



CITY OF
Tulsa
Board of Adjustment

Case Number: BOA-23509

Hearing Date: 04/11/2023 1:00 PM

Case Report Prepared by:

Austin Chapman

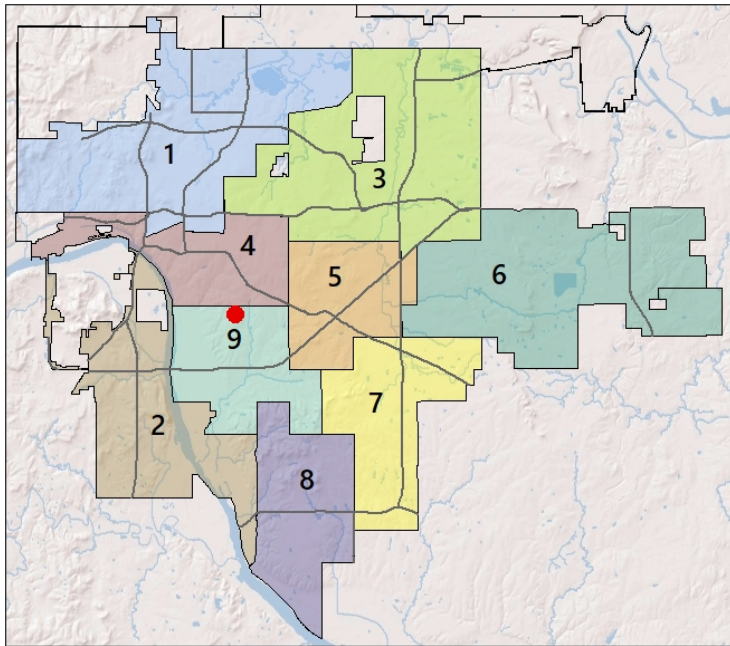
Owner and Applicant Information:

Applicant: Edgar Lopez

Property Owner: Walker, Donald Dean Est

Action Requested: Special Exception to permit the expansion of a structure with a non-conforming street setback in the RS-1 District (Section 80.030-D)

Location Map:



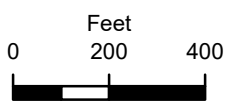
Additional Information:

Present Use: Residential

Tract Size: 0.33 acres

Location: 3313 S. Birmingham Av. E.

Present Zoning: RS-1



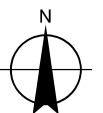
Subject
Tract

BOA-23509

19-13 20

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

Aerial Photo Date: 2020/2021



2.2

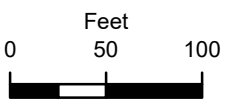


S BIRMINGHAM AVE

E 33RD ST S

E 33RD PL S

E 34TH ST S



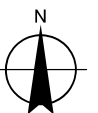
Subject Tract

BOA-23509

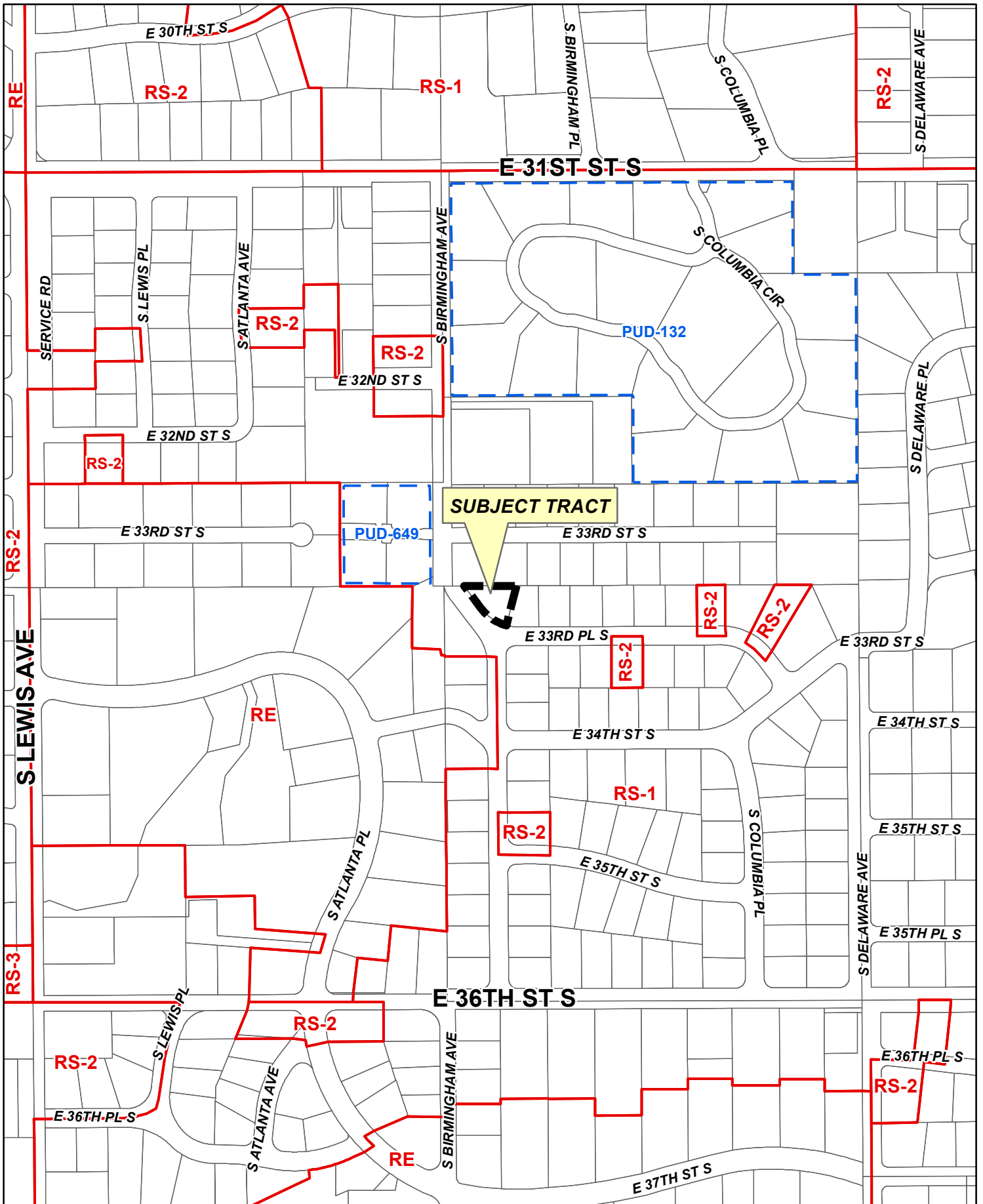
19-13 20

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

Aerial Photo Date: 2020/2021

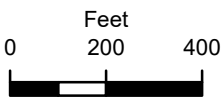


2.3

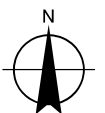


SUBJECT TRACT

BOA-23509



19-13 20



BOARD OF ADJUSTMENT CASE REPORT

STR: 9320

Case Number: BOA-23509

CD: 9

HEARING DATE: 04/11/2023 1:00 PM

APPLICANT: Edgar Lopez

ACTION REQUESTED: Special Exception to permit the expansion of a structure with a non-conforming street setback in the RS-1 District (Section 80.030-D)

LOCATION: 3313 S. Birmingham Ave. E.

ZONED: RS-1

PRESENT USE: Residential

TRACT SIZE: 14549.1 SQ FT

LEGAL DESCRIPTION: LT-13-BLK-1, TIMBERLAND ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS:

Surrounding property:

BOA-18937: On 12.12.00 the Board **approved** a Variance to reduce the required street setback from 65-feet to 59.5-feet from the c/l of E. 33rd Pl. S., finding the hardship to the the configuration of the lot. Property located 2607 E. 33rd Pl. S.

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: The applicant is requesting a Special Exception to permit the expansion of a structure with a non-conforming street setback in the RS-1 District (Section 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.

The applicant is seeking to put a garage addition onto a house with a 27.5-foot street setback, the current RS-1 standard would require 35-feet.

SAMPLE MOTION:

Move to _____ (approve/deny) a Special Exception to permit the expansion of a structure with a non-conforming street setback in the RS-1 District (Section 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

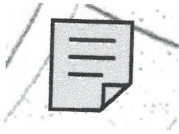


DEVELOPMENT SERVICES
175 E 2ND ST., STE 405
TULSA, OK 74103
918-596-9456

CITY OF TULSA

CORRECTIONS SUMMARY

Zoning Review (1)



Subject: Zoning Review
Page Label: 5
Status:
Author: DWhiteman
Date: 2/23/2023 5:20:22 PM
Color: ■

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.

Review Comment: This lot is zoned RS-1 which requires a 35' front street setback. This means that this house is a non-conforming structure, since it does not conform with the current required front street setback, even though it originally complied with the 25' building line shown on the plat. You may revise the plans so that the addition complies with the current 35' front street setback. As an alternative, you may pursue a special exception from the Board of Adjustment for a horizontal extension of an exterior wall of a non-conforming structure.

NEW FLOOR PLAN ADDITION PROPOSAL

NOTE
 EXISTED
 — New Exterior Wall
 ADDITION
 EXISTEN House to be
 REMOVED





WHITE SURVEYING COMPANY

• 9936 EAST 55TH PLACE TULSA, OKLAHOMA 74146 • (918) 683-8924

SITE PLAN



1"=30'

INVOICE NO.: 23-110911
MORTGAGOR: LOPEZ, EDGAR

CLIENT: LOPEZ, EDGAR

LEGEND

- X— FENCE
- U/E UTILITY EASEMENT
- D/E DRAINAGE EASEMENT
- M/P METERING POINT
- R/W RIGHT-OF-WAY
- B/E BURIED ELECTRIC & TELEPHONE CABLE
- EASEMENT (APPROXIMATE LOCATION)
- B/L BUILDING LINE
- O.B.L. OUTBUILDING LINE

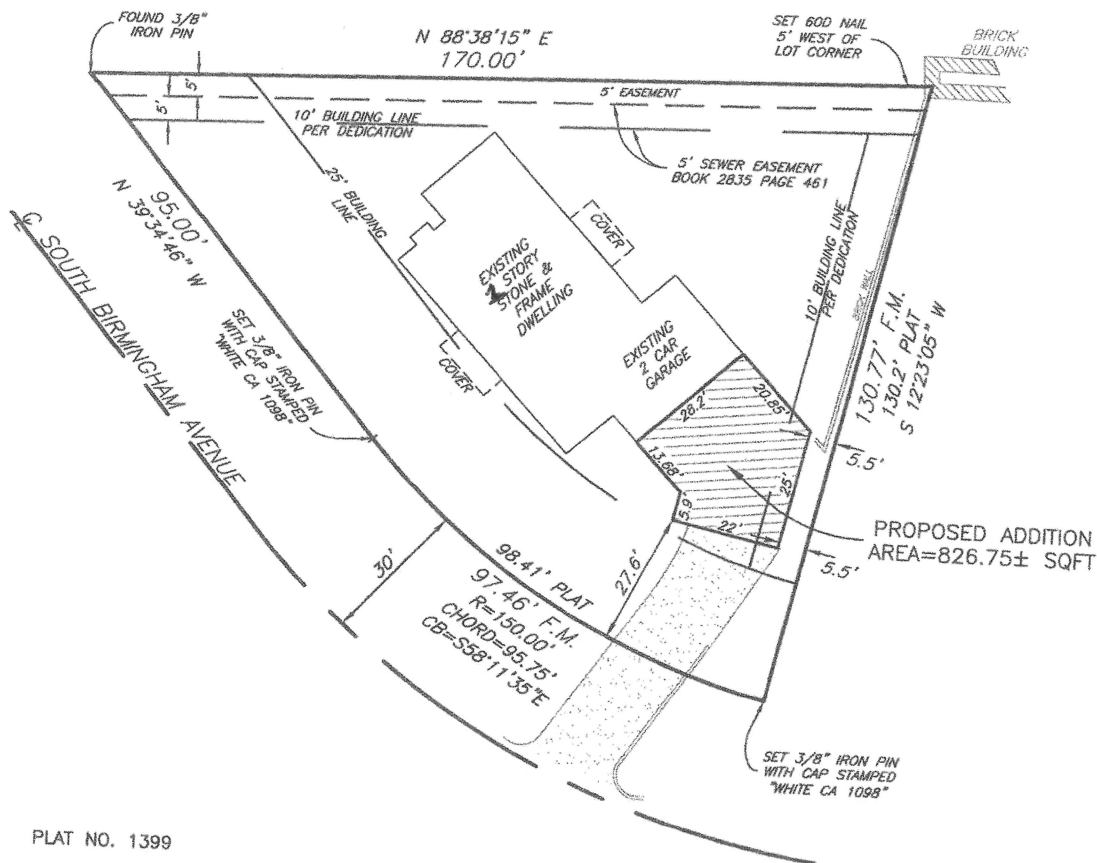


BEFORE YOU DIG,
CALL OKIE
1-800-522-6543

THE BEARINGS SHOWN HEREON ARE BASED ON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM NAD 83 (2011) AND THE NORTH LINE OF LOT 13, BLOCK 1, TIMBERLAND ADDITION BEING N 88°18'15" E.

THE PROPERTY DESCRIBED HEREON IS SUBJECT TO THE TERMS, CONDITIONS, PROVISIONS, COVENANTS, RESTRICTIONS, EASEMENTS, LIMITATIONS AND SETBACK LINES CONTAINED IN THE RECORDED PLAT AND DEED OF DEDICATION OF TIMBERLAND ADDITION.

BY GRAPHIC PLOTTING ONLY THIS PROPERTY LIES IN ZONE "X-UNSHADED" FLOOD HAZARD AREA PER F.I.R.M. MAP NUMBER 40143C0352M, AS LAST REVISED 5/2/2019.



PLAT NO. 1399

LEGAL DESCRIPTION AS PROVIDED:

LOT THIRTEEN (13), BLOCK ONE (1), TIMBERLAND ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND KNOWN AS 3313 SOUTH BIRMINGHAM AVENUE.



BY:

John L. Libby Jr.
REGISTERED PROFESSIONAL LAND SURVEYOR OKLAHOMA NO. 1806

DATE:

2/3/2023