



CITY OF
Tulsa
Board of Adjustment

Case Number: BOA-23482

Hearing Date: 01/10/2023 1:00 PM

Case Report Prepared by:

Austin Chapman

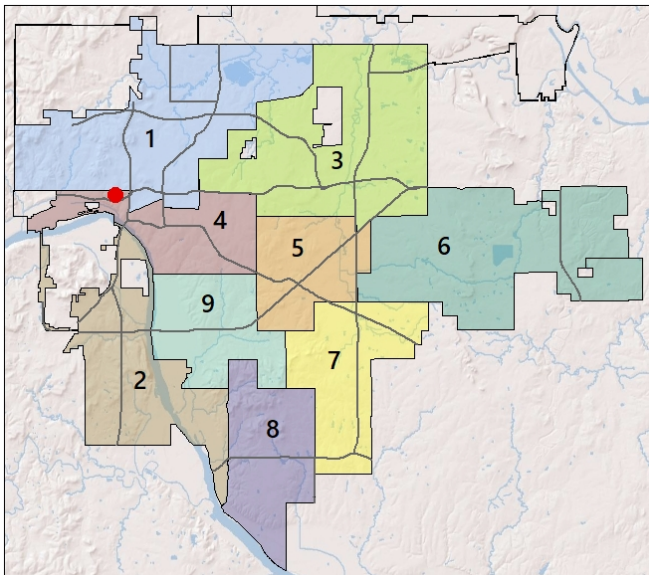
Owner and Applicant Information:

Applicant: David McGhee

Property Owner: 20185WY-11 LLC

Action Requested: Special Exception to allow an addition to an existing structure with a non-conforming side setback (Sec. 80.030-D)

Location Map:



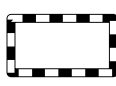
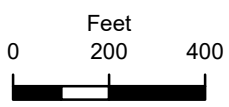
Additional Information:

Present Use: Residential

Tract Size: 0.1 acres

Location: 562 N. Tacoma Ave W.

Present Zoning: RS-3



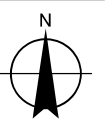
Subject Tract

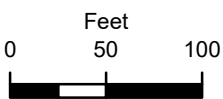
BOA-23482

19-12 02

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

Aerial Photo Date: 2020/2021





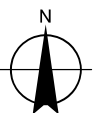
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Tract

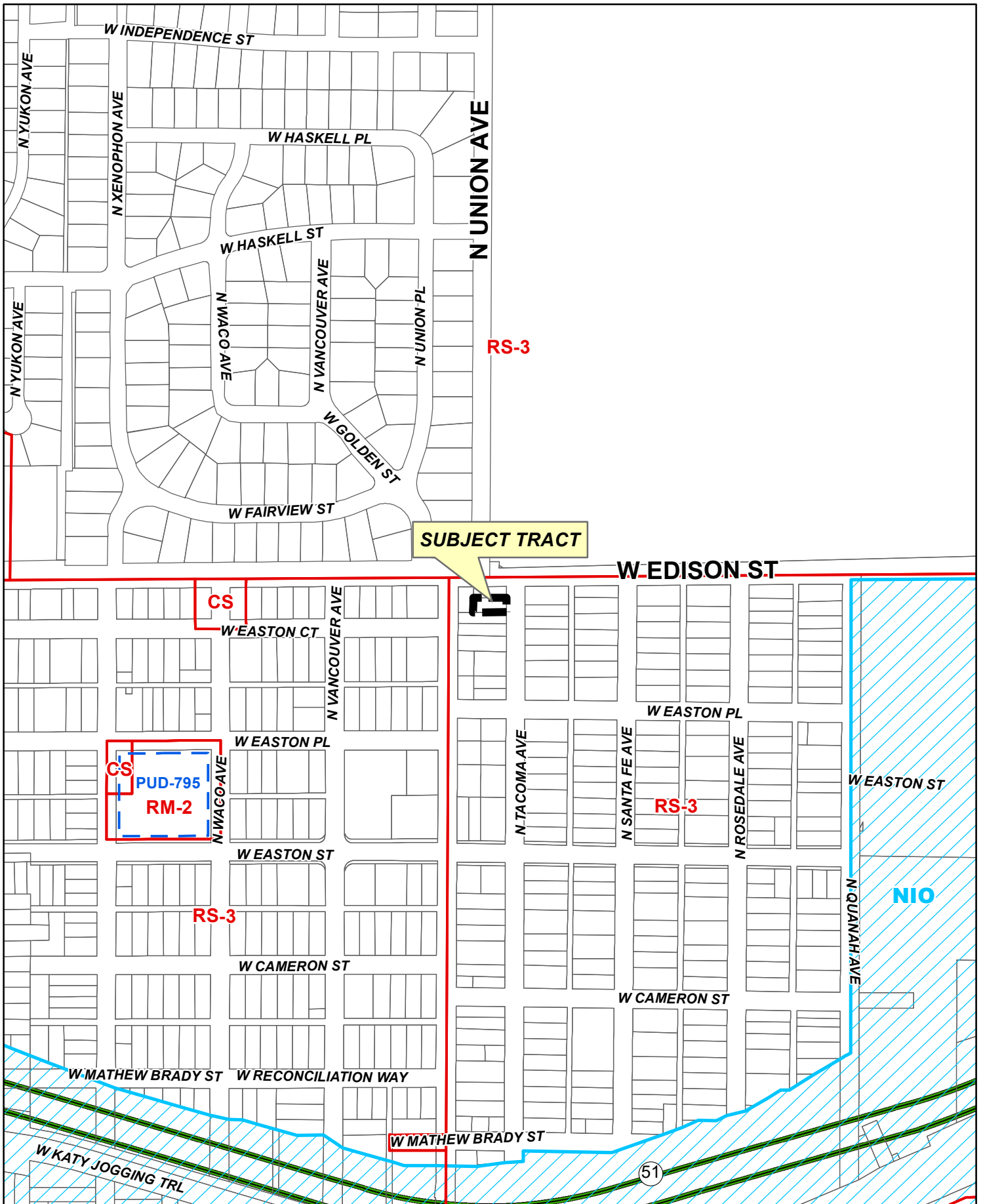
BOA-23482

19-12 02

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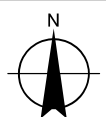
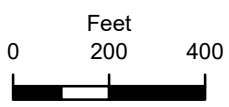
Aerial Photo Date: 2020/2021





BOA-23482

19-12 02



BOARD OF ADJUSTMENT CASE REPORT

STR: 9202

Case Number: BOA-23482

CD: 4

HEARING DATE: 01/10/2023 1:00 PM

APPLICANT: David McGhee

ACTION REQUESTED: Special Exception to allow an addition to an existing structure with a non-conforming side setback (Sec. 80.030-D)

LOCATION: 562 N TACOMA AV W

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 4517.19 SQ FT

LEGAL DESCRIPTION: PRT LTS 2 & 3 BEG SECR LT 3 TH W105 N TO PT 41S NL BLK 4 E105 S42.55 POB BLK 4, PARK HILL ADDN AMD CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS:

Subject property:

Administrative Adjustment: Applicant is requesting a to reduce the required rear setback in an RS-3 zoning district from 20 feet to 17 feet. This request can be approved at the staff level and will be approved concurrently with the Special Exception.

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.

STAFF ANALYSIS: Applicant is requesting a Special Exception to allow an addition to an existing structure with a non-conforming side setback (Sec. 80.030-D)

80.030-D 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.

Applicant is seeking addition to the existing structure that would continue the non-conforming side setback of approximately 1-foot and 4-inches.

SAMPLE MOTION:

Move to _____ (approve/deny) a Special Exception to allow an addition to an 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.



Subject Property

Lauren Parker
PLANS EXAMINER

TEL (918) 596-9499
laurenparkercityoftulsa.org



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 02

March 3, 2022

David McGhee
MCL Construction
68th St. Unit 484
Tulsa, OK 74136

Phone: (918) 521-6550

APPLICATION NO: **BLDR-108970-2022** (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)
Location: **562 N Tacoma Ave**
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. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.
2. 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.
3. 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 _____ OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
4. A COPY OF A "RECORD SEARCH" **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

Application No. BLDR-108970-2022

562 N Tacoma Ave

March 3, 2022

This letter of deficiencies covers building plan review items only. You may receive additional letters from other disciplines such as Zoning or Water/Sewer/Drainage for items not addressed in this letter.

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. RESOLVED

2. 35.010-A Detached House

A detached house is a principal residential building, other than a manufactured housing unit or mobile home, that contains only one dwelling unit and is located on a single lot that is not occupied by other principal residential buildings. Detached houses are not attached to and do not abut other dwelling units.

Review Comments: The proposed addition will extend over a lot line. Per the definition above, a dwelling unit must be located on a single lot.

- Please apply for a lot combination at INCOG located at Two West Second Street, Suite 800. Please direct all questions concerning lot combinations and all questions regarding TMAPC application forms and fees to an INCOG representative at 584-7526.
- After you receive a copy of the lot combination agreement from INCOG you will need to go to the Tulsa county clerk's office at 500 s. Denver and have the lot combination agreement recorded.
- Submit a copy of the lot combination agreement with the Tulsa county clerks recording sticker on it to this office as a revision.

3. 5.030-A Table of Regulations

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 20-foot setback from the property line in an RS-3 zoning district. You may increase the garage setback to 20 feet from the P/L or pursue an administrative adjustment from the land use administrator (Incog) to reduce the street setback in an RS-3 zoning district from 20 feet to 17 feet.

4. 55.090-F Surfacing

All off-street parking areas must be surfaced with a dustless, all-weather surface unless otherwise expressly stated in this zoning code. Pervious pavement or pervious pavement systems are allowed subject to the supplemental regulations of §55.090-F4. Parking area surfacing must be completed prior to initiation of the use to be served by the parking.

Review Comments: Revise site plan to indicate a dustless all-weather parking surface from the public street to the proposed garage or apply to the Board of Adjustment for a Variance (section 70.120) to allow a material other than an approved material meeting the requirements of 55.090-F.

5. 80.030-D 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.

Review Comments: You are proposing to add on to an existing structure with a non-conforming side setback. RS-3 zoned lots require a 5' side setback from the property line. Revise plans to indicate compliance with the required 5' side setback or apply to BOA for a special exception to allow reconstruction of an existing non-conforming structure.

Note: All references are to the City of Tulsa Zoning Code. [Link to Zoning Code:](#)

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.

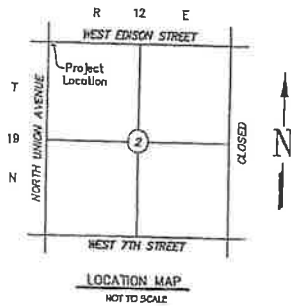
A hard copy of this letter is available upon request by the applicant.

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.

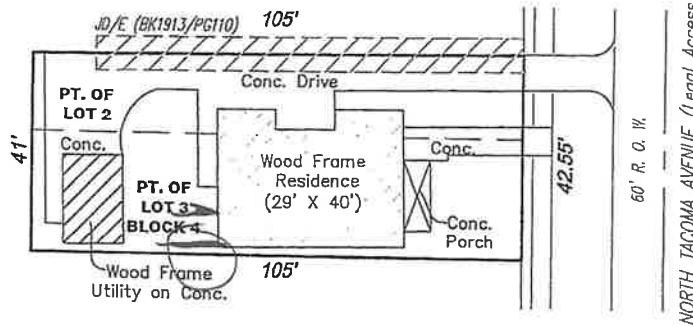
KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.

MORTGAGE INSPECTION REPORT
 PORTIONS OF SECTION 2, TOWNSHIP 19 NORTH, RANGE 12 EAST
 TULSA COUNTY, OKLAHOMA
 562 NORTH TACOMA AVENUE
 TULSA, OK 74127
 DAVID MCGHEE



PATRIOT
SURVEY

Heritage Matters



TRACT DESCRIPTION

Part of Lots Two (2) and Three (3), Block Four (4), AMENDED PLAT OF PARK HILL ADDITION to Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, more particularly described as follows, to-wit:
 BEGINNING at the Southeast corner of said Lot Three (3), Block Four (4); Thence West along the South line of said Lot Three (3) 105 feet; Thence North and parallel with the East line of Block Four (4) to a point which is 41 feet South of the North side of Block Four (4); Thence East 105 feet to a point in the East line of Block Four (4) which is 42.55 feet South of the Northeast corner of Block Four (4); thence South along the East line of Block Four (4) a distance of 42.55 feet to the Place of Beginning.

TITLE INFORMATION

Old Republic National Title Insurance Company, effective February 12, 2021.
 Commitment No. 21-1265. Easements noted on Schedule B, Sec. II: per Plat No. 126 - no easements noted on Plat. Book 1913, Page 110 - shown. Book 233, Page 528 - affects as stated. No additional easements noted.

SURVEYOR CERTIFICATION

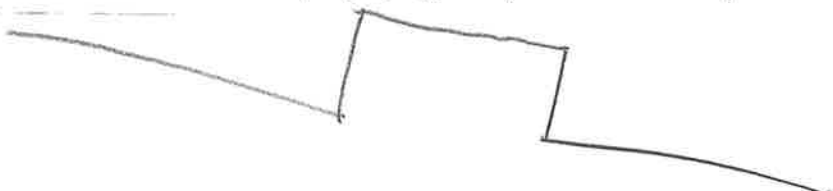
I certify that the above inspection report shows the improvements, other than fences, as located on the premises described, that they are entirely within the described tract boundaries are based upon physical features, there are no significant encroachments, except as indicated, that the above report shows all recorded plat and other such easements as have been disclosed and furnished to me by the client, that the report was prepared for identification purposes only for the mortgagee and IS NOT A LAND OR PROPERTY LINE SURVEY, that NO CORNERS WERE SET and IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OF FENCE, BUILDING OR OTHER IMPROVEMENT LINES. No liability is assumed herein for future landowners or lending institutions. This Certification IS NOT TRANSFERABLE. If the Surveyors Seal and signature are not in color, this is an unauthorized copy. FEDERAL COPYRIGHT LAWS APPLY.

JD/E = Joint Driveway Easement
 R.O.W. = Right of Way

David L. McGhee
 DAVID L. MCGHEE, SURVEYOR #310

3/2/2021

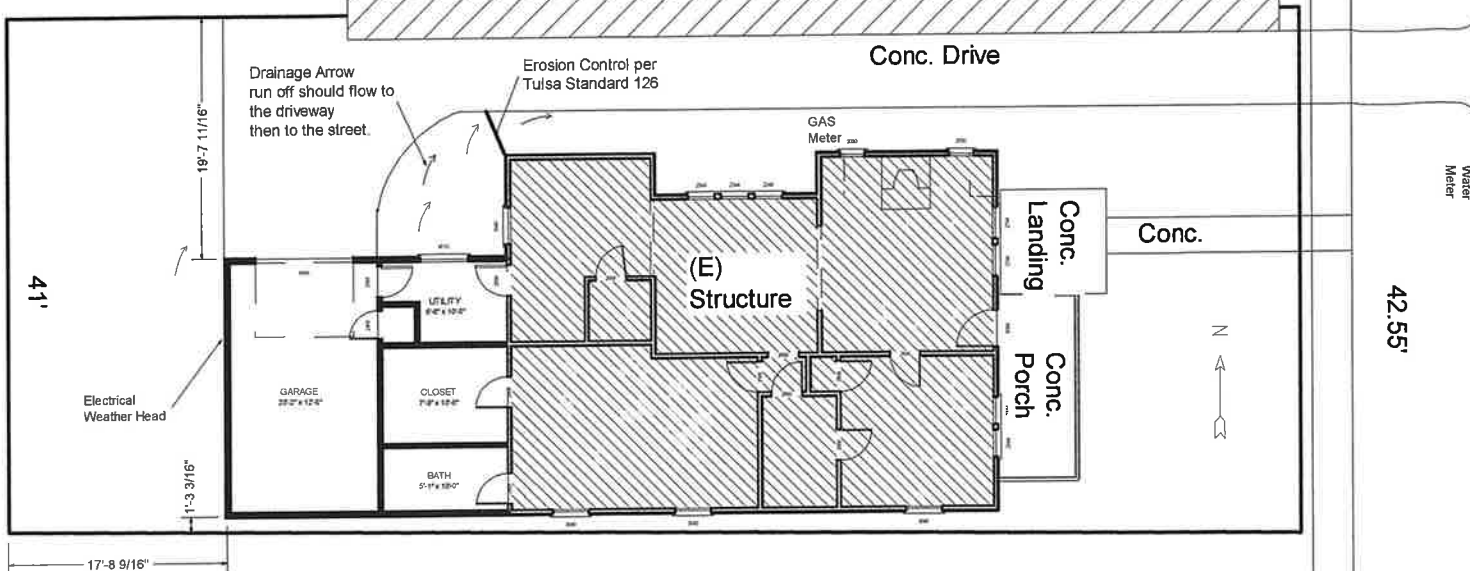
DATE



562 N Tacoma Ave
Tulsa, OK 74127

JD /E (BK1913/PG110)

105'



Site Plan

Note: This revision documentation shows::

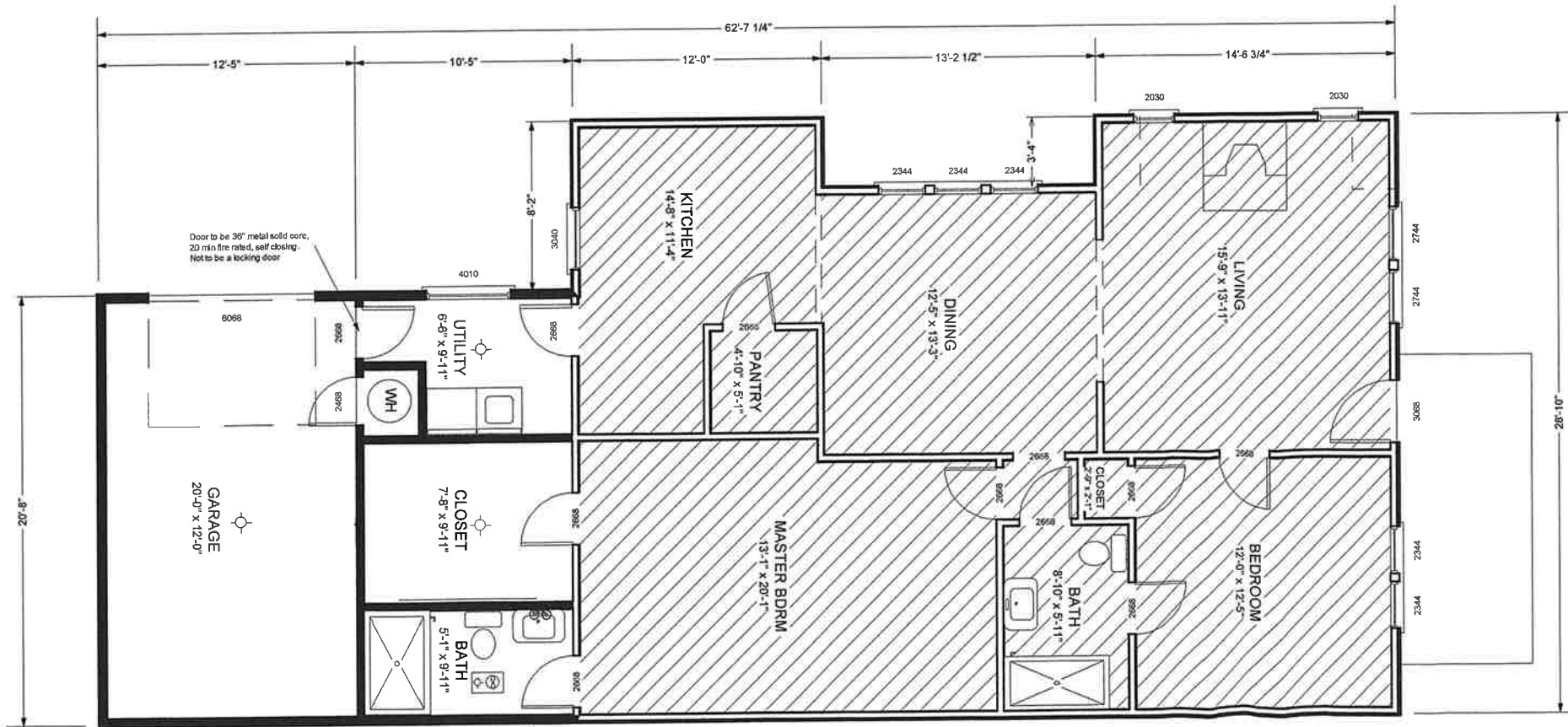
A Site Plan Showing:

- A North arrow
- Address and Legal Description.
- Property lines with overall dimensions.
- Setbacks, Easement, Existing Structure,
- Proposed Addition Dimensioned,
- Grading to Support Drainage Plan.

Note: This revision documentation shows::

A Floor Plan Showing:

- Removal of window in Bathroom
- Building a 1 hr fire rated wall
- Call out the Garage door to the laundry to be 20 min Fire rated self closing metal solid core



Floor plan

APPROVED ROOF COVERING

1/2" CDX PLY

ALTERNATE LOCATION OF GWB OR 2X BLOCKING IF NO CEILING FINISH IS PROVIDED

2 X 4 BLOCK

FASCIA

SOFFIT BOARD

5/8 TYPE X GYPSUM SHEATHING

SIDING

5/8" TYPE X GYPSUM WALLBOARD

2X FRAMING

STRUCTURAL SHEATHING AS REQUIRED

1-HOUR RATED WALL AND PROTECTED EAVE OVERHANG

Revisions page

PROJECT NAME 562 N Tacoma Ave

McGhee Drafting & Design
9300 s 190th e Ave
Broken Arrow Ok 74012

DESIGN BY:

David McGhee
(918) 344-9596
XX.XX.XX