<table>
<thead>
<tr>
<th><strong>Case Report Prepared by:</strong></th>
<th><strong>Owner and Applicant Information:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Austin Chapman</td>
<td>Applicant: Phillip Doyle</td>
</tr>
<tr>
<td></td>
<td>Property Owner: NELLIS, ADELL T &amp;</td>
</tr>
<tr>
<td></td>
<td>KIRK TTEES KIRK &amp;</td>
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</table>

**Action Requested:** Variance to reduce the required 25-foot rear setback in the RS-1 District (5.030-A, Table 5-3)

**Location Map:**

![Location Map Image]

<table>
<thead>
<tr>
<th><strong>Additional Information:</strong></th>
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<tbody>
<tr>
<td>Present Use: Residential</td>
</tr>
<tr>
<td>Tract Size: 0.6 acres</td>
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<tr>
<td>Location: 3220 E. 67 St. S.</td>
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<tr>
<td>Present Zoning: RS-1</td>
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BOARD OF ADJUSTMENT
CASE REPORT

STR: 8305
CD: 9

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

APPLICANT: Phillip Doyle

ACTION REQUESTED: Variance to reduce the required 25-foot rear setback in the RS-1 District (5.030-A, Table 5-3)

LOCATION: 3220 E. 67 St. S. ZONED: RS-1

PRESENT USE: Residential TRACT SIZE: 26249.36 SQ FT

LEGAL DESCRIPTION: PT LT 1 BLK 1 BEG NEC S128 NW TO PT ON W LINE 77S OF NWC N TO NWC E TO NEC POB, BRANIFF HILLS ANNEX 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: Non-conforming lot shape and house placement.
2. That the literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose: The reduction of setback will not adversely affect adjacent properties.
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: It is a unique condition.
4. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner: The lot shape and house placement predate the current owner.
5. That the variance to be granted is the minimum variance that will afford relief: It is the minimum relief.
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: It is in harmony with the rest of the neighborhood.
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. It will not.

14.5
**STAFF ANALYSIS:** The applicant is requesting a Variance to reduce the required 25-foot rear setback in the RS-1 District (5.030-A, Table 5-3):

<table>
<thead>
<tr>
<th>Regulations</th>
<th>RE</th>
<th>RS-1</th>
<th>RS-2</th>
<th>RS-3</th>
<th>RS-4</th>
<th>RS-5</th>
<th>RD</th>
<th>RT</th>
<th>RM-0</th>
<th>RM-1</th>
<th>RM-2</th>
<th>RM-3</th>
<th>RMH</th>
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<tbody>
<tr>
<td>Min. Building Setbacks (ft.)</td>
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<td>Arterial or fwy service rd.</td>
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<td>10</td>
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<tr>
<td>Other streets</td>
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<td>30</td>
<td>25</td>
<td>20</td>
<td>20</td>
<td>25</td>
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<td>10</td>
<td>25</td>
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<tr>
<td>Rear</td>
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<td>10</td>
<td>10</td>
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<td>15</td>
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Applicant is seeking to reduce the rear setback (South Boundary line) from 25-feet to 11-feet.

**Facts staff finds favorable for variance request:**

- Property has frontage on 3 street including Harvard Ave. which is classified as an arterial street.

**SAMPLE MOTION:** Move to _________ (approve/deny) a Variance to reduce the required 25-foot rear setback in the RS-1 District (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
GENERAL NOTES:

1. All work shall conform to the International Residential code (2015) and all other Governing laws, codes, ordinances and regulations. See structural drawings for additional design criteria.

2. These plans and specification documents are intended for one project only at one particular site only. Any additional use or reproduction without written permission along with a purchase order is forbidden. Changes to plan and specification documents shall be made only by the approval of the office and/or owner. Changes should be submitted in writing.

3. All services addresses are to the face of the foundation wall and/or concrete or sidewalk.

4. All interior plan dimensions are to face of framing, centerline or an extension of an exterior dimension.

5. Written dimensions take precedence over scaled dimensions.

6. All contracts shall fully verify all existing and new conditions, materials, elevations and dimensions. Any discrepancies or omissions shall immediately be reported to the office and/or owner before construction proceeds.

7. All contractors shall examine all drawings and existing conditions to determine locations and dimensions of any and all chases, inserts, openings, sleeves, depressions and other project requirements.

8. All wood in contact with concrete shall be pressure treated (PT.)

9. Provide for passive control of radon entry as membrane beyond outside face of the slab so as to seal openings or cracks that connect the house interior to the sub-slab soil. Seal all penetrations, joints, tears and cuts with tape or mastic.

10. General contractor shall coordinate and provide for termite protections and inspection as outlined in R318 (2015 IRC).

11. Provide safety glazing at all Hazardous Locations as defined in section R308.4 (2015 IRC).

LEGEND:

- Reference grid for dimensions
- Section through plan
- Carpentry detail
- Construction note/detail
- Door number
- Window type
- Reference area
- "Top of" measure from "Center line" measure to

SHEET INDEX:

CODE:

2015 International Residential code

SQUARE FOOTAGE:

Heated Square footage first floor (existing): 2813SF
Heated Square footage first floor (new): 3287sf

ZONING:

RS-1 district

LEGAL DESCRIPTION:

Section: 05 Township: 18 Range: 13

Subdivision: BRANIFF HILLS ANNEX (04825)
Legal: PT LT 1 BLK 1 BEG NEC S128 NW TO PT ON W LINE 77S OF NWC N TO NWC E TO NEC POB

LEGEND:

Drawing name and location
Reference grid for dimensions
Section through plan
Carpentry detail
Construction note/detail
Door number
Window type
Reference area
"Top of" measure from "Center line" measure to
T.O. SUBFLOOR

NEW 8 X 8 GARAGE DOOR
BRICK EXTERIOR

6:12 APPROX
EXISTING COMP ROOF

EXISTING GARAGE
BEYOND

PRIVACY FENCE
EXISTING GARAGE
BEYOND

WEST ELEVATION

C 3220 E 67TH ST S

PRIVACY FENCE
PRIVACY FENCE
CL South Gary Ave

CL E 67th ST S

128' 77' 35' B/L (RS-1)

35' B/L

20' GARAGE B/L (PER 5.030-B [3]

new drive

27'-0"

max width of drive

22'-7" 22'-0"

11'-11"

30' B/L ORIGINAL

EXISTING GARAGE

AREA OF GARAGE IN SETBACK (264 SF)

EXISTING HOUSE

EXISTING COVERED PORCH

30' B/L (RS-1)

261.14' PROPERTY LINE

25' REAR YARD SETBACK (RS-1)

256.1' PROPERTY LINE

DASHED LINE

REPRESENTS AREA OF REDUCTION OF REAR YARD SETBACK

PROPOSED SITE PLAN

3220 E 67TH ST S

14.12