



CITY OF
Tulsa
Board of Adjustment

Case Number: BOA-23537

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

Case Report Prepared by:

Kendal Davis

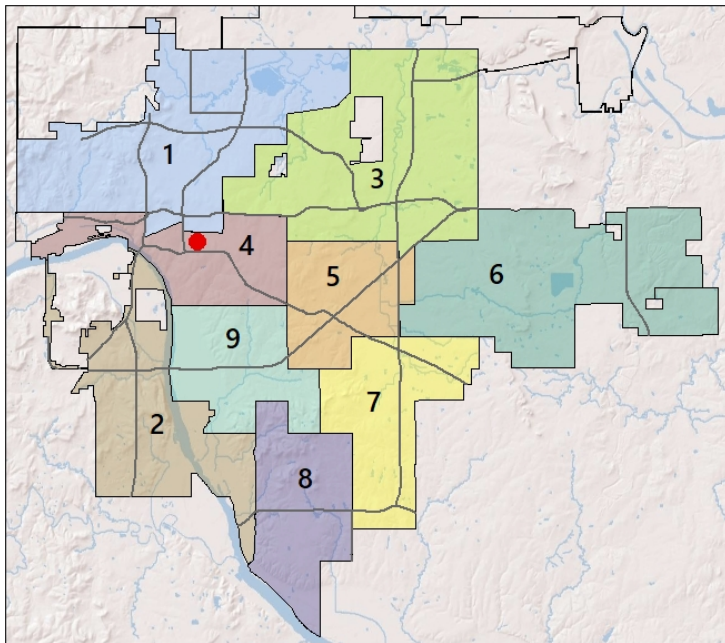
Owner and Applicant Information:

Applicant: James W. Heath

Property Owner: Branter, Sandra Lilliana

Action Requested: Special Exception to permit a carport in the street setback and yard with modifications in the increase the allowed height and dimensions (Sec. 90.090-C1)

Location Map:



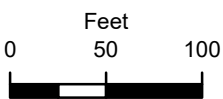
Additional Information:

Present Use: Residential

Tract Size: 0.18 acres

Location: 9417 East 38th Place South

Present Zoning: RS-3



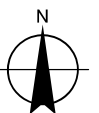
 Subject Tract

BOA-23537

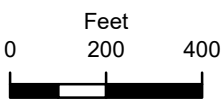
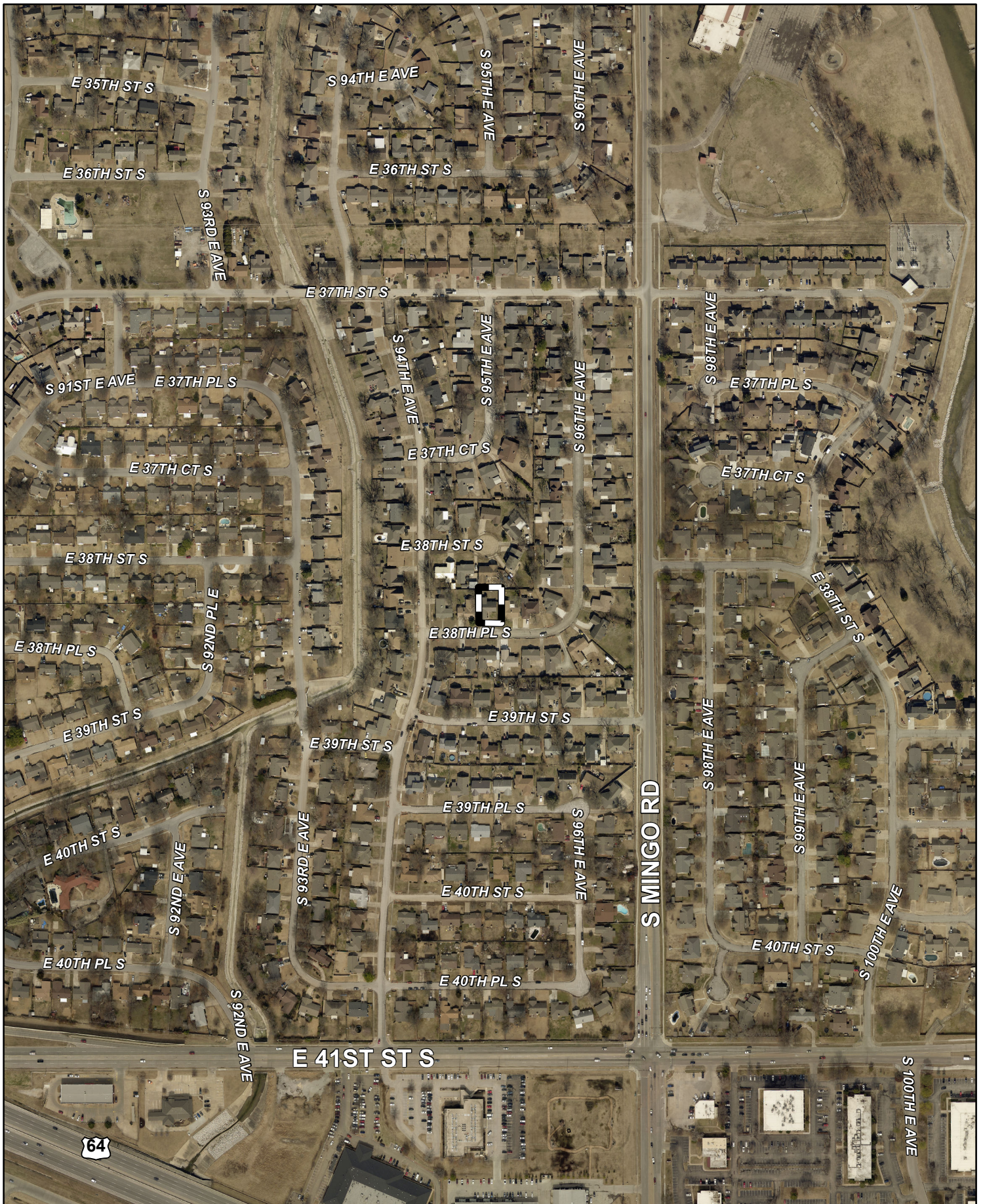
Note: Graphic overlays may not precisely align with physical features on the ground.

19-13 24

Aerial Photo Date: 2020/2021



8.3



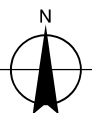
 Subject Tract

BOA-23537

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

19-13 24

Aerial Photo Date: 2020/2021



8.4

BOARD OF ADJUSTMENT CASE REPORT

STR: 9324

Case Number: BOA-23537

CD: 5

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

APPLICANT: James W. Heath

ACTION REQUESTED: Special Exception to permit a carport in the street setback and yard with modifications in the increase the allowed height and dimensions (Sec. 90.090-C1)

LOCATION: 9417 E. 38 Pl. S.

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 7819.05 SQ FT

LEGAL DESCRIPTION: LT 21 BLK 7, BRIARWOOD SECOND ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS:

Subject Property: 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.

STAFF COMMENTS: The applicant is requesting a Special Exception to permit a carport in the street yard and street setback with modifications to the required setback (Sec. 90.090-C.1). The carport is already currently installed, the applicant stated he was unaware of the process and did not know permits are required before the construction of the carport. A copy of Sec. 90.090-C1 is included in your packet.

The applicant is requesting a flat-top carport in the street setback and street yard that is 8-foot and 3-inches and 21-foot wide.

SAMPLE MOTION: Move to (approve/deny) a Special Exception to permit a carport in the street yard and street setback with modifications to increase the allowable length and reduce the required setback (Sec. 90.090- C.1).

- 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 neighborhood or otherwise detrimental to the public welfare.



Subject proeprty

Table 90-1: Permitted Setback Obstructions in R Zoning Districts

Obstruction	Setback		
	Street	Side	Rear
Accessory buildings (see also §90.090-C2)	No	No	Yes
Air conditioning units	No	Yes	Yes
Arbors and trellises	Yes	Yes	Yes
Awnings, canopies, light shelves and architecturally integrated solar shading devices projecting no more than 2 feet into the setback	Yes	Yes	Yes
Barbeque pits and outdoor fireplaces	No	No	Yes
Bay windows projecting no more than 2 feet into the setback	Yes	Yes	Yes
Carpports	Yes [1]	Yes [2]	Yes [2]
Chimneys and flues projecting no more than 2 feet into the setback	Yes	Yes	Yes
Clotheslines	No	Yes	Yes
Decks, patios, and other features and structures less than 30 inches in height above grade	Yes	Yes	Yes
Eaves and gutters projecting no more than 2 feet into the setback	Yes	Yes	Yes
Fences and walls (see also Section 45.080)	Yes	Yes	Yes
Fire escapes projecting no more than 4.5 feet into the setback	Yes	Yes	Yes
Flagpoles and similar features	Yes	Yes	Yes
Geothermal heat pumps and geothermal heat exchange system equipment up to 4 feet in height above grade	No	No	Yes
Green houses and hoop houses	No	No	Yes
Insulation added to the outside of the exterior wall of an existing building	Yes	Yes	Yes
Plants and cold frames	Yes	Yes	Yes
Rainwater harvesting equipment projecting no more than 4.5 feet into the setback	Yes	Yes	Yes
Recreational equipment (e.g., swing sets, playground equipment, tree houses, etc.)	No	No	Yes
Satellite dish antennas	See Section 45.180		
Signs (see also Chapter 60)	Yes	Yes	Yes
Sills, belt courses, cornices and similar architectural features projecting no more than 2 feet into the setback	Yes	Yes	Yes
Solar energy systems, building-mounted	No	Yes	Yes
Solar energy systems, ground-mounted	No	No	Yes
Swimming pools and tennis courts	No [3]	No	Yes
Vehicle parking/storage, inoperable (see also Section 45.140)	No	No	Yes
Wheelchair lifts and ramps that meet federal, state and local accessibility standards	Yes	Yes	Yes

Table 90-1 Notes

- [1] Special exception approval required; see [90.090-C1](#).
- [2] Must be setback at least 3 feet from side and rear lot lines.
- [3] May be allowed in the street setback within a rear yard.

1. Carports

Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures of [Section 70.120](#). Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception process:

- a. A carport may be a detached accessory building or an integral part of the principal building.
- b. The area of a carport may not exceed 20 feet in length by 20 feet in width.

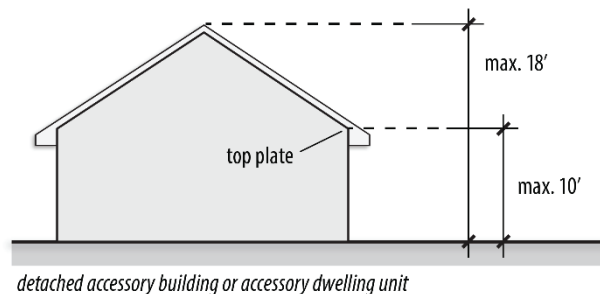
- c. A detached carport may not exceed 8 feet in height at its perimeter or 18 feet in height at its highest point. A carport erected as an integral part of the principal building may not exceed 8 feet in height within 10 feet of a side lot line or 18 feet at its highest point.
- d. The carport structure must be setback from side lot lines by a minimum distance of 5 feet or the depth of the principal building setback, whichever is a greater distance from the side lot line.
- e. The carport structure may project into the required street setback by a maximum distance of 20 feet. This distance must be measured from the required street setback line or the exterior building wall of the principal building, whichever results in the least obstruction of the street setback.
- f. All sides of a carport that are within the required street setback must be open and unobstructed, except for support columns, which may not obstruct more than 15% of the area of any side.
- g. The entire area under a carport may be used only for storage of operable, licensed motor vehicles (i.e., cars, boats, pickup trucks, vans, sport utility vehicles), which are customarily accessory to the dwelling. No other use of the carport area is allowed.

2. Detached Accessory Buildings, including Accessory Dwelling Units, in RE, RS, RD Districts and RM Zoned Lots Used for Detached Houses or Duplexes.

- a. Detached accessory buildings, including Accessory Dwelling Units, may be located in rear setbacks provided that:

- (1) The building does not exceed one story or 18 feet in height and is not more than 10 feet in height to the top of the top plate; and

Figure 90-9: Maximum Height of Accessory Buildings, Including Accessory Dwelling Units In Rear Setbacks (RE, RS and RD Districts or RM Zoned Lots Used for Detached Houses or Duplexes)



- (2) Building coverage in the rear setback does not exceed the maximum limits established in [Table 90-2](#):

Table 90-2: Accessory Building, Including Accessory Dwelling Units, Coverage Limits in Rear Setback

Zoning District	Maximum Coverage of Rear Setback
RS-1 and RE Districts	20%
RS-2 District	25%
RS-3, RS-4, RS-5 and RD Districts	30%
RM zoned Lots Used for Detached Houses or Duplexes	30%



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

CITY OF TULSA CORRECTIONS SUMMARY

BLDR-137677-2023 (9417 E 38TH PL S Tulsa Tulsa, OK 74145)
137677 PLANS_v1.pdf Markup Summary #1

Zoning Review (1)



Subject: Zoning Review
Page Label: 1
Status:
Author: DWhiteman
Date: 1/20/2023 1:50:14 PM
Color: ■

Section 90-090-C.1, Carports. Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures of Section 70.120. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception process:

b.) The area of a carport may not exceed 20 feet in length by 20 feet in width.

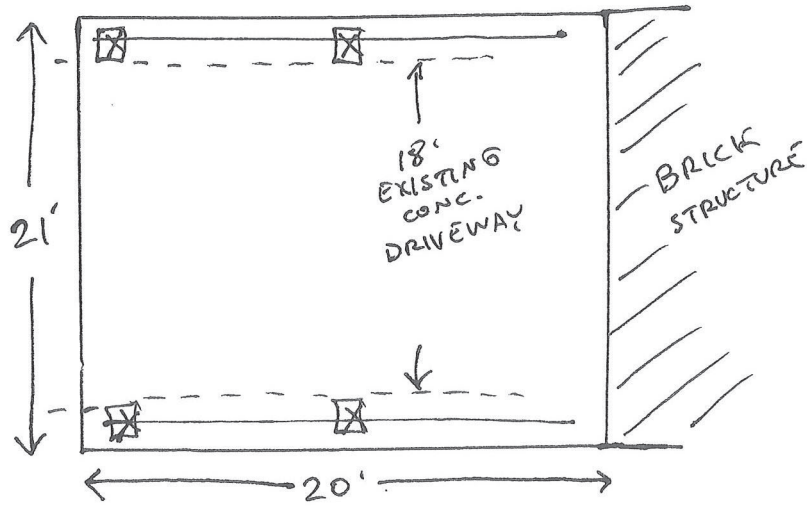
c.) A carport erected as an integral part of the principal building may not exceed 8 feet in height within 10 feet of a side lot line or 18 feet at its highest point.

Review Comment: The proposed carport is located in the street setback and requires a special exception from the Board of Adjustment. Contact INCOG regarding applying for a special exception for a carport that is located in the street setback, that exceeds 20' long x 20' wide, and that exceeds 8' in height within 10' of a side lot line. If approval is received from the Board of Adjustment, submit the approval documents to the city permit office as revised plans.

STRUCTURAL CROSS SECTION FOR

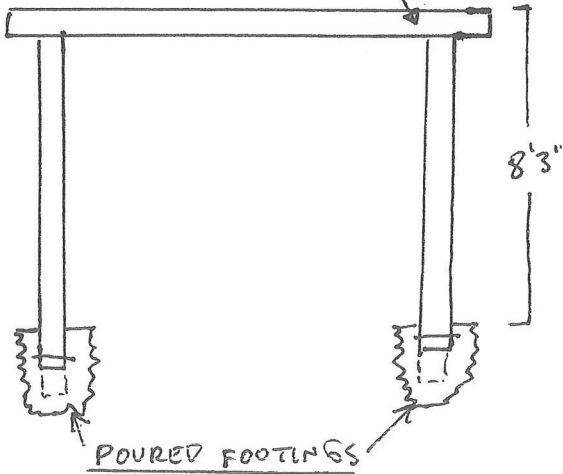
9417 EAST 38th PLACE TULSA

TOP VIEW



FRONT VIEW

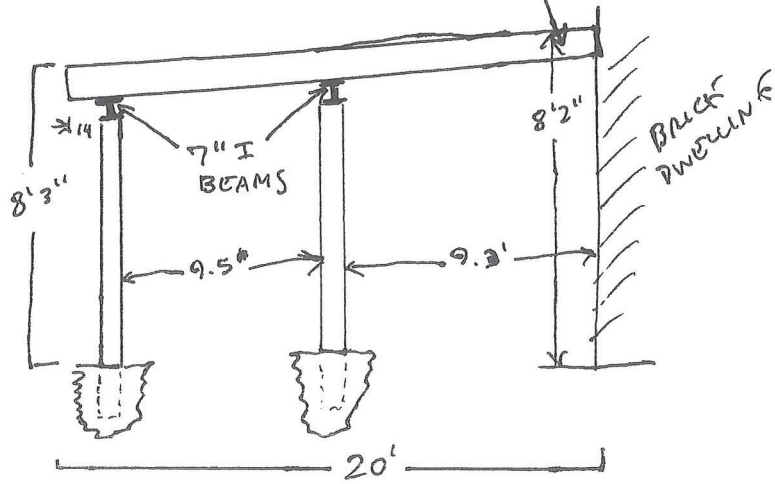
ROOF DECK



EAST AND WEST SIDES

SIDE VIEW (EAST)

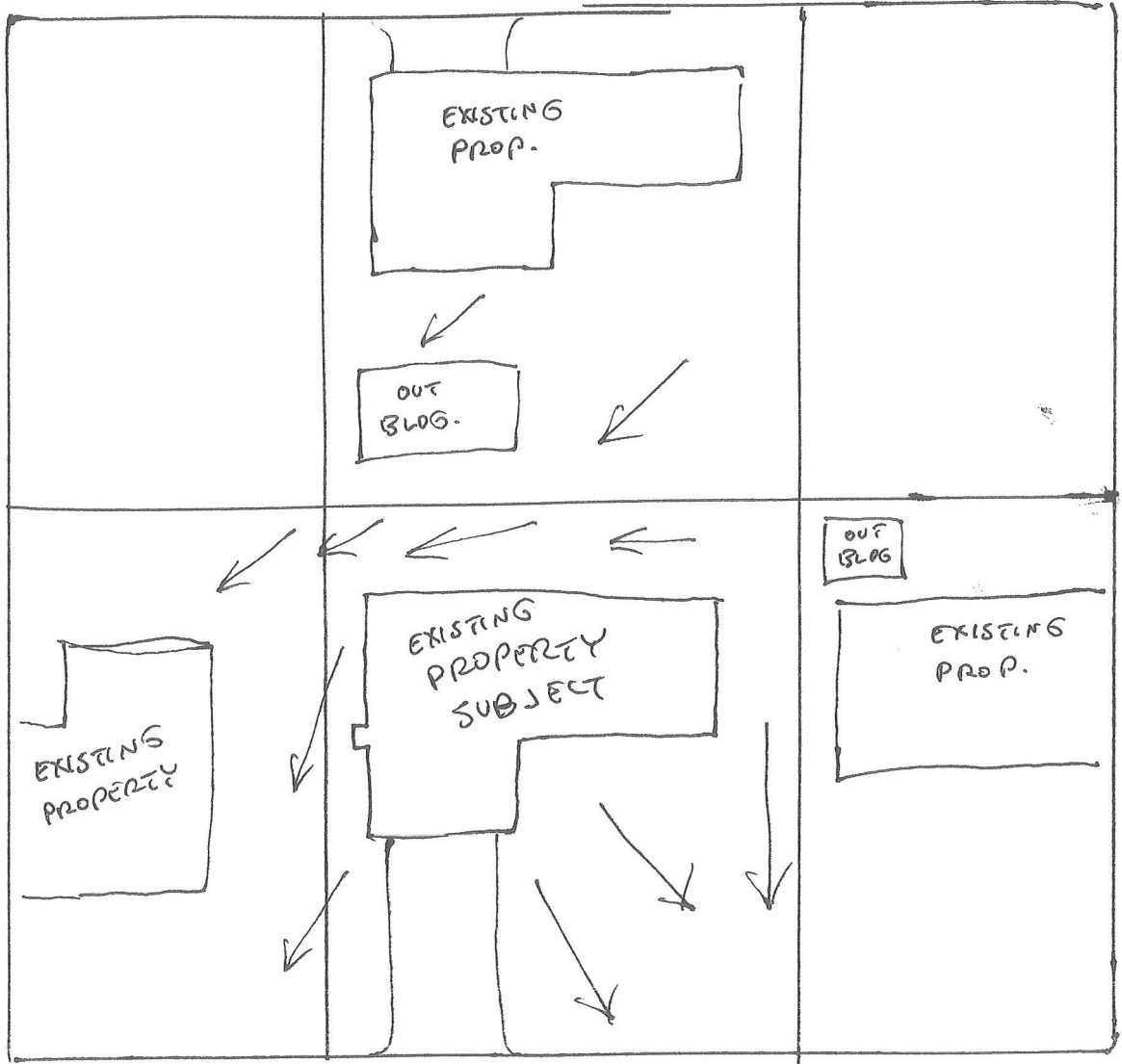
ROOF DECK



(4) 3" SQUARE STEEL POSTS EXTEND
2' INTO POURED CONCRETE FOOTINGS

CURRENT DRAINAGE PATHS FOR

9417 E. 38th PLACE



EAST 38th PLACE

Exhibits provided by Applicant

NEIGHBOR COMMUNICATIONS

SEAN MASSEY 9423 E. 38th PLACE

"I HAS NO PROBLEM WITH THE CARPORT" 5-2-23 @ 3:45 PM

Sean Massey

ISAM HAMDAN 9424 E. 38th PLACE 5-2-23 3:59 PM

"I THINK IT LOOKS GOOD"

Isam Hamdan

PAM PINKNEY 9418 E. 38th PLACE 5-2-23 4:10 AM

"I THINK IT'S FINE"

Pam Pinkney

BRENDA ESCOBEDO 9411 E. 38th PLACE 5-2-23 4:22 PM

"IT LOOKS GOOD"

Brenda Escobedo

OTHERS WITHIN THE SET BACKS WITHIN ADDITION

8539 E. 34th STREET (2 PICTURES)

8507 E. 35th STREET (1 PICTURE)

3843 S. 87th EAST AVE. (2 PICTURES)

9418 E. 40th STREET (2 PICTURES)

3334 S. 93rd EAST AVE. (1 PICTURE)

9036 E. 32nd STREET (1 PICTURE)

3307 S. 85th EAST AVE. (1 PICTURE)

8521 E. 33rd PLACE (2 PICTURES)

8513 E. 32nd STREET (1 PICTURE)

3123 S. 88th EAST AVE. (2 PICTURES)

3155 S. 85th EAST AVE. (2 PICTURES)

8261 E. 33rd STREET (1 PICTURE)

8287 E. 35th STREET (2 PICTURES)

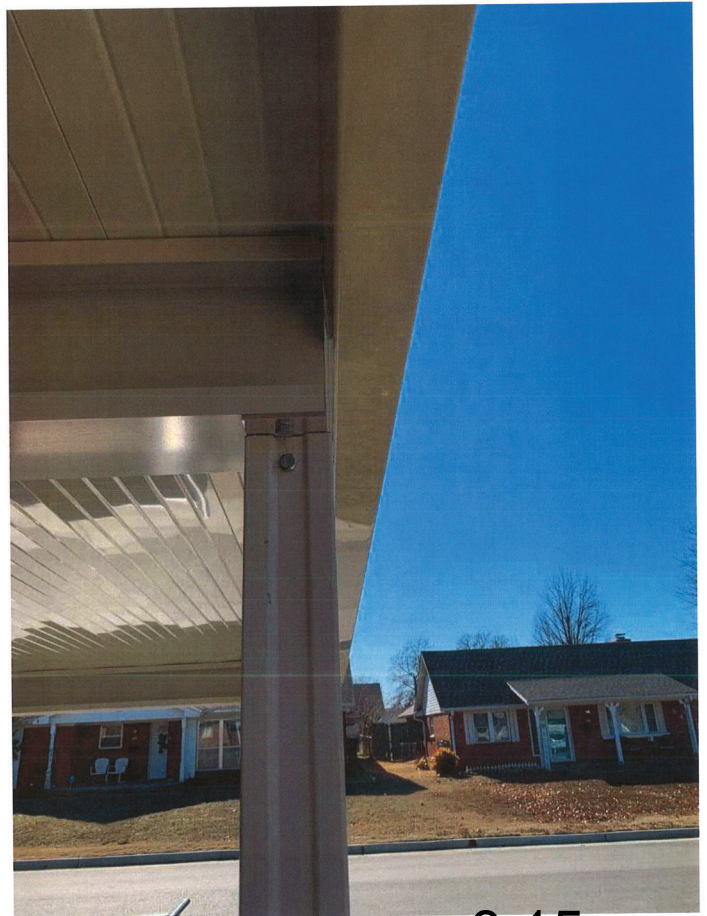
9417 E. 38th PLACE

(1 OF 10)



2 OF 10

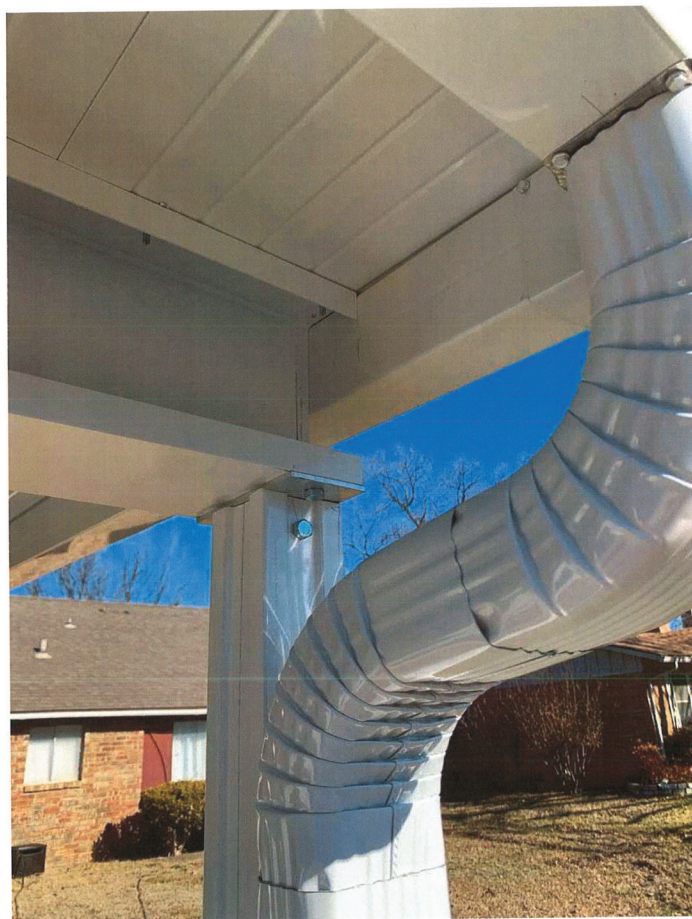




7 of 10



8 of 10



9 of 10



10 of 10



8.16



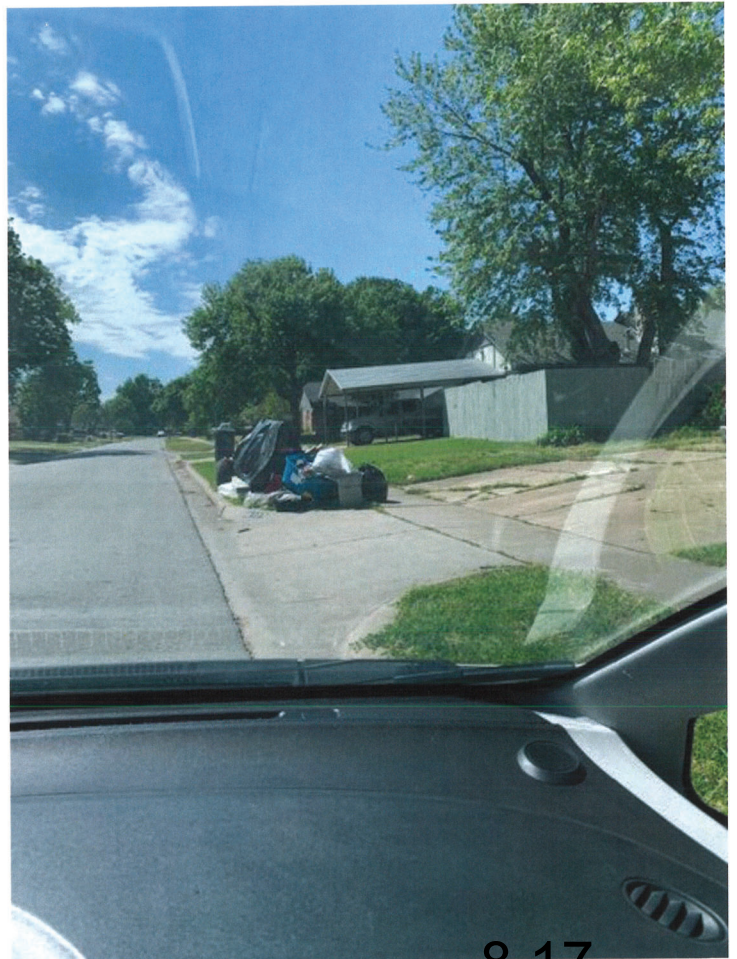
8539 E. 34th STREET (1 of 2)



8539 E. 34th STREET (2 of 2)



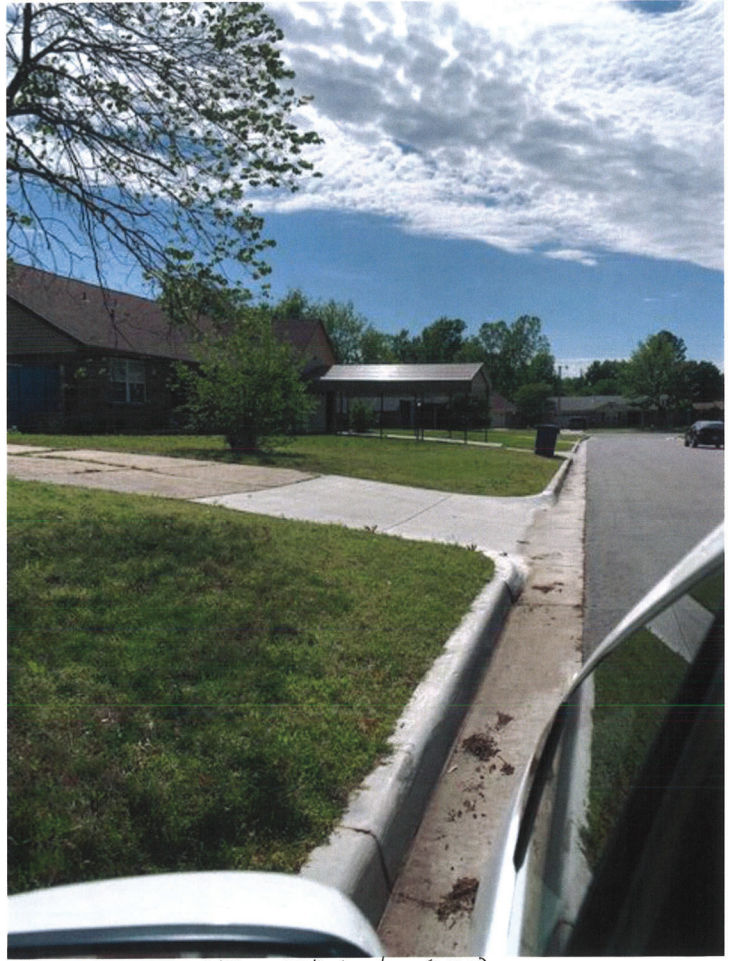
8507 E. 35th STREET (1 of 1)



3843 S. 87th EAST AVE. 8.17



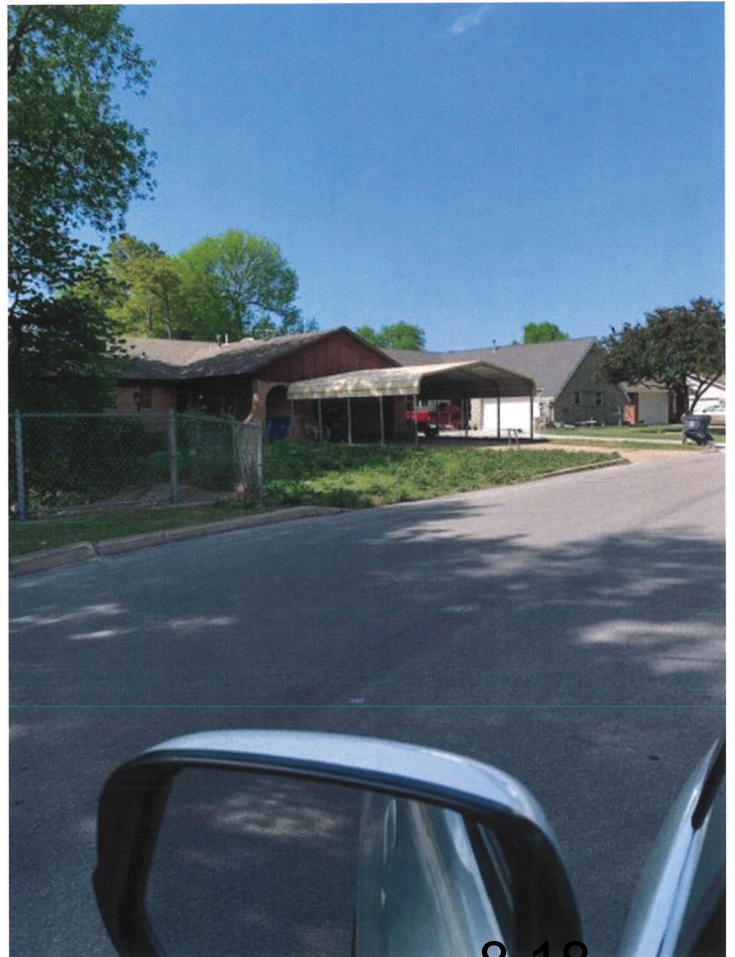
3843 S. 87th EAST AVE. (2 OF 2)



9418 E. 40th street (1 OF 2)



9418 E. 40th ST. (2 OF 2)



3334 S. 93rd EAST AVE. (1 OF 1)



9036 E. 32nd STREET (1 of 1)



3307 S. 85th EAST AVE. (1 of 1)



8521 E. 33rd PLACE (1 of 2)

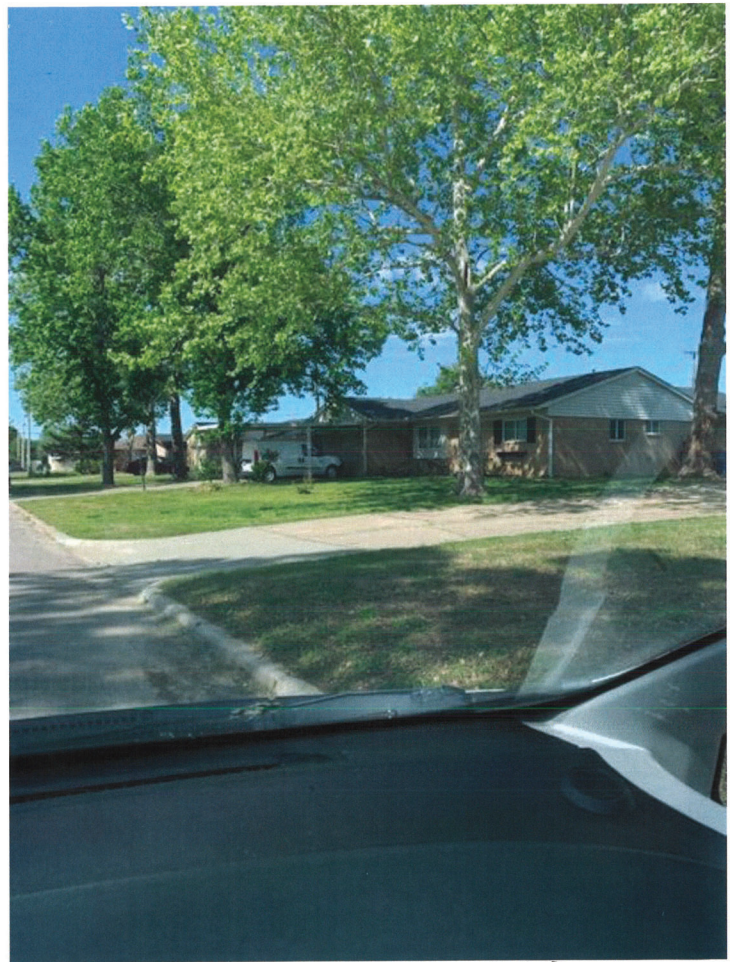


8521 E. 33rd PLACE (2 of 2)

8.19



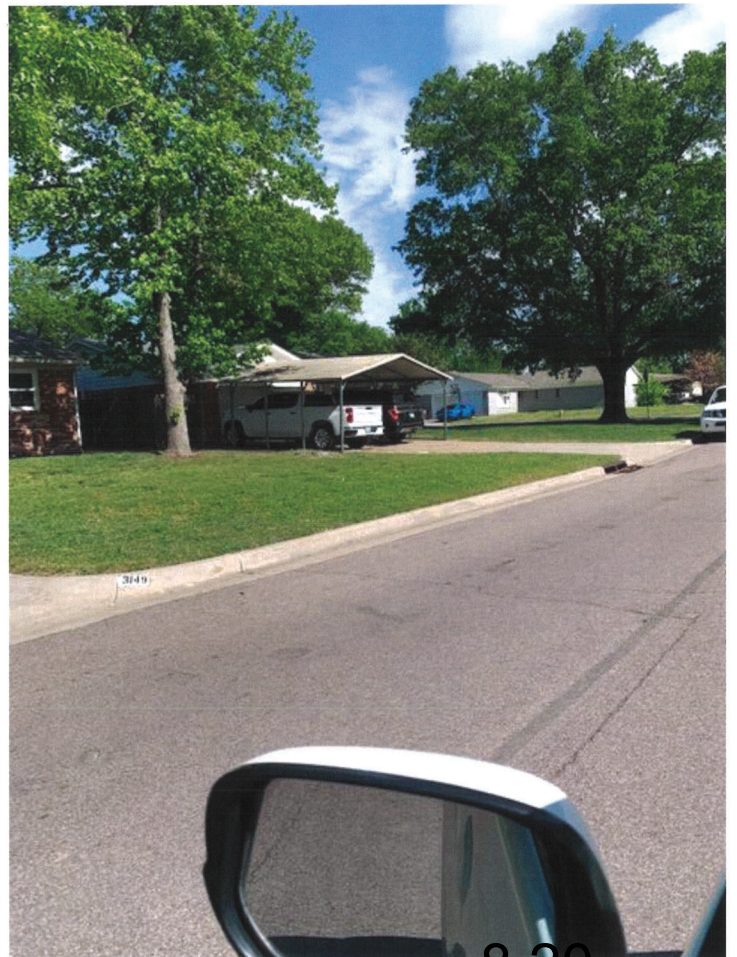
8513 E. 32nd STREET (1 OF 1)



3123 S. 88th EAST AVE. (1 OF 2)



3123 S. 88th EAST AVE. (2 OF 2)



3155 S. 85th EAST AVE. (1 OF 2)

8.20

3155 S. 85th EAST AVE. (2 of 2)



8261 E. 33rd STREET (1 OF 1)



8287 E. 35th STREET (1 OF 2)



8287 E. 35th STREET (2 OF 2) **8.21**