



CITY OF Tulsa

Board of Adjustment

Case Number: BOA-23533

Hearing Date: 06/13/2023 1:00 PM

Case Report Prepared by:

Austin Chapman

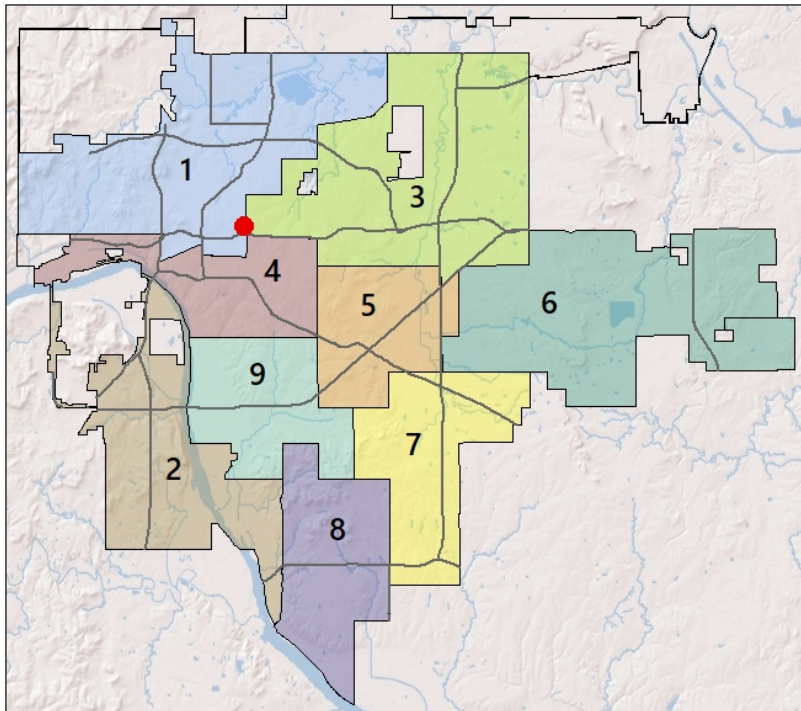
Owner and Applicant Information:

Applicant: Tom Neal

Property Owner: Flores-Bustos, Delfina & Margarita Zuno

Action Requested: Variance to reduce the required 20-foot street setback and 5-foot side setback in the RS-4 District (Sec. 5.030-A, Table 5-3)

Location Map:



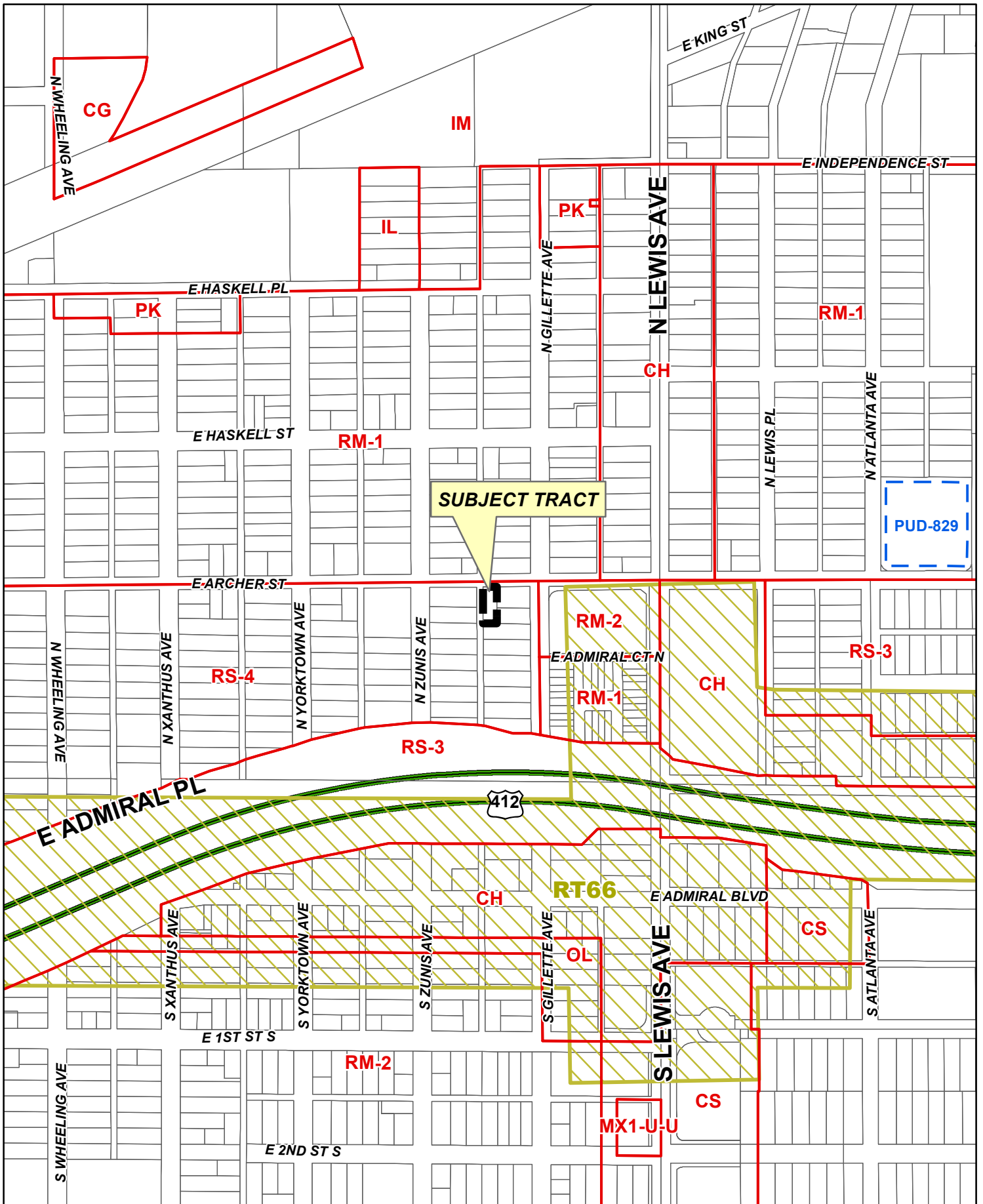
Additional Information:

Present Use: Residential

Tract Size: 0.12 acres

Location: 2216/2218 E. Archer St. N.

Present Zoning: RS-4



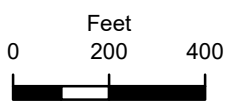
SUBJECT TRACT

PUD-829

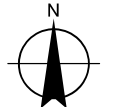
412

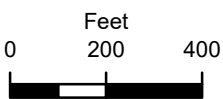
RT66

BOA-23533



19-13 06





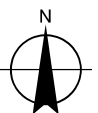
Subject Tract

BOA-23533

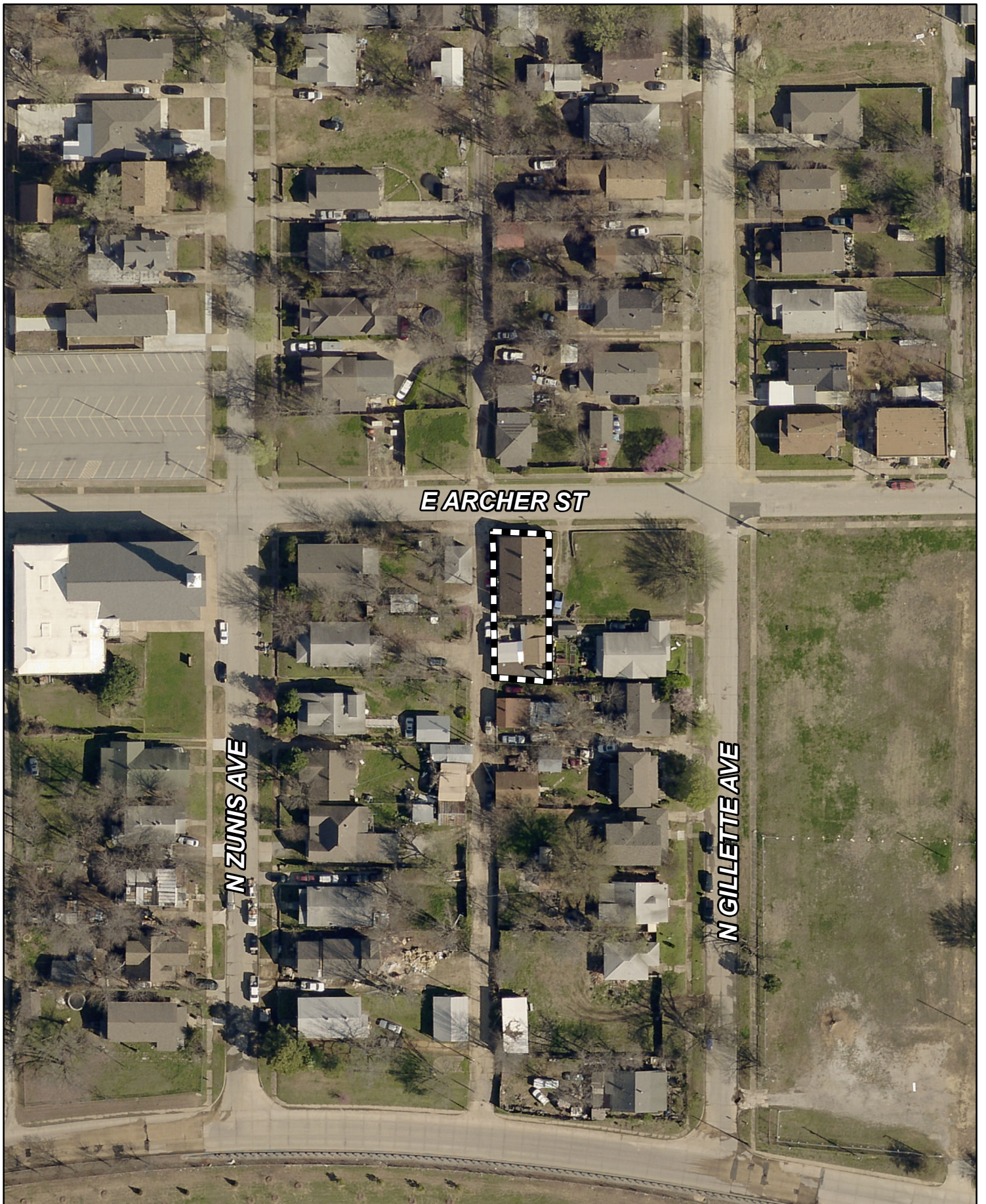
Note: Graphic overlays may not precisely align with physical features on the ground.

19-13 06

Aerial Photo Date: 2020/2021



4.3



E ARCHER ST

N ZUNIS AVE

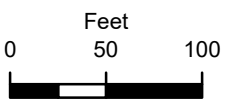
N GILLETTE AVE

BOA-23533

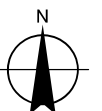
Note: Graphic overlays may not precisely align with physical features on the ground.

19-13 06

Aerial Photo Date: 2020/2021



Subject Tract



4.4

BOARD OF ADJUSTMENT CASE REPORT

STR: 9306

Case Number: BOA-23533

CD: 1

HEARING DATE: 06/13/2023 1:00 PM

APPLICANT: Tom Neal

ACTION REQUESTED: Variance to reduce the required 20-foot street setback and 5-foot side setback in the RS-4 District (Sec. 5.030-A, Table 5-3)

LOCATION: 2216/2218 E ARCHER ST N

ZONED: RS-4

PRESENT USE: Residential

TRACT SIZE: 5087.83 SQ FT

LEGAL DESCRIPTION: W44 LTS 1 2 3 4 & 5 BLK 3, EASTLAND 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 Growth”.

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

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.

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: ***Lot is non-conforming and structure is 90-years old., built before there was a zoning code. Home had features similar to the newly built ones.***
2. That the literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose: ***Replaced old ones one-for one.***
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: ***I have never seen a comparable situation.***
4. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner: ***Hardship was imposed by contractor working without a permit.***
5. That the variance to be granted is the minimum variance that will afford relief: ***Structure will not change substantially in size.***

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 variance would allow what is a rebuild of what has been there for mor ethan 20 years.***
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: **Maintains existing situation.**

STAFF ANALYSIS: The applicant is requesting a Variance to reduce the required 20-foot street setback and 5-foot side setback in the RS-4 District (Sec. 5.030-A, Table 5-3).

Per the site plan provided by the applicant the structures are built almost to the lot line if not on it.

Facts staff finds favorable for variance request:

- Relief appears relatively consistent with previous improvements on the property.

Facts Staff find unfavorable for the variance request:

- None.

SAMPLE MOTION:

Move to _____ (approve/deny) a Variance to reduce the required 20-foot street setback and 5-foot side setback in the RS-4 District (Sec. 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."*



East face of Subject property



West face of Subject property

ZCO-139050-2023 (2216 E ARCHER ST N Tulsa Tulsa, OK 74110) Markup Summary #1

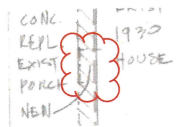
Area Measurement (1)



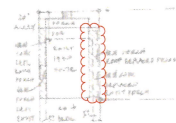
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Page Label: 1
Status:
Author: Jeff Taylor
Date: 2/17/2023 8:05:53 AM
Color: ■

2,277.58 sf

Cloud (2)

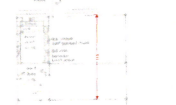


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Page Label: 1
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Date: 2/17/2023 7:58:23 AM
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Subject: Cloud
Page Label: 1
Status:
Author: Jeff Taylor
Date: 2/17/2023 8:27:03 AM
Color: ■

Dimension (2)



Subject: Dimension
Page Label: 1
Status:
Author: Jeff Taylor
Date: 2/15/2023 3:08:22 PM
Color: ■

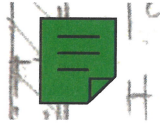
115'



Subject: Dimension
Page Label: 1
Status:
Author: Jeff Taylor
Date: 2/15/2023 3:10:09 PM
Color: ■

44'

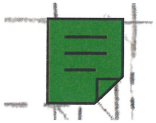
Zoning Comment (3)



Subject: Zoning Comment
Page Label: 1
Status:
Author: Jeff Taylor
Date: 2/17/2023 8:00:06 AM
Color: ■

5.030-A: In the RS-4 zoned district the minimum side yard setback shall be 5 feet from the side property line on both sides of this dwelling.

Review Comments: Revise your plans to indicate a 5' side setback to the property lines or apply to INCOG for a variance to allow less than a 5' side setback.



Subject: Zoning Comment
Page Label: 1
Status:
Author: Jeff Taylor
Date: 2/17/2023 8:00:19 AM
Color: ■

5.030-A: In the RS-4 zoned district the minimum side yard setback shall be 5 feet from the side property line on both sides of this dwelling.

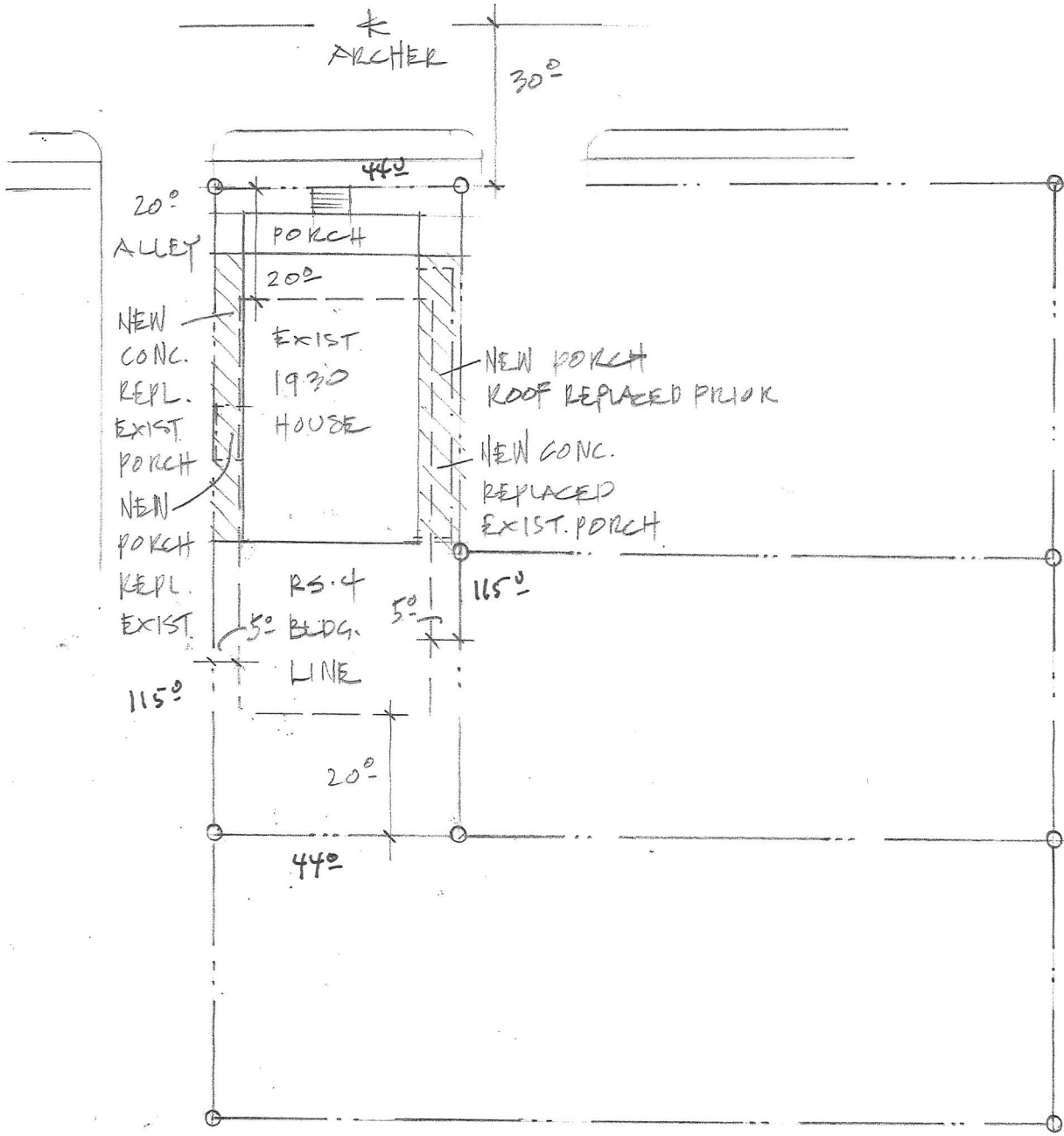
Review Comments: Revise your plans to indicate a 5' side setback to the property lines or apply to INCOG for a variance to allow less than a 5' side setback.



Subject: Zoning Comment
Page Label: 1
Status:
Author: Jeff Taylor
Date: 2/17/2023 8:26:48 AM
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5.030-A :Setback(s) (Residential): In the RS-4 zoned district the minimum street setback for this covered porch shall be 20 feet from the property line, or measured from the centerline of the abutting street add to the setback distance ½ the right-of-way (ROW) designated on the major street plan.

Review Comments: Revise your plans to indicate a 20' front setback to the property line, or apply to INCOG for a variance to allow less than a 20' front setback.



SITE PLAN 1" = 30" ↑ NORTH

FLORES
 2216 EAST ARCHER
 TULSA, OKLA | 2023

TOM NEAL
 DESIGN
 Associate member, American Institute of Architects
 918.47372