



CITY OF
Tulsa
Board of Adjustment

Case Number: BOA-23573

Hearing Date: 09/26/2023 1:00 PM

Case Report Prepared by:

Sean Wallace

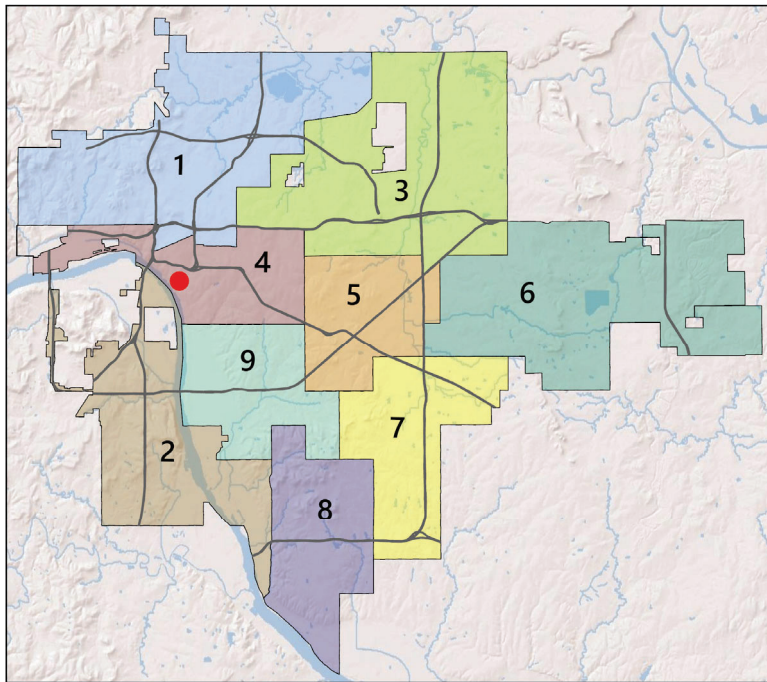
Owner and Applicant Information:

Applicant: Timothy Jay Roberts

Property Owner: Timothy Jay Roberts

Action Requested: Special Exception to permit a Detached House in the OM District (Sec. 15.020-H, Table 15-2.5) Variance to permit greater than 0.50 Maximum Floor Area Ratio (FAR) in the OM District (Sec. 15.030; Table 15-3)

Location Map:



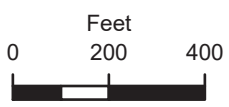
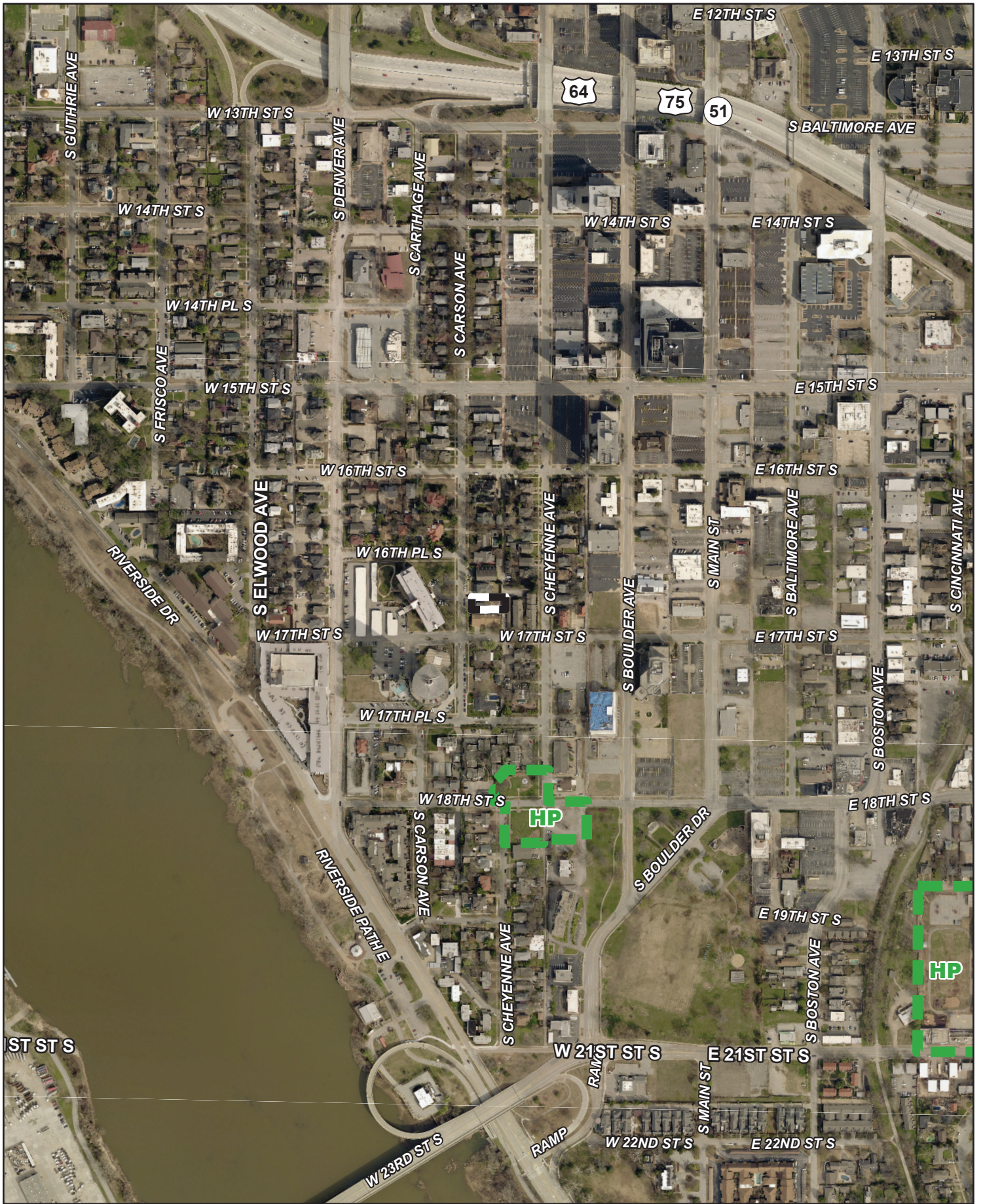
Additional Information:

Present Use: Residential/ Office

Tract Size: 0.15 acres

Location: 1639 S. Carson Ave. W

Present Zoning: OM



 Subject Tract

BOA-23573

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

Aerial Photo Date: 2021



8.2

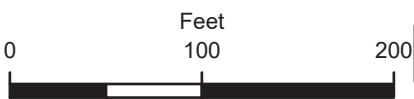


W 16TH PL S

S GARSON AVE

S CHEYENNE AVE

W 17TH ST S



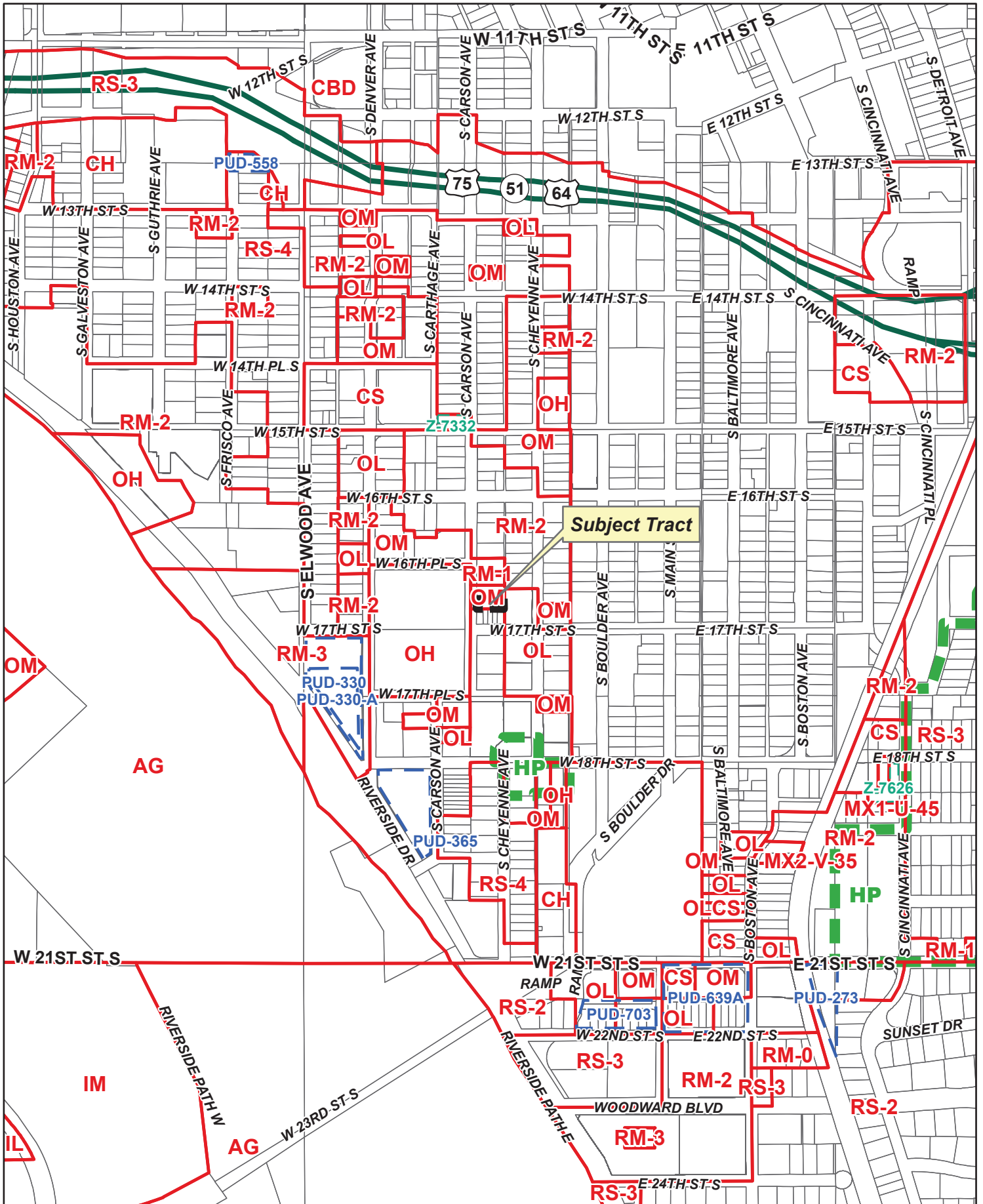
Subject **BOA-23573**
Tract

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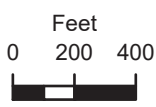
Aerial Photo Date: 2021



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Subject Tract



BOA-23573



**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9212

Case Number: **BOA-23573**

CD: 4

HEARING DATE: 09/26/2023 1:00 PM

APPLICANT: Timothy Jay Roberts

ACTION REQUESTED: Special Exception to permit a Detached House in the OM District (Sec. 15.020-H, Table 15-2.5); Variance to permit greater than 0.50 Maximum Floor Area Ratio (FAR) in the OM District (Sec. 15.030; Table 15-3)

LOCATION: 1639 W. Carson Ave.

ZONED: OM

PRESENT USE: Residential/ Office

TRACT SIZE: 6499.18 SQ FT

LEGAL DESCRIPTION: N25 LT 14 S/2 LT 15 BLK 8, STONEBRAKER 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: Since taking ownership, we have replaced fences, built all new retaining walls, removed old concrete, replaced broken sidewalks in front and rear, added a paved walkway, multiple sod and planting beds, and installed a deck to improve the overall property. As it relates to Section 15.030, multiple properties in Stonebraker are well over 50% covered by a structure, including multi-tenant units and older homes with detached garages and other structures.

STAFF ANALYSIS: Applicant is requesting a Special Exception to permit a Detached House in the OM District (Sec. 15.020-H, Table 15-2.5); and Variance to permit greater than 0.50 Maximum Floor Area Ratio (FAR) in the OM District (Sec. 15.030; Table 15-3)

Applicant's home, built in 1919, is zoned OM (former law office) and requires a special exception to exist as a detached house. Applicant is also seeking to add a covered patio and storage shed in the rear setback (there is no detached garage). OM zoning restricts floor area ratio of the size of buildings on a lot. The applicant's proposed buildings would increase the total FAR of the buildings to approximately 61%, which is more than the 50% permitted.

Table 15-3: O, C and I District Lot and Building Regulations

| Regulations | OL | OM | OMH | OH | CS | CG | CH | CBD | IL | IM | IH |
|-------------------------------------|------|-------|-------|--------|-------|-------|----|-----|-------|-------|-------|
| Minimum Lot Area (sq. ft.) | - | - | - | 10,000 | - | - | - | - | - | - | - |
| Minimum Street Frontage (feet) | 50 | 50 | 50 | - | 50 | 50 | - | - | 50 | 50 | 50 |
| Maximum Floor Area Ratio (FAR) | 0.40 | 0.50 | 2.00 | 8.00 | 0.50 | 0.75 | - | - | - | - | - |
| Minimum Lot Area per Unit (sq. ft.) | [1] | [2] | [2] | [3] | [2] | [2] | - | - | [2] | [2] | [2] |
| Min. Open Space per Unit (sq. ft.) | [1] | [2] | [2] | [3] | [2] | [2] | - | - | [2] | [2] | [2] |
| Building Setbacks (feet) | | | | | | | | | | | |
| Street [4] | 10 | 10 | 10 | 10 | 10 | 10 | - | - | 10 | 10 | 10 |
| From AG, AG-R, or R district | 10 | 10[5] | 10[5] | 10 | 10[5] | 10[5] | - | - | 75[6] | 75[6] | 75[6] |
| From O district | - | - | - | - | - | - | - | - | 75[6] | 75[6] | 75[6] |
| Max. Building Coverage (% of lot) | - | - | - | - | - | - | - | - | - | - | - |
| Maximum Building Height (feet) | 35 | - | - | - | - | - | - | - | - | - | - |

Facts staff finds favorable for variance request:

- The addition of a covered patio and storage shed would not be out of conformity with the other numerous homes in the neighborhood.

Facts Staff find unfavorable for the variance request:

- None.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Special Exception** to permit a Detached House in the OM District (Sec. 15.020-H, Table 15-2.5).

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.

Variance:

Move to _____ (approve/deny) a **Variance** to permit greater than 0.50 Maximum Floor Area Ratio (FAR) in the OM District (Sec. 15.030; Table 15-3)

- 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:

- 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;*
- 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

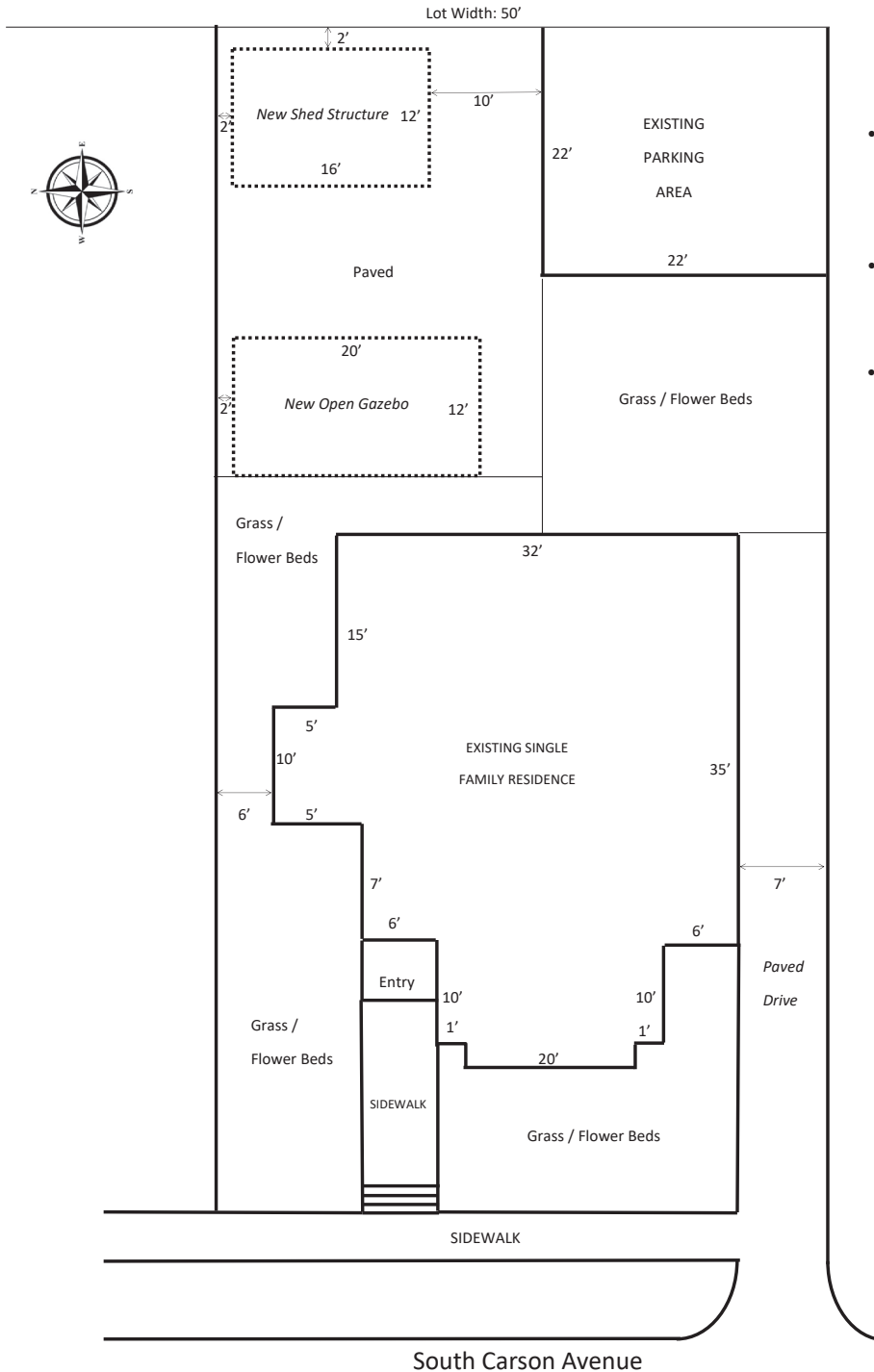
g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”



Subject Property

Subdivision: STONEBRAKER HGTS ADDN
 (40675)
 Legal: N25 LT 14 S/2 LT 15 BLK 8
 Section: 12 Township: 19 Range: 12
 Address: 1639 S Carson Ave

Alley running between 16th & 17th street



Site Plan:

- Install 12x16 deck near rear of property with single door facing west and two sliding windows
- Install 15x23 deck and 12x20 steel gazebo in backyard
- Converting previous law office parking lot to yard, including concrete removal in southwest corner of backyard and replacing with grass & flower beds



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

CITY OF TULSA

CORRECTIONS SUMMARY

Zoning Review (2)



Subject: Zoning Review
Page Label: 1
Author: DWhiteman
Date: 8/1/2023 8:56:27 AM
Color: ■

Section 15.030-A, Table of Regulations. The lot and building regulations of Table 15-3 apply to all principal uses and structures in office, commercial and industrial districts, except as otherwise expressly stated in this zoning code. General exceptions to lot and building regulations and rules for measuring compliance can be found in Chapter 90. Additional regulations governing accessory uses and structures can be found in Chapter 45.

Section 90.050, Floor Area Ratio. The floor area ratio (FAR) is the floor area of all buildings on a lot, divided by the area of that lot.

Review Comment: Per Table 15-3, the maximum floor area ratio allowed on an OM zoned lot is 50%. Using information available on the county assessor's website, with the existing building and proposed buildings, the FAR will be 61%. Please revise plans to reduce the building floor area enough that the FAR is 50% or less, or apply to the Board of Adjustment for a variance for an OM zoned lot to have a 61% floor area ratio.

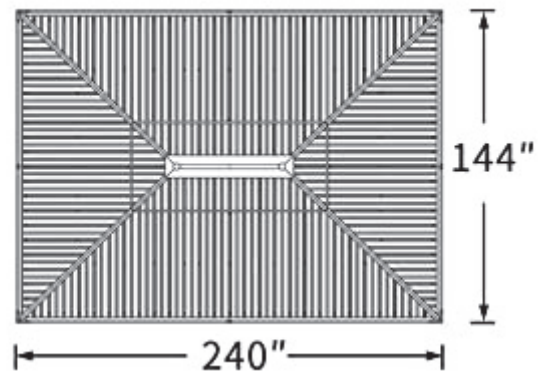
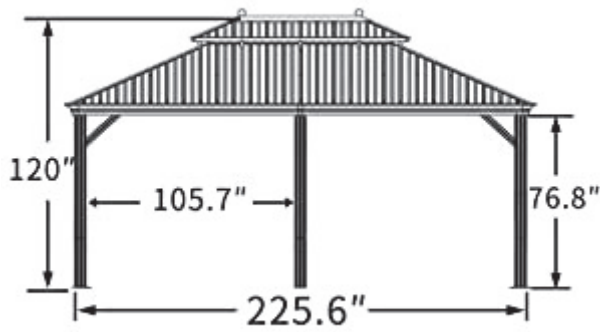
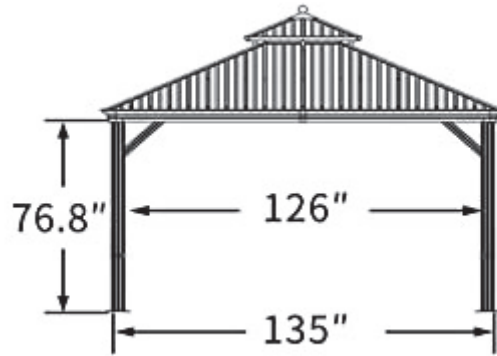
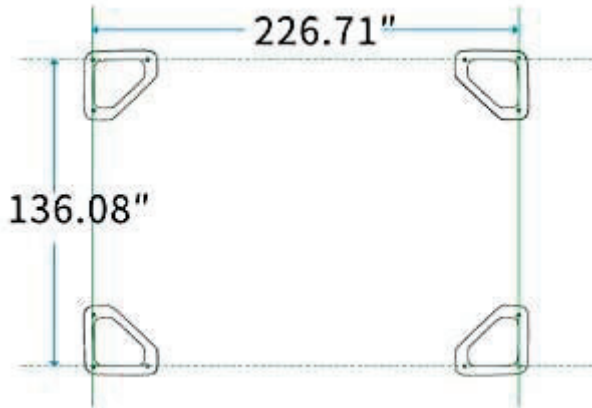


Subject: Zoning Review
Page Label: 1
Author: DWhiteman
Date: 8/1/2023 8:54:59 AM
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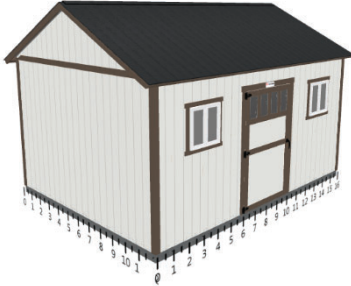
Section 15.020-H, Residential Building Types.

Residential uses allowed in O, C, and I districts must be located in residential buildings. Descriptions of the residential building types and references to applicable regulations are found in Section 35.010. The following residential building types are allowed in O, C, and I districts. (See Table 15-2.5)

Review Comment: This location is zoned Office (OM). According to Table 15-2.5, detached houses are only allowed by special exception in the OM zoning district. You would need to either apply to the Board of Adjustment for a special exception to allow a detached house in an OM zoned district, or have the property rezoned to a zoning district that allows detached houses by right. Either way, please contact the Tulsa Planning Office at 918-596-7526 or planning@cityoftulsa.org for more information on the Board of Adjustment or rezoning procedures.

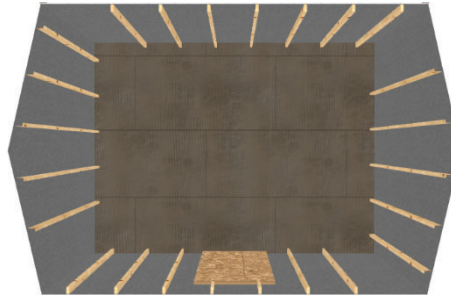






Wall D

Wall A



Wall C

Wall B

Base Details/Permit Details

Building Size & Style

Premier Tall Ranch - 12' wide by 16' long

Door

4' x 6'7" Single Shed Door, Left Hinge Placement, In Door Vertical Transom (4' door), Decorative Door Hardware

Paint Selection

Base: Delicate White, Trim: Ground Coffee

Roof Selection

Charcoal Dimensional Premium Shingle

Drip Edge

Brown

Is a permit required for this job?

Yes, Engineering fees still apply

Who is pulling the permit?

Customer

Optional Details

Windows

2 2'x2' Insulated Horizontal Sliding Window

Roof

248 Sq Ft Roof - 6/12 Roof Pitch Upgrade
 24 Lin Ft 6" Gable EW Eave Upgrade
 17 Lin Ft Ridge Vent

Floor and Foundation

6 Ea Shed Anchor to Concrete - A24 & Wedge Anchor

Jobsite/Installer Details

Do you plan to insulate this building after Tuff Shed installs it?

No

Is there a power outlet within 100 feet of installation location?

Yes

The building location must be level to properly install the building. How level is the install location?

Within 4" of level

Will there be 18" of unobstructed workspace around the perimeter of all four walls?

Yes

Can the installers park their pickup truck & trailer within approximately 200' of your installation site?

Yes

Substrate Shed will be installed on?

Anchored to Concrete with Shed Floor

Customer Signature: _____ Date: _____