



CITY OF  
**Tulsa**  
Board of Adjustment

**Case Number:** BOA-23570

**Hearing Date:** 9/26/2023 (Board moved to reconsider item on 9/12/23 Hearing)

**Case Report Prepared by:**

Austin Chapman

**Owner and Applicant Information:**

**Applicant:** Joel Collins

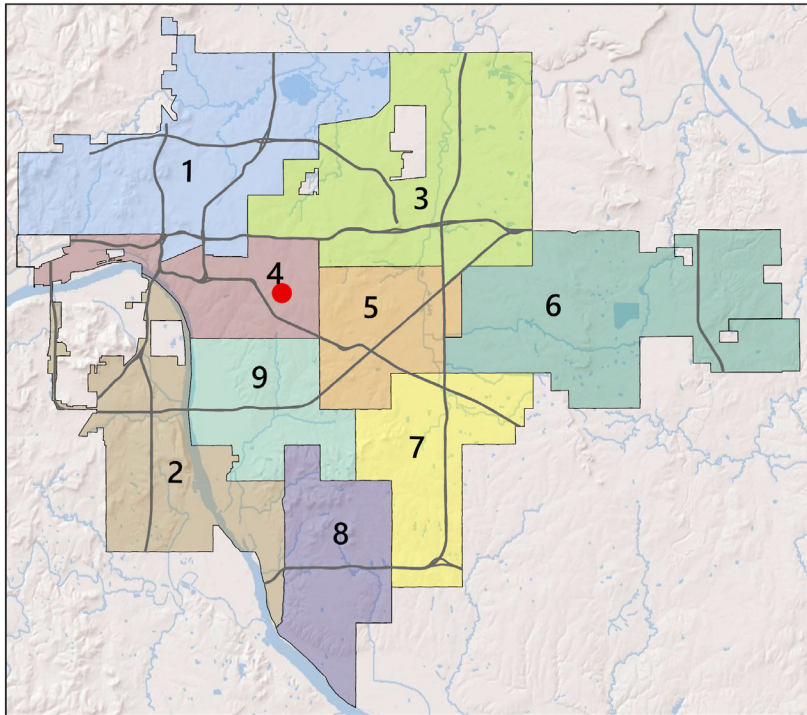
**Property Owner:** Neal & Courtney Siex

**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); Variance to permit more than 30% coverage of the rear setback by Detached Accessory Buildings (Sec.90.090-C, Table 90-2); **\*Variance to reduce the minimum open space requirement of 4,000 square feet in the RS-3 District (Sec. 5.030-A, Table 5-3)**

**\*Relief requested since 9/12/23 Hearing.**

**Location Map:**



**Additional Information:**

**Present Use:** Residential

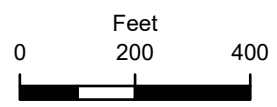
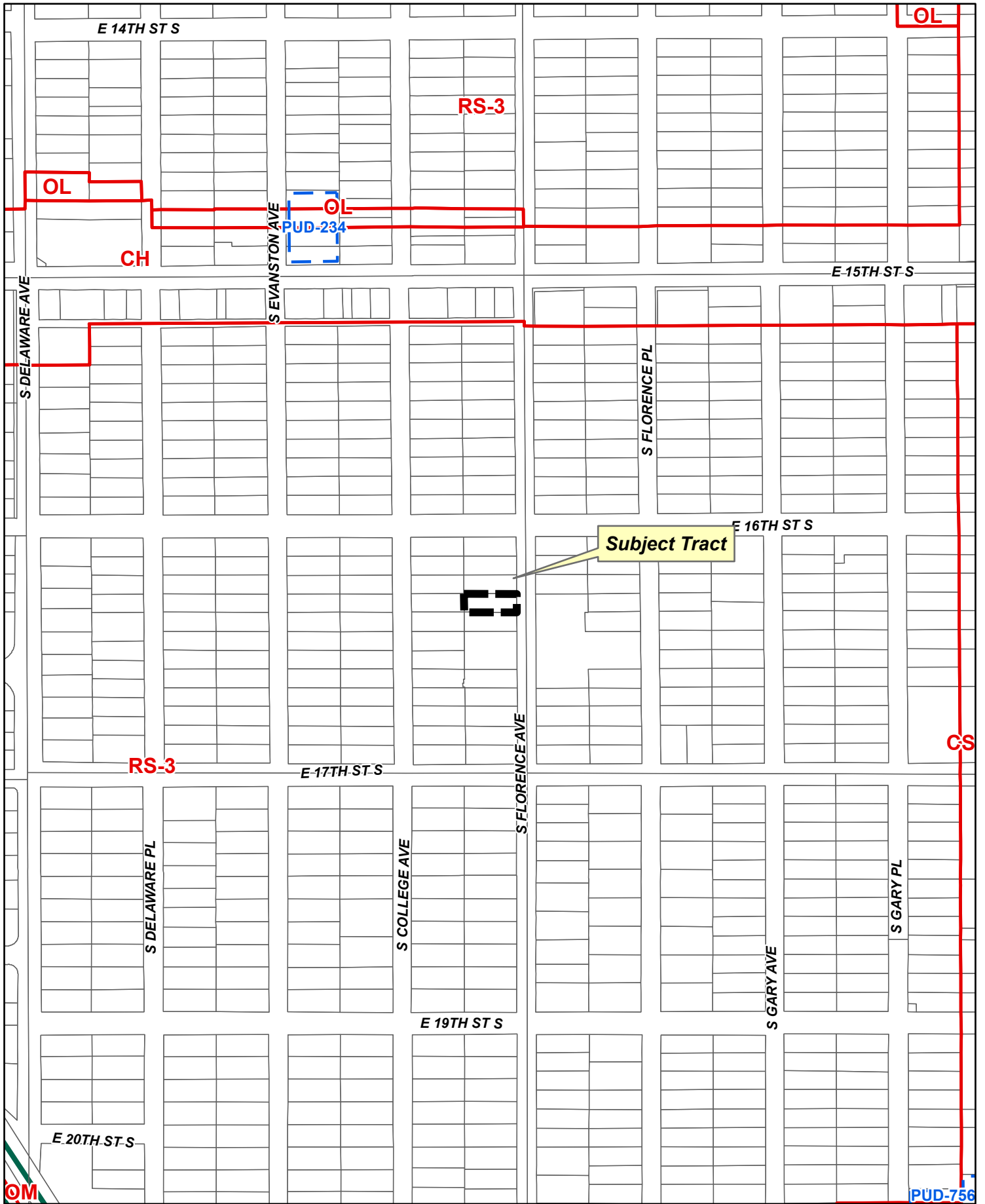
**Tract Size:** 0.16 acres

**Location:** 1616 S. Florence Ave.

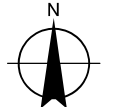
**Present Zoning:** RS-3

**Case History:**

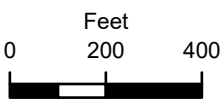
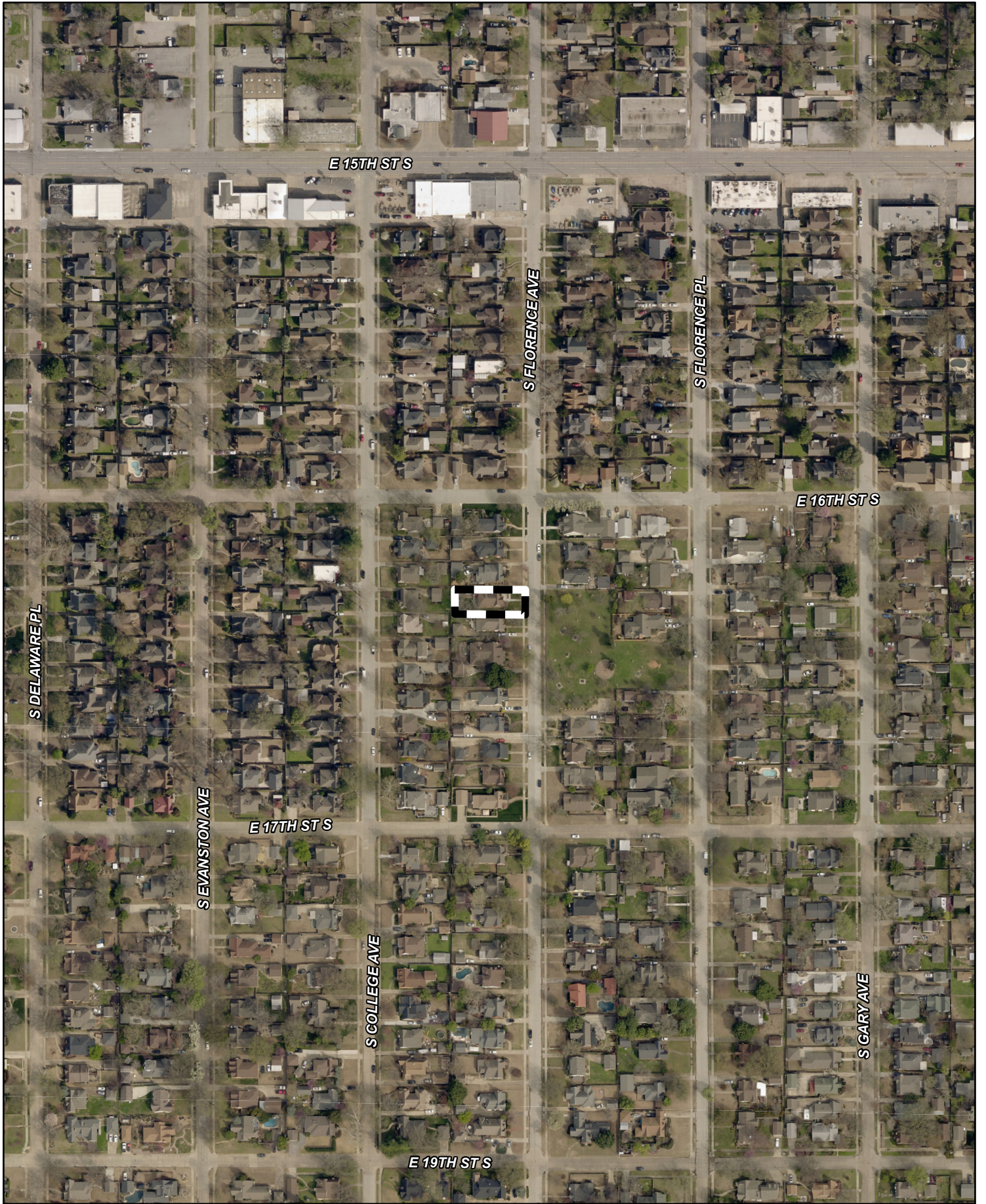
**09/12/2023:** First appearance on agenda. Additional relief on open space was needed, the Board continued the item to re-notice for the additional relief.



**BOA-23570**





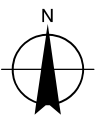


 Subject Tract

**BOA-23570**

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

Aerial Photo Date: 2021



5.3

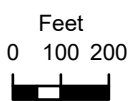




E 16TH ST S

S COLLEGE AVE

S FLORENCE AVE

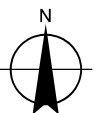


Subject Tract

**BOA-23570**

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

Aerial Photo Date: 2021



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**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:** 9308

Case Number: **BOA-23570**

**CD:** 4

**HEARING DATE:** 9/26/2023 (Board moved to reconsider item on 9/12/23 Hearing)

**APPLICANT:** Joel Collins

**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,) Variance to permit more than 30% coverage of the rear setback by Detached Accessory Buildings (Sec.90.090-C, Table 90-2) Variance to reduce the minimum open space requirement of 4,000 square feet in the RS-3 District (Sec. 5.030-A, Table 5-3)

**LOCATION:** 1616 S. Florence Ave.

**ZONED:** RS-3

**PRESENT USE:** Residential

**TRACT SIZE:** 7000.12 SQ FT

**LEGAL DESCRIPTION:** LT 4 BLK 8, AVONDALE 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:** Current garage depth does not allow for modern car/truck to fit inside.
2. **That the literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose:** With existing conditions, small lot, garages in rear yard, code sizes create hardship for owner to enclose, protect vehicles and also hardship of no lawn/ yard storage.
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:**
4. **That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner:** Existing when purchased.
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:** Maintains neighborhood quality and setbacks.

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: Maintains spirit and also keeps from using a portable shed.

**STAFF ANALYSIS:** 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,) and Variance to permit more than 30% coverage of the rear setback by Detached Accessory Buildings (Sec.90.090-C, Table 90-2); and a Variance to reduce the minimum open space requirement of 4,000 square feet in the RS-3 District (Sec. 5.030-A, Table 5-3) :

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 requesting to increase the permitted size of an accessory building from 538 square feet to 756 square feet.

*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%

Applicant is requesting to increase the rear setback coverage from 300 square feet to 391 square feet.

**Section 90.080 Open Space per Unit**

**90.080-A** Open space per unit refers to the amount of outdoor open space required to be provided on a lot for each dwelling unit on the subject lot. Multiply the minimum open space-per-unit requirement by the number of dwelling units to determine the total amount of open space required on a lot. In applying minimum open space-per-unit requirements to fraternity, sorority and rooming/boarding house uses, each 600 square feet of floor area is counted as one dwelling unit.

**90.080-B** The following may be counted toward satisfying minimum open space-per unit requirements:

1. Outdoor areas that are not occupied by buildings, driveways or parking areas and are generally useable by residents;
2. Driveways and parking areas located in the rear yard of a detached house or duplex; and
3. Green roofs covering 25% or more of the subject building's overall roof area.

Applicant is requesting to reduce the open space requirement from 4,000 square feet to 3,839 square feet.

Facts staff finds favorable for variance request:

- The addition of an attached garage would no be practical to get the size garage requested.

Facts Staff find unfavorable for the variance request:

- None.

**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,) Variance to permit more than 30% coverage of the rear setback by Detached Accessory Buildings (Sec.90.090-C, Table 90-2); Variance to reduce the minimum open space requirement of 4,000 square feet in the RS-3 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."*



***Subject property***

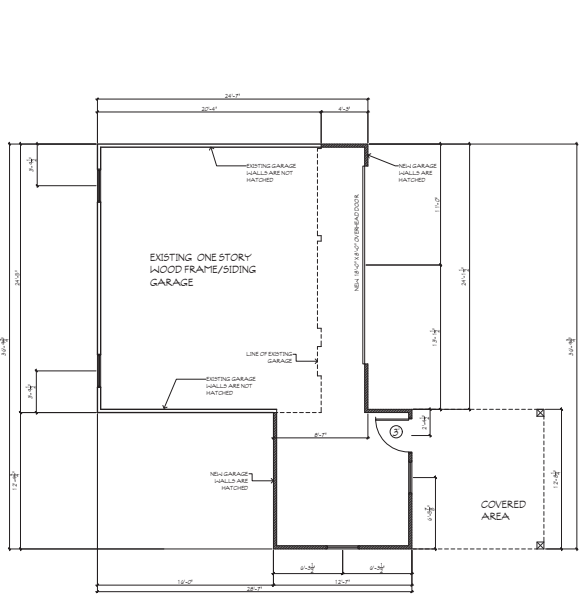
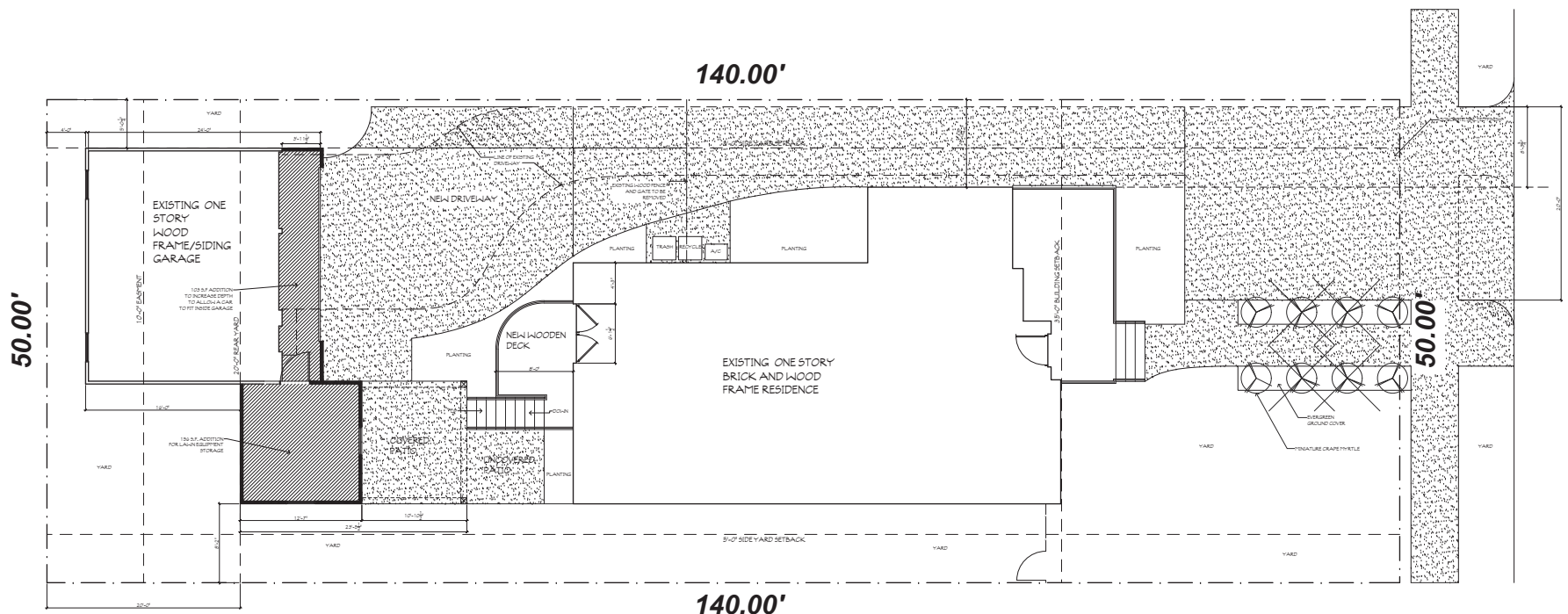


PROJECT  
**A CUSTOM DESIGN FOR THE SIEK FAMILY**  
**TULSA OKLAHOMA**

DESIGNER  
**j. Collins & Associates**

SQUARE FOOTAGE SUMMARY

FIRST FLOOR (FAS)	1345-S.F.
FIRST FLOOR (FRM)	XXXX-S.F.
TOTAL LIVABLE AREA	1345-S.F.
COVERED PORCH	XXXX-S.F.
COVERED PATIO	XXXX-S.F.
EXISTING GARAGE (FRM)	495-S.F.
NEW GARAGE (FRM)	756-S.F.



**BOARD OF ADJUSTMENT S.F. CALCULATIONS**

DETACHED BUILDING ALLOWED S.F. (40% OF HOUSE S.F. (1345))	=	538 S.F.
REQUESTED SIZE	=	756 S.F.
DIFFERENCE	=	218 S.F.
REAR YARD COVERAGE ALLOWED (30% OF 1000 S.F.)	=	300 S.F.
REAR YARD COVERAGE EXISTING (NOT ADDING)	=	341 S.F.
MINIMUM OPEN SPACE ALLOWED	=	4000 S.F.
OPEN SPACE REQUESTED	=	3634 S.F.
DIFFERENCE	=	161 S.F.

**OPEN SPACE CALCS.**

OPEN SPACE REQUIRED	=	4000 S.F.
OPEN SPACE REQUEST	=	3634 S.F.
OPEN SPACE CALCULATIONS		
HOUSE	=	1345 S.F.
NORTH DRIVEWAY TO PROPERTY LINE	=	786 S.F.
FRONT PORCH	=	205 S.F.
SIDEWALK TO PROPERTY LINE	=	121 S.F.
REQUESTED NEW PARK. CUT AREA	=	274 S.F.
DRIVEWAY & SIDEWALK FROM PROP. LINE TO CURB	=	430 S.F.
TOTAL	=	3161 S.F.

**LEGEND:**

○	SEWER MANHOLE	□	IRRIGATION CONTROL BOX
●	POWER POLE	□	IRRIGATION CONTROL VALVE
○	LIGHT POLE	○	AIR CONDITIONER UNIT
○	WATER METER	○	CLEAN OUT
○	WATER VALVE	○	METER POINT
○	FIRE HYDRANT	○	ROOF DRAIN
○	GAS METER	○	CONCRETE
○	GAS SERVICE	○	ASPHALT
○	GAS VALVE	○	FENCE LINE
○	TELEPHONE PEDESTAL	○	GUY ANCHOR
○	ELECTRIC SERVICE	○	OVERHEAD UTILITIES
○	TOP OF CURB	○	SANITARY SEWER LINE
○	GUTTER	○	STORM SEWER LINE
○	TR TOP OF RIM	○	ELECTRIC RECIP
○	TG TOP OF GRATE	○	BENCHMARK
○	FL FLOWLINE	○	SILT FENCE
→	← DRAINAGE DIRECTION		

- NOTES:**
- CONTRACTOR SHALL INSTALL AND MAINTAIN ALL BARRIERS FOR EROSION CONTROL FOR THE DURATION OF THE PROJECT.
  - ALL GRADES ADJACENT TO THE STRUCTURE SHALL HAVE A MINIMUM SLOPE AWAY FROM THE STRUCTURE OF 1" PER 10'-0".
  - ALL GUTTERS, DOWNSPUTS, AND SURFACE DRAINS SHALL TIGHTLINE TO STORM DRAIN SYSTEMS. ALL DRAINING ONTO DECK AND/OR PATIOS SHALL BE DIRECTED TO SUB-SURFACE SYSTEMS.
  - NEW CONSTRUCTION SHALL NOT CAUSE ANY ADDITIONAL RUNOFF ONTO ADJACENT PROPERTIES.
  - CONTRACTOR SHALL FIELD VERIFY ALL EXISTING CONDITIONS.
  - CONTRACTOR SHALL COORDINATE WITH OWNER ON PRESERVATION OR REMOVAL OF ANY AND ALL EXISTING TREES AND LANDSCAPING MATERIALS.
  - EXACT LOCATION OF HOUSE IS APPROXIMATE. CONTRACTOR SHALL VERIFY EXACT COORDINATES WITH OWNER.
  - CENTERLINE AND EDGE OF ROAD FOR CURB CUTS TO BE FIELD VERIFIED.

**LEGEND**

○	WALL SECTION
○	BUILDING SECTION
○	INTERIOR ELEVATION
○	WALL TYPE
○	ROOM NUMBER
○	DOOR NUMBER
○	WINDOW NUMBER
○	CILING HEIGHT
○	FLOOR FINISH
○	ROOF FITCH
○	CUT HALL
○	CUT HALL

**LEGEND**

A.F.F.	ABOVE FINISH FLOOR
C.L.	CENTERLINE
C.J.	CORNER JOINT
C.G.	CILING
D.B.L. R.S.D.	DOUBLE ROD & SHELF
D.S.H.	DOOR HANGERS
E.S.	ESCAL.
F.F.	FRESH FLOOR
F.P.	FIRE PLACE
H.H.	HOT WATER
M.C.H.	Mechanical CLOSET
O.H.D.	OVER HEAD DOOR
P.F.R.	POUNDER ROOM
R.S.D.	ROD & SHELF
R.G.R.	REFRIGERATOR
T.O.D.A.	TOP OF WINDOW

**ISSUED FOR REVIEW**

DRAWN BY: JVC  
 SCALE: 3/16" = 1'-0"  
 DATE: 06/24/2023  
 REVISED: 09/09/2023

TITLE: FLOOR PLAN & ELEVATIONS SITE PLAN

**A1.01**

**1 FIRST FLOOR PLAN**  
 SCALE 3/16" = 1'-0"

**1 LEFT ELEVATION**  
 SCALE 3/16" = 1'-0"

**1 FRONT ELEVATION**  
 SCALE 3/16" = 1'-0"