



CITY OF
Tulsa
Board of Adjustment

Case Number: BOA-23577

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

Case Report Prepared by:

Austin Chapman

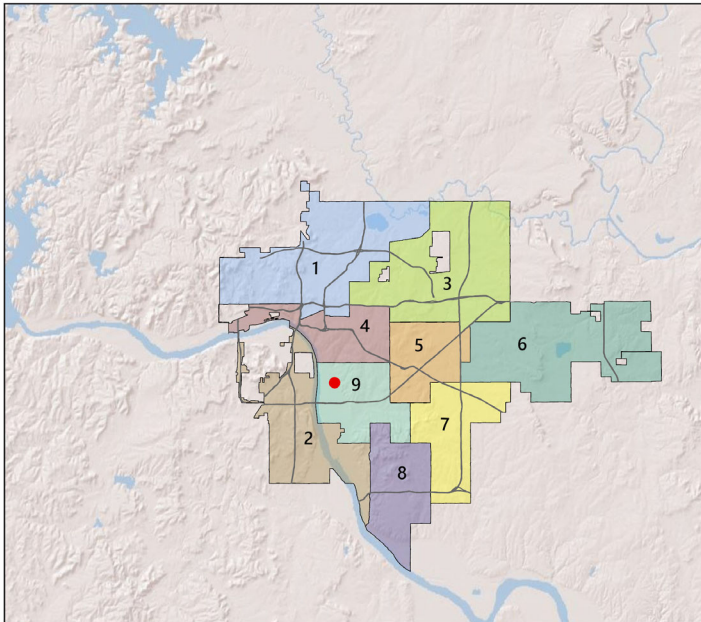
Owner and Applicant Information:

Applicant: Tim Sprick

Property Owner: Cynthia L Cooper Trust

Action Requested: Variance to reduce the required 25-foot street setback in the RS-3 District (Sec. 5.030-A, Table 5-3); 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 Map:



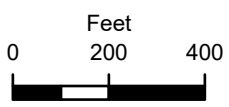
Additional Information:

Present Use: Vacant

Tract Size: 0.16 acres

Location: 1517 E. 39th St.

Present Zoning: RS-3

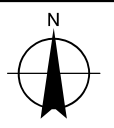


 Subject Tract

BOA-23577

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

Aerial Photo Date: 2021



12.2

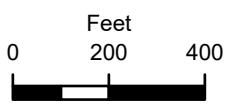


E 38TH PLS

S ROCKFORD AVE

S ST LOUIS AVE

E 39TH ST S

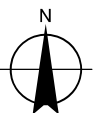


 Subject Tract

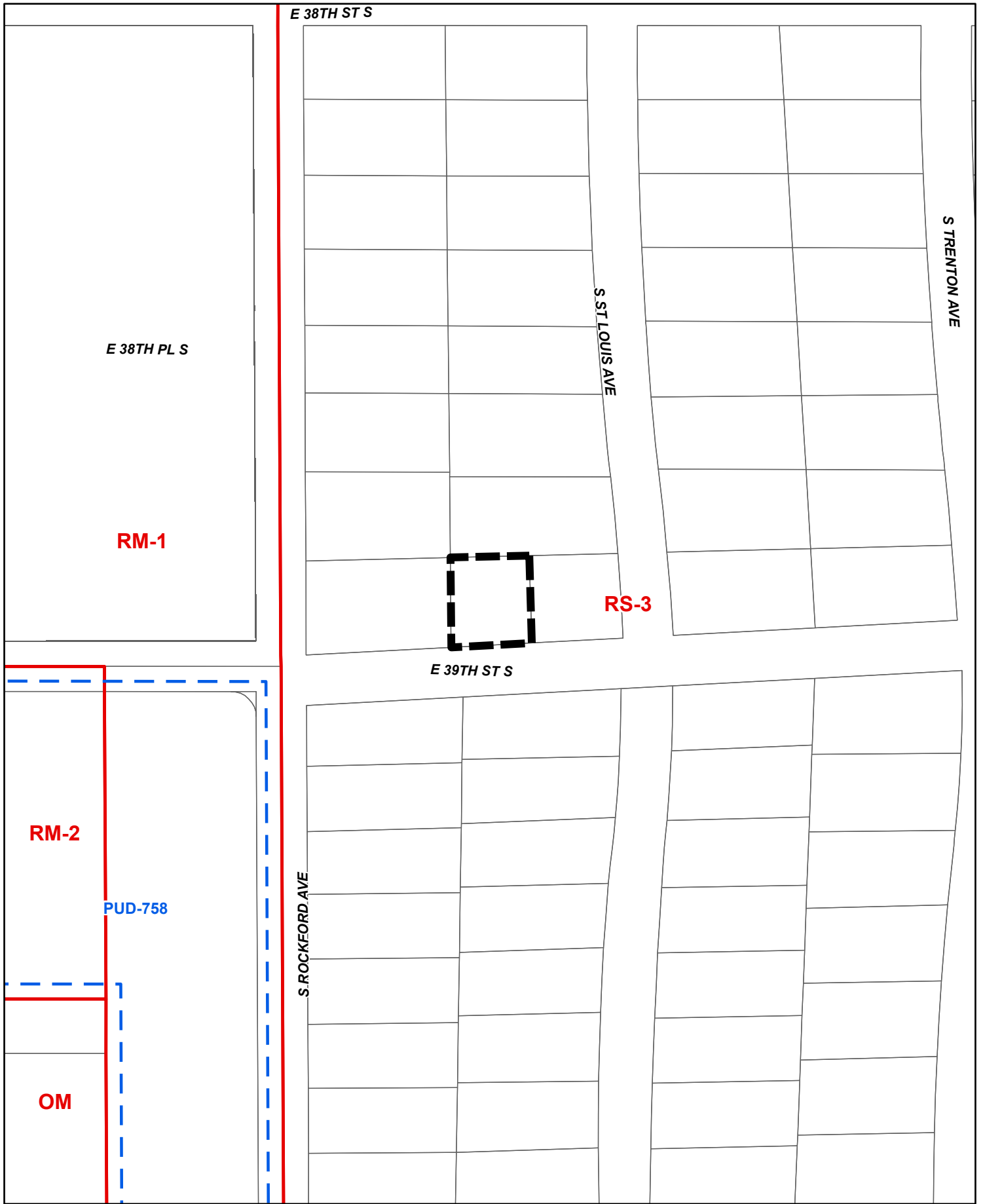
BOA-23577

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

Aerial Photo Date: 2021



12.3



E 38TH ST S

E 38TH PL S

RM-1

S ST LOUIS AVE

S TRENTON AVE

RS-3

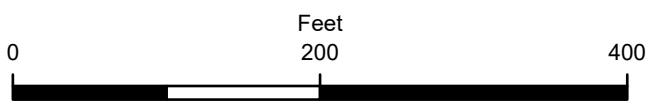
E 39TH ST S

RM-2

PUD-758

S ROCKFORD AVE

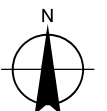
OM



BOA-23577



Subject Tract



12.4

**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9319
CD: 9

Case Number: **BOA-23577**

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

APPLICANT: Tim Sprick

ACTION REQUESTED: Variance to reduce the required 25-foot street setback in the RS-3 District (Sec. 5.030-A, Table 5-3); 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: 1517 E 39 ST S

ZONED: RS-3

PRESENT USE: Vacant

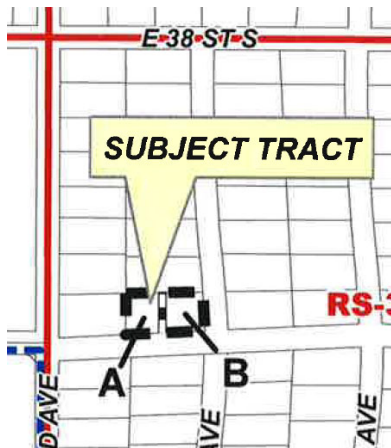
TRACT SIZE: 6900.02 SQ FT

LEGAL DESCRIPTION: PRT LT 8 BEG SWC LT 8 TH N87.61 E78.50 S86.13 W80.39 POB BLK 4, FOREST RIDGE ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS:

Subject property:

LS-21119; On 03/07/2018 the TMAPC approved a lot split of the subject property. Property was formally a part of the property to the East.



Surrounding properties:

BOA-23016; On 10.06.20 the Planning Director approved an administrative Adjustment to reduce the street setback from 25-feet to 21-feet and 7-inches. Property located 3849 S. Rockford Ave. (immediately West of subject property).

BOA-13270; On 08.23.84 the Board approved a variance to reduce the setback from the C/L of 39th St street from 50-feet to 34-feet. Property located 3904 S. St. Louis Ave. (immediately South of the subject property).

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: Please see attached exhibit provided by applicant.

STAFF ANALYSIS: Applicant is requesting a **Variance** to reduce the required 25-foot street setback in the RS-3 District (Sec. 5.030-A, Table 5-3); **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).

Applicant has proposed a 16-foot street setback and to reduce the open space requirement to 3,500 square feet.

Facts staff finds favorable for variance request:

- Staff finds that the shape of the lot is shallow in comparison with a typical depth in the RS-3 district, the lot shape is closer to being a square rather than a standard rectangle.

Facts Staff find unfavorable for the variance request:

- None.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** to reduce the required 25-foot street setback in the RS-3 District (Sec. 5.030-A, Table 5-3); **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



Facing West on 39th Street

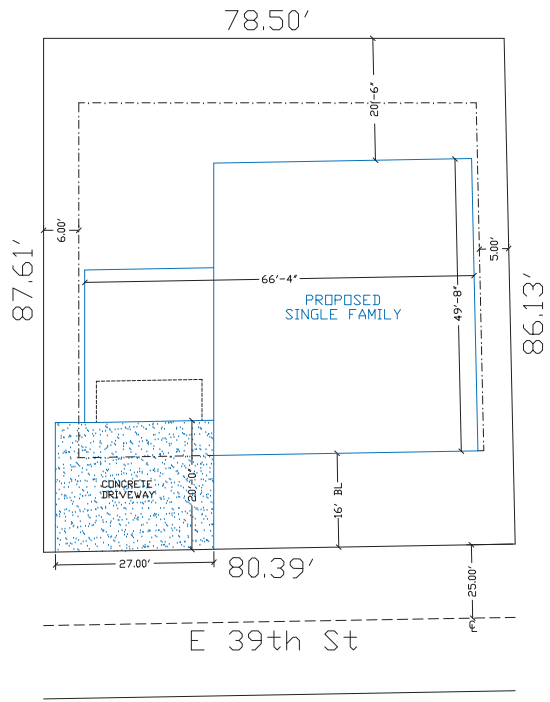


15' Building line variance:

1. The lot is smaller, and in a different shape than all the other lots around it. This particular lot is big enough to accommodate a new home of similar caliber than that of the new homes in the area, except that the building line hinders the new home from being the same size and price point expected in this premier midtown neighborhood.
- 2.
3. The requested variance is unique to this lot only. It is the only lot in the area of it's size and is also the only lot that faces 39th St. No other lot in the area has the same hindrance as this particular lot.
4. The current owner did not create this hindrance. The previous owner had the lot split and thus created the hardship.
5. The requested 15' build line is the minimum variance required to allow the lot enough room to build a home of equal or greater caliber and value as that of the other new homes in the area. The current building line does not allow for enough first floor square footage.
6. This variance will not alter the character of the neighborhood in any way.
7. The 15' build line will cause no detriment to the public good, nor will it impair the purpose, spirit, or intent of the zoning code or comprehensive plan. The new home to be built will only further enhance the character and spirit of the neighborhood. The homes on either side of the subject lot, as well as the house across the street are all at or near the same 15' building line.

3,500 sq ft Open Space variance:

1. The lot is smaller, and in a different shape than all the other lots around it. This particular lot is big enough to accommodate a new home of similar caliber than that of the new homes in the area, except that the building line hinders the new home from being the same size and price point expected in this premier midtown neighborhood.
- 2.
3. The requested variance is unique to this lot only. It is the only lot in the area of it's size and is also the only lot that faces 39th St. No other lot in the area has the same hindrance as this particular lot.
4. The current owner did not create this hindrance. The previous owner had the lot split and thus created the hardship.
5. 3,500 square feet of open space variance is the minimum that will allow a new home to be built on the lot, in where the house plan will have the same essential spaces on the first floor as all those new homes in the area. This variance requested is not a significant amount given the size of the lot and is not much less than the current required Open Space requirement.
6. This variance will in no way alter the essential character of the neighborhood.
7. The 3,500 Sq ft Open Space will cause no detriment to the public good, nor will it impair the purpose, spirit, or intent of the zoning code or comprehensive plan. The new home will only further advance the character and value of the midtown neighborhood.



SQUARE FOOTAGES
 PROPOSED RESIDENCE: 2790
 LOT: 6905



Plot Plan

SCALE: 1" = 10'-0"

Brik Properties

Project:
 1517 E 39th St
 Tulsa, OK

August 7, 2023
 August 10, 2023
 August 15, 2023