that detached houses may be erected on corner lots that are nonconforming with regard to lot width, subject to a reduced minimum street side building setback of 5 feet. Garages that are accessed through a side yard abutting a street must be set back at least 20 feet.

Review Comment: The proposed lot is considered an existing nonconforming lot due to lot width. 50% of the lot size must remain as open space. For this 5,625 square foot lot, 2,812 square feet must remain as open space. Front and side yard driveways are not counted as open space. You appear to be proposing less than 50% of the lot to remain as open space. Please revise plans to show how this lot will remain compliant with this section to provide the required 2,812 square feet of open space.
LEGAL DESCRIPTION:
LOT ONE (1), BLOCK TWENTY-TWO (22), SECOND AMENDED PLAT OF MORNSIDE ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND KNOWN AS 1519 SOUTH NORFOLK AVENUE.

William & Samantha Zitter Residence
1519 South Norfolk Avenue
Tulsa, Oklahoma 74120
As a former President of the Maple Ridge Homeowners Assc. I am in favor of the above mentioned project. I have talked with the home owners and believe it would be a plus for our neighborhood.

Please feel free to call me @ 918.808.4532.

Mike Miller
1530 S. Norfolk Ave
Tulsa, Ok 74120

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