



CITY OF
Tulsa
Board of Adjustment

Case Number: BOA-23565

Hearing Date: 09/12/2023 1:00 PM

Case Report Prepared by:

Austin Chapman

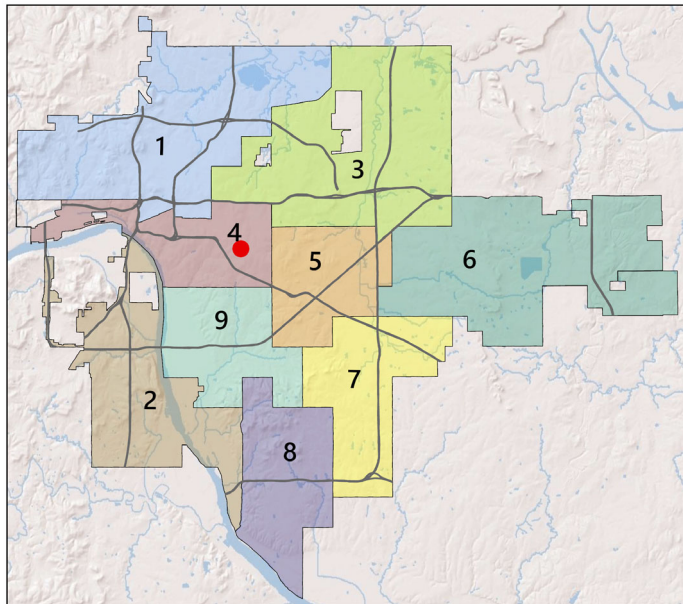
Owner and Applicant Information:

Applicant: Ryan Strode

Property Owner: Gerard Anthony Clyde Jr And Mary Jennifer Jackson

Action Requested: Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A, 45.031-D.6); Variance to allow a Detached Accessory Buildings to exceed one story or 18-feet in height and to exceed 10-feet in height to the top of the top plate in the rear setback (Section 90.090-C2).

Location Map:



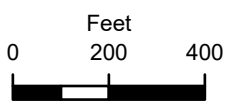
Additional Information:

Present Use: Residential

Tract Size: 0.16 acres

Location: 1619 S. Gary Ave.

Present Zoning: RS-3

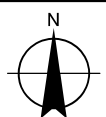


 Subject Tract

BOA-23566

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

Aerial Photo Date: 2021



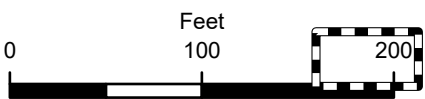
5.2



E 16TH ST S

S GARY AVE

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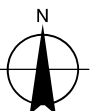


Subject Tract

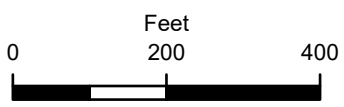
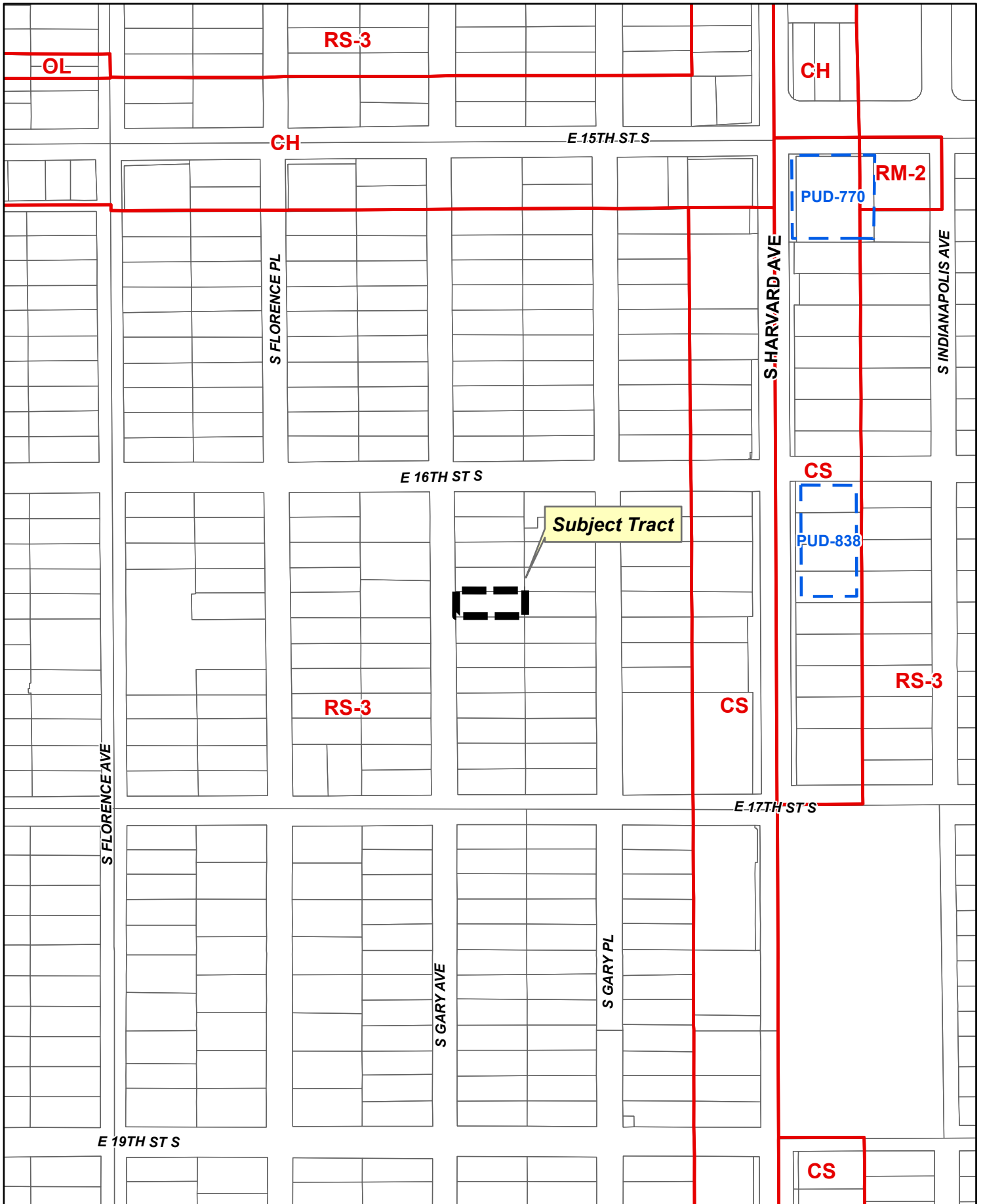
BOA-23565

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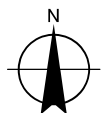
Aerial Photo Date: 2021



5.3



BOA-23565



5.4

**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9308

Case Number: **BOA-23565**

CD: 4

HEARING DATE: 09/12/2023 1:00 PM

APPLICANT: Ryan Strode

ACTION REQUESTED: **Variance** to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A, 45.031-D.6); **Variance** to allow a Detached Accessory Buildings to exceed one story or 18-feet in height and to exceed 10-feet in height to the top of the top plate in the rear setback (Section 90.090-C2).

LOCATION: 1619 S. Gary Ave.

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 7000.12 SQ FT

LEGAL DESCRIPTION: LT 20 BLK 7, EXPOSITION HGTS 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 a "Neighborhood"

Neighborhoods are "Mostly Residential Uses" which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low-intensity uses that support residents' daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off of an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access off of a lower-order street separated from the arterial, then it would be considered Neighborhood.

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: The rear setback would not allow for an addition to the existing structure and existing detached garage is needed to be replaced ASAP.
2. That the literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose: Zoning code does not allow for 2 story accessory structures.
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; Additional home office space is needed as well as replacement of the existing garage structure.
4. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner: Additional home office space is needed.
5. That the variance to be granted is the minimum variance that will afford relief; Yes.
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 replacement detached accessory building will match the existing house.

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: No, there are other 2-story accessory structures in the neighborhood.

STAFF ANALYSIS: The applicant is requesting a **Variance** to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A, 45.031-D.6); and a **Variance** to allow a Detached Accessory Buildings to exceed one story or 18-feet in height and to exceed 10-feet in height to the top of the top plate in the rear setback (Section 90.090-C2).

2. RS-2, RS-3, RS-4, RS-5 and RM Districts

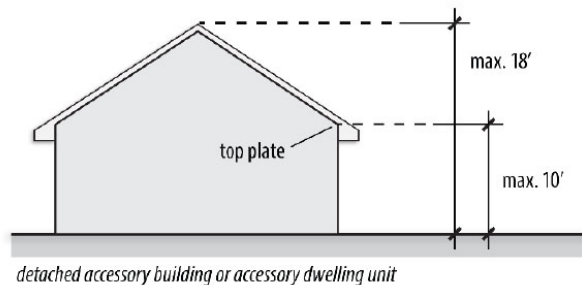
In RS-2, RS-3, RS-4, RS-5, or RM zoned lots used for detached houses or duplexes, the total aggregate floor area of all detached accessory buildings, including accessory dwelling units, and accessory buildings not erected as an integral part of the principal residential building may not exceed 500 square feet or 40% of the floor area of the principal residential structure, whichever is greater. [1]

[1] For detached accessory buildings, including accessory dwelling units, located within rear setbacks see [90.090-C](#).

Applicant is proposing a 946 square foot detached accessory building, per code the property would support a 700 square foot structure.

- (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)



Applicant is proposing a two story structure with a top plate height of 18-feet and 1-inch and an over all height of 23-feet and 2 -inches.

Facts staff finds favorable for variance request:

- Property is non-conforming with regard to lot width, the required lot width in the RS-3 district is 60-feet and this property is 50-feet wide.
- Two story detached structures are not uncommon inside the Exposition Heights Addition, though staff does not believe they are predominant.

Facts Staff find unfavorable for the variance request:

- The applicant did not provide any conditions related to the physical surroundings, shape, or topographic conditions of the subject property that are presenting a hardship.

SAMPLE MOTION: Move to _____ (approve/deny) a **Variance** to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A, 45.031-D.6); **Variance** to allow a Detached Accessory Buildings to exceed one story or 18-feet in height and to exceed 10-feet in height to the top of the top plate in the rear setback (Section 90.090-C2).

- 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

Summary of Comments on SP1.0

Page: [1] SP1.0

Number: 1 Author: James Henley Subject: WSD Comment Date: 6/20/2023 2:59:26 PM

All developments shall be designed, constructed, and completed in a manner which minimizes the exposure of bare earth to precipitation.

Revise site plan to show an Erosion Control Plan containing detailed location of all silt fence and other erosion and sedimentation control methods to be used during construction per City of Tulsa Standard 126.

Number: 2 Author: DWhiteman Subject: Zoning Review Date: 7/10/2023 1:15:09 PM

Note: this accessory building is not approved for or reviewed as an accessory dwelling unit. If this building is intended to be used as a dwelling unit, please request a special exception from the Board of Adjustment for an accessory dwelling unit located in an RS-3 zoned district.

Number: 3 Author: James Henley Subject: WSD Comment Date: 6/20/2023 3:00:16 PM

Revise site plan with drainage arrows that clearly identify how stormwater will flow around proposed construction and be conveyed to the street or public storm system. How does the construction change or affect drainage for the entire property?

Number: 4 Author: DWhiteman Subject: Zoning Review Date: 7/10/2023 1:17:13 PM

Section 90.090.C.2.a.1: Detached Accessory Buildings. Detached accessory buildings may be located in rear setbacks in RE, RS and RD districts, provided that 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. Review Comment: The proposed building is located in the rear setback and exceeds 18' in overall height, 10' to the top of the top plate, and is two stories tall.

Number: 5 Author: DWhiteman Subject: Zoning Review Date: 7/10/2023 1:29:48 PM

The second floor of the proposed building is labeled office. How will the space be used? Will there be employees, customers, or clients coming to the site?

Number: 6 Author: DWhiteman Subject: Zoning Review Date: 7/10/2023 1:25:24 PM

Section 45.030-B, RS-2, RS-3, RS-4, RS-5 an RM Districts. In RS-2, RS-3, RS-4, RS-5 or RM zoned lots used for detached houses or duplexes, the total aggregate floor area of all detached accessory buildings, including accessory dwelling units, and accessory buildings not erected as an integral part of the principal residential building may not exceed 500 square feet or 40% of the floor area of the principal residential structure, whichever is greater.

Review Comment: You are proposing 946 square feet of detached accessory structure floor area. The proposed detached structure exceeds 500 square feet and 40% of the size of the house. Based on the size of the house (1,751 square feet) you are allowed 700 square feet of detached accessory structure floor area on this lot. Please reduce the floor area of the proposed detached accessory structure to be 700 square feet or less.

NO.	DATE	REVISION

CLYDE RESIDENCE
1619 S. GARY E AVE
TULSA, OK. 74104

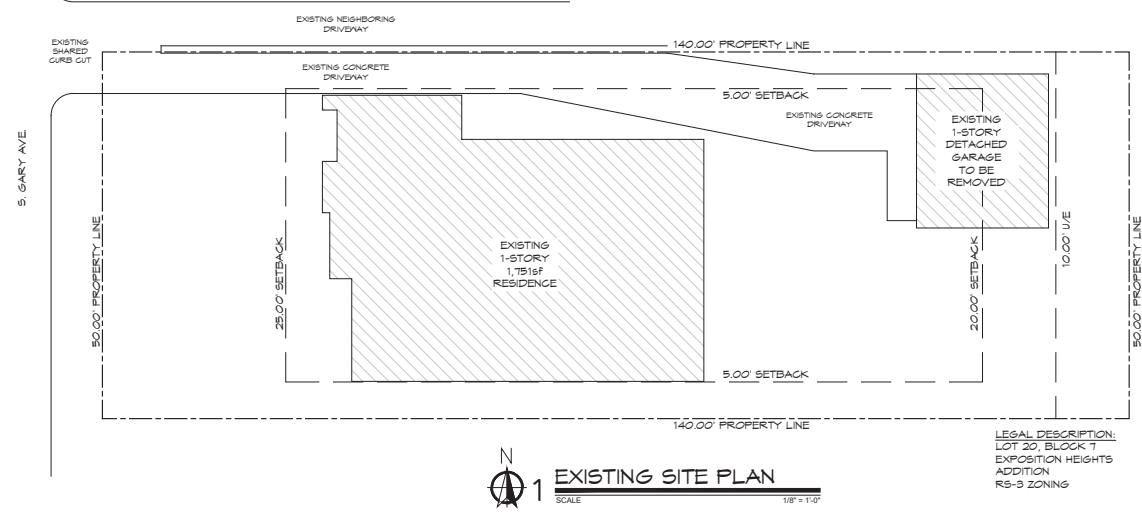
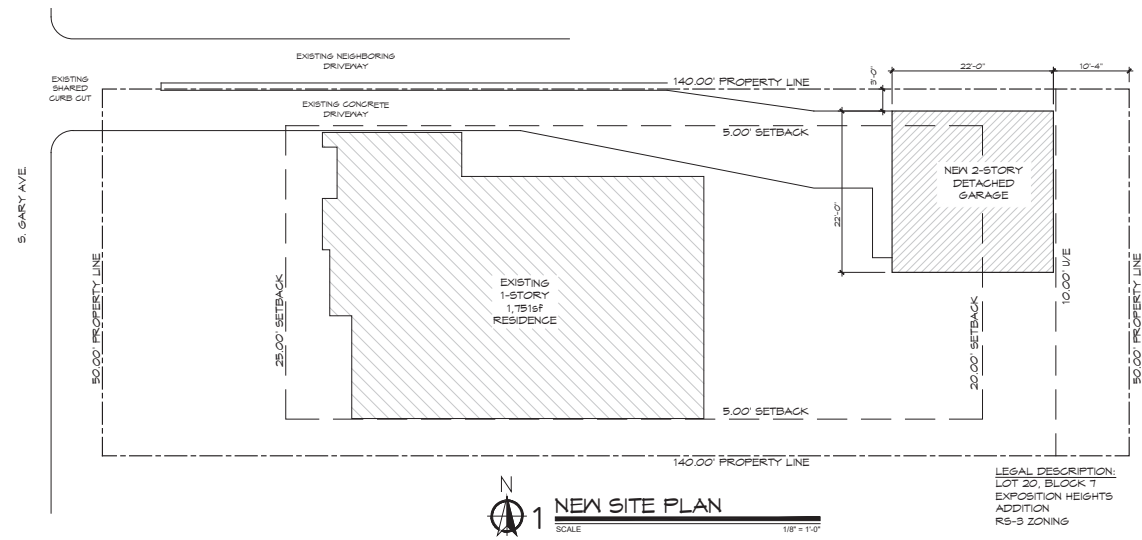
7 JUNE, 2023

SCALE: AS NOTED

GARAGE SITE PLANS

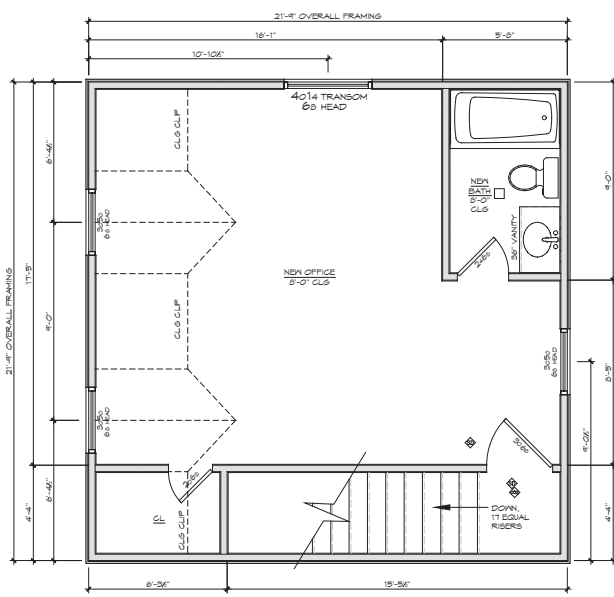
SHEET:

SP1.0

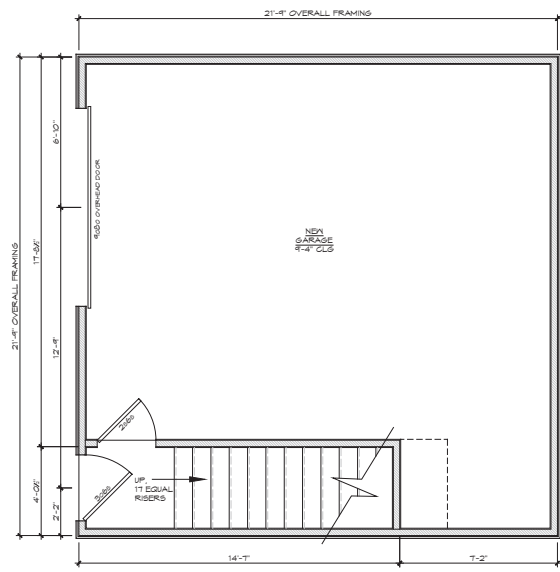


- GENERAL NOTES:**
1. ALL EXTERIOR DIMENSIONS ARE TAKEN FROM OUTSIDE FACE OF 2x4 STUD WALL. 1/2" GYP TO BE ATTACHED FOR INTERIOR FINISH. SEE ELEVATIONS FOR EXTERIOR FINISHES. ALL SILL PLATES TO BE TREATED LUMBER W/ ANCHORS @ 24" O.C.
 2. ALL INTERIOR STUDS ARE 2x4 UNLESS NOTED OTHERWISE. INTERIOR DIMENSIONS TAKEN FROM FACE OF STUD.
 3. OFFICE MUST WINDOWS TO BE OPERABLE AND MEET EGRESS REQUIREMENTS.
 4. ALL WINDOWS WITH SILL BELOW 30" AFF OR ADJACENT TO EXTERIOR DOORS TO USE TEMPERED SAFETY GLAZING.
 5. CEILING STRUCTURE TO BE 2x12 JOISTS @ 16" O.C. FLOOR DECKING TO BE 1/2" PLYWOOD, GLED AND SCREWED.
 6. SLAB IS 4" THICK CONCRETE (V. 14 # 24" E.P.A. AT MID-DEPTH OVER VAPOR BARRIER OVER 4" CRUSHED GRAVEL TYP.
 7. STAIR TREADS SHALL BE A MINIMUM LENGTH OF 11". STAIR RISER HEIGHT SHALL BE A MAXIMUM OF 15". ALL STAIR STRINGER TO BE MINIMUM 2x12 AT UNCLUT DIMENSION.
 8. ALL EXTERIOR LOAD BEARING OPENINGS TO HAVE (2) 2x8 MINIMUM HEADERS. (2) 2x12 AT GARAGE OVERHEAD DOORS.
 9. INSULATION:
 ALL EXTERIOR WALLS TO HAVE MIN. R-18 BATT INSULATION. ATTIC SPACE TO HAVE MIN. R-50 BLOWN-IN CELLULOSE INSULATION.
 10. GYP CEILING FINISH IN GARAGE SHALL BE 3/8" TYREX 1/8" RATED.
 11. DOOR TO GARAGE SHALL BE 20 MINUTE RATED SOLID CORE WOOD DOOR EQUIPPED WITH SELF-CLOSING DEVICE.
 12. ALL ACCESSIBLE INTERIOR SPACES SHALL HAVE MIN. 1/2" GYP BOARD FINISH ON ALL SURFACES, INCLUDING AREAS UNDER STAIRS.
 13. [] EXHAUST FAN W/ LIGHT KIT.
 14. [] CEILING MOUNTED SMOKE DETECTOR.
 15. [] CEILING MOUNTED CARBON MONOXIDE DETECTOR.

NO.	DATE	REVISION



2 SECOND FLOOR PLAN
 SCALE: 3/8" = 1'-0"



1 FIRST FLOOR PLAN
 SCALE: 3/8" = 1'-0"

CLYDE RESIDENCE
 1619 S. GARY E AVE
 TULSA, OK. 74104

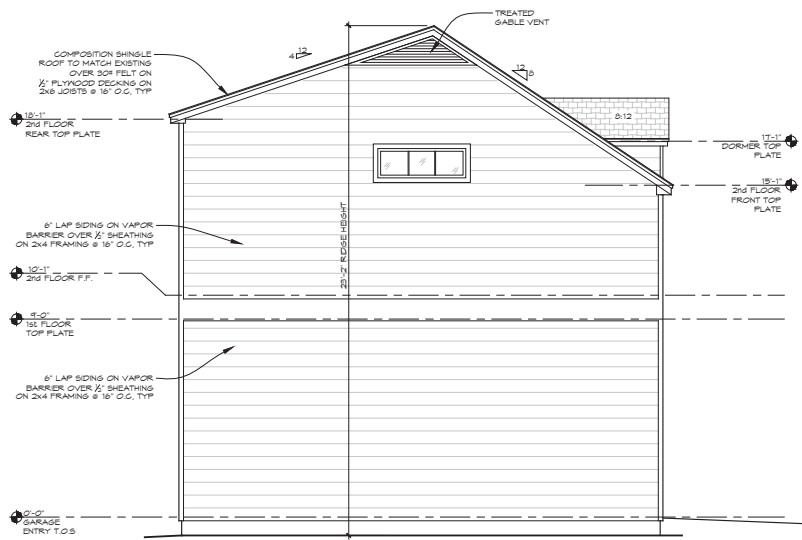
7 JUNE, 2023

SCALE: AS NOTED

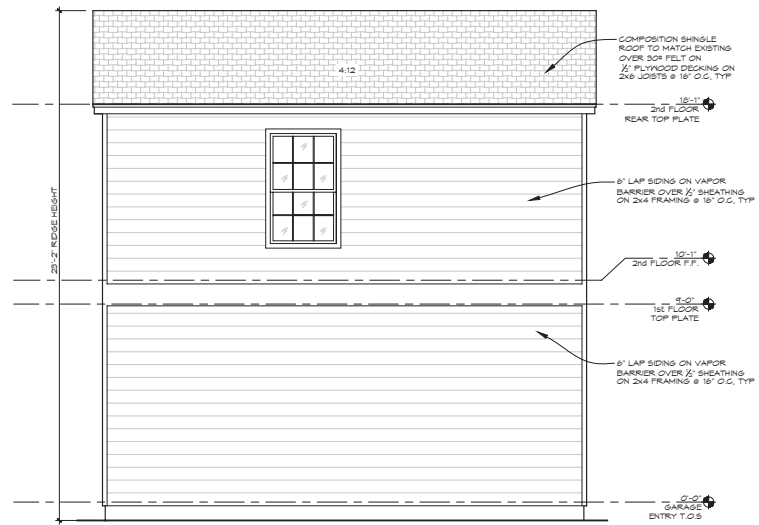
GARAGE FLOOR PLANS

SHEET:

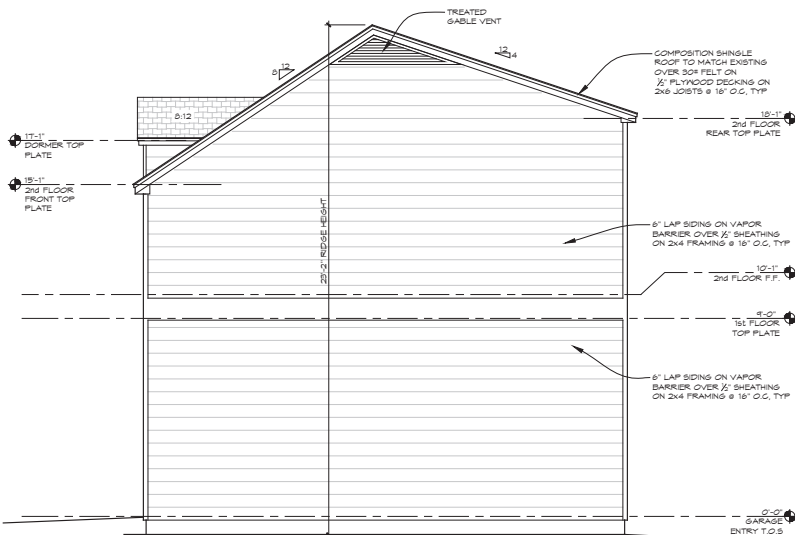
A1.0



4 NORTH ELEVATION
SCALE 3/8" = 1'-0"



3 EAST ELEVATION
SCALE 3/8" = 1'-0"



2 SOUTH ELEVATION
SCALE 3/8" = 1'-0"



1 WEST ELEVATION
SCALE 3/8" = 1'-0"

STRODE DESIGN
DESIGN & PLANNING
RESIDENTIAL & COMMERCIAL
RYAN STRODE
918.607.4192
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NO.	DATE	REVISION

CLYDE RESIDENCE
1619 S. GARY E AVE
TULSA, OK. 74104

7 JUNE, 2023

SCALE: AS NOTED

ELEVATIONS

SHEET:

A2.0