



CITY OF
Tulsa
Board of Adjustment

Case Number: BOA-23595

Hearing Date: 11/14/2023 1:00 PM

Case Report Prepared by:

Sean Wallace

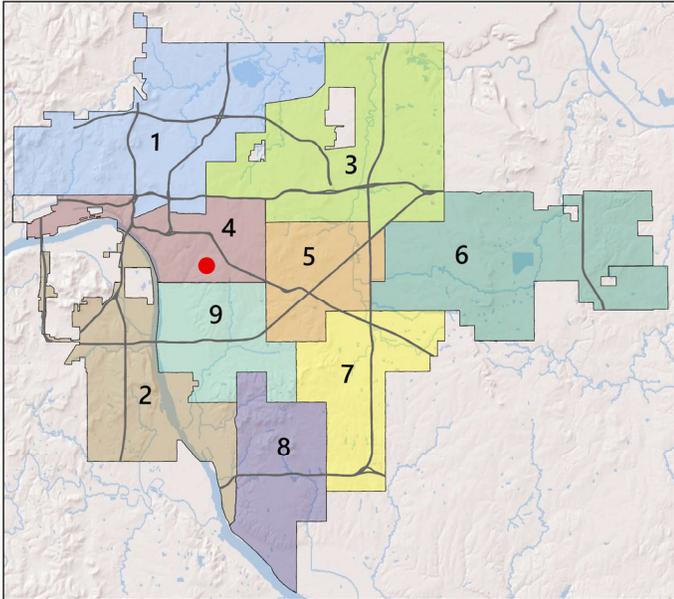
Owner and Applicant Information:

Applicant: Lou Reynolds

Property Owner: Ann & Mark Farrow

Action Requested: Variance to permit an accessory building in a side setback in the RE district (Sec. 90.080-C, Table 90-1)

Location Map:



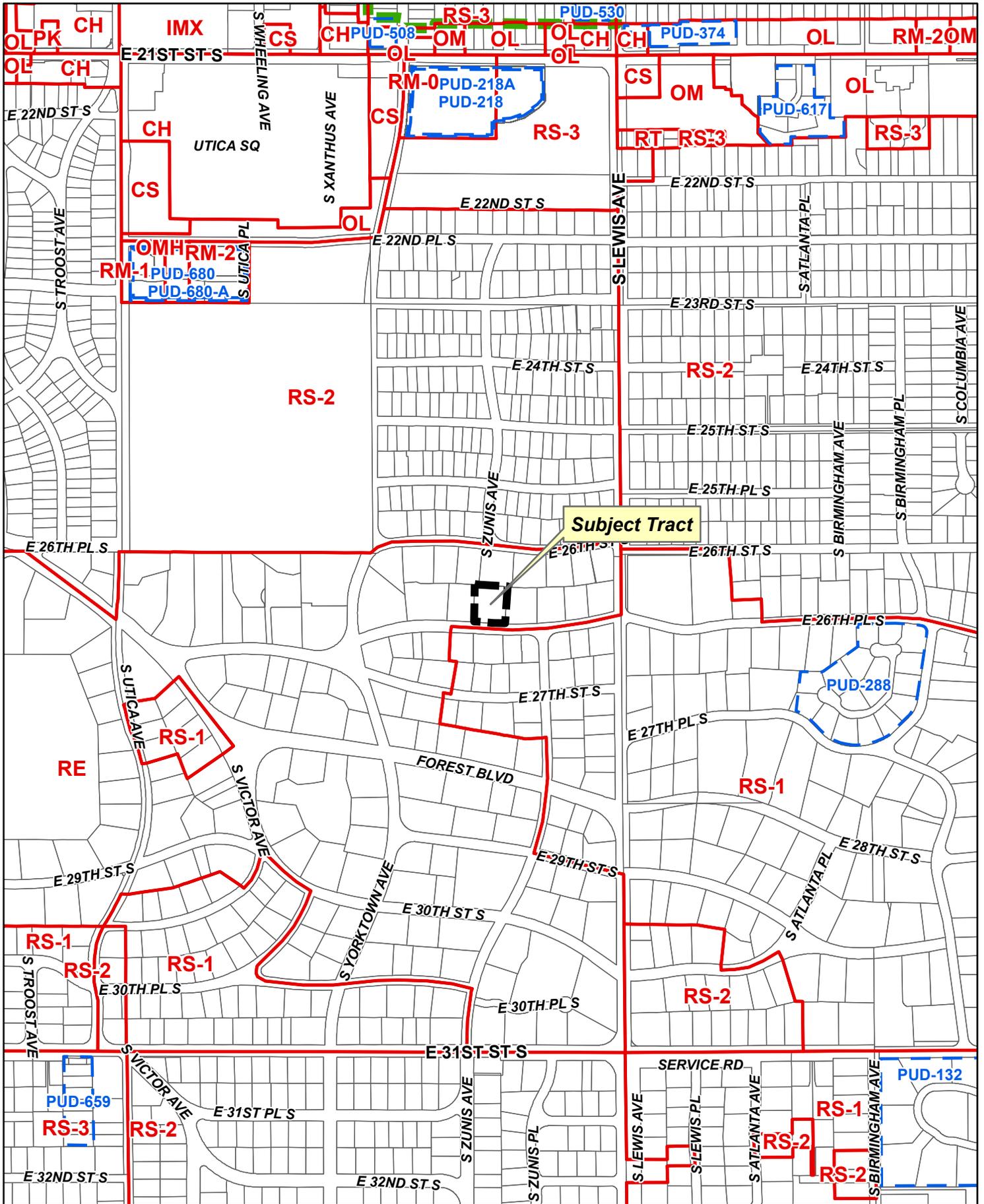
Additional Information:

Present Use: Residential

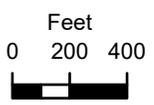
Tract Size: 0.67 acres

Location: 2157 E. 26th Pl. S

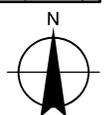
Present Zoning: RE

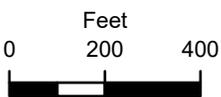
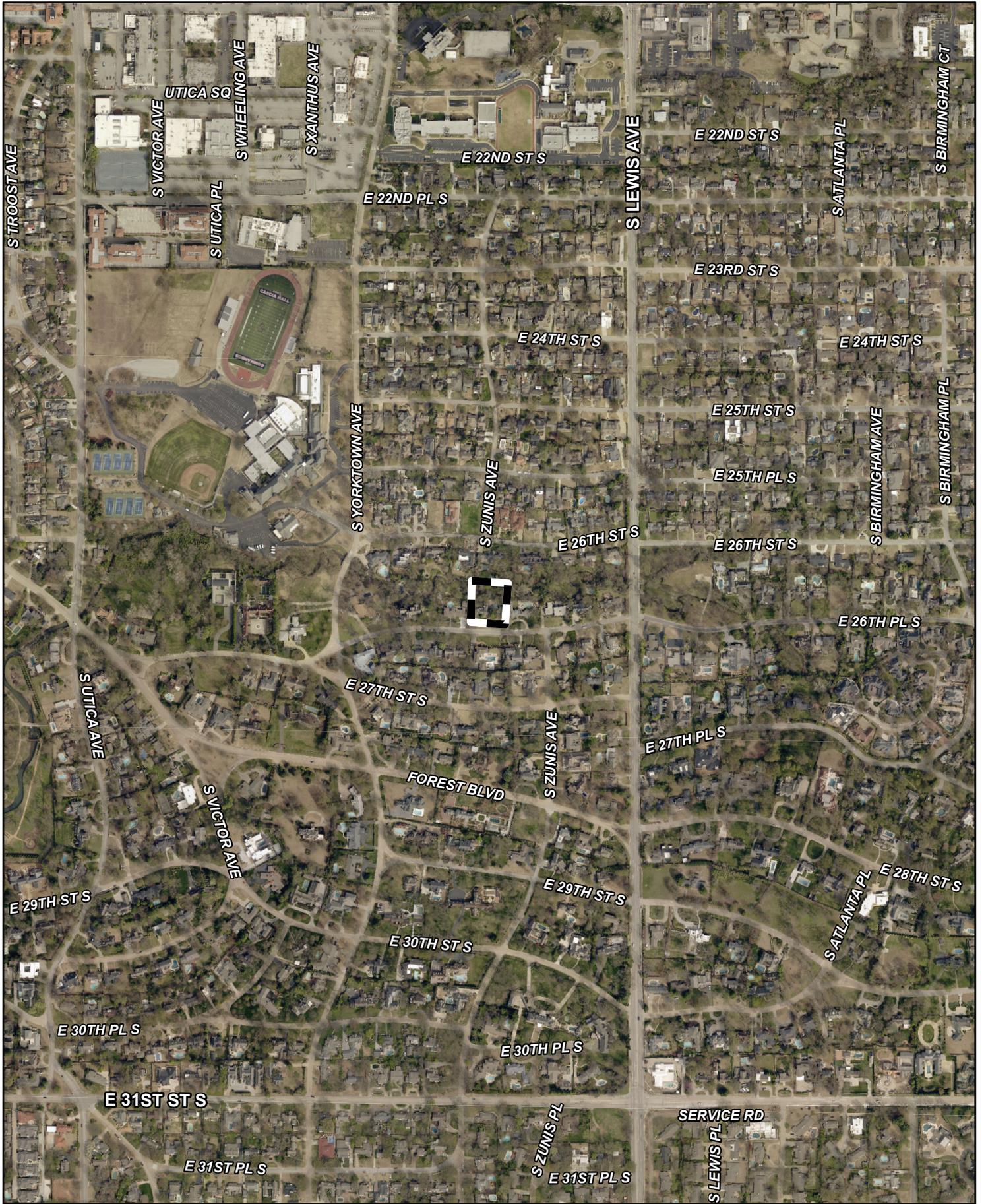


Subject Tract



BOA-23595





 Subject Tract

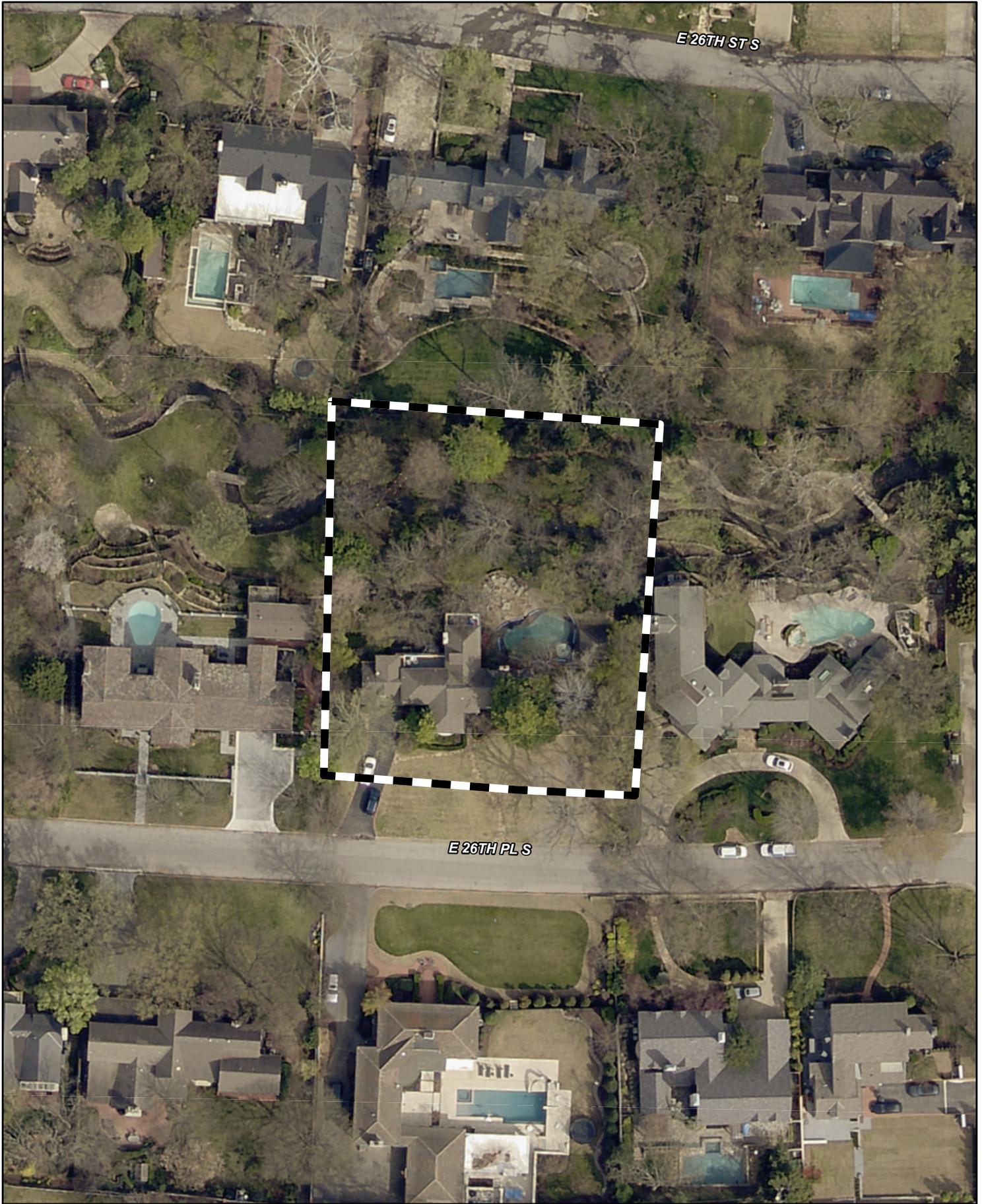
BOA-23595

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

Aerial Photo Date: 2021

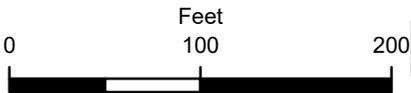


5.3



E 26TH ST S

E 26TH PL S



Subject **BOA-23595**
Tract

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

Aerial Photo Date: 2021



5.4

**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9318
CD: 4

Case Number: **BOA-23595**

HEARING DATE: 11/14/2023 1:00 PM

APPLICANT: Lou Reynolds

ACTION REQUESTED: Variance to permit an accessory building in a side setback in the RE district (Sec. 90.080-C, Table 90-1)

LOCATION: 2157 E. 26th Pl. S

ZONED: RE

PRESENT USE: Residential

TRACT SIZE: 29398.76 SQ FT

LEGAL DESCRIPTION: E 10 OF LT 16 ALL OF LT 17 W 25 OF LT 18BLK 2, FOREST HILLS 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: See attached.

STAFF ANALYSIS: The applicant is requesting a Variance to permit an accessory building in a side setback in the RE district (Sec. 90.080-C, Table 90-1):

Chapter 90 | Measurements
Section 90.090 | Setbacks

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 |
| Canopies | Yes | Yes | Yes |

Facts staff finds favorable for variance request:

- Crow Creek lies in the rear setback and does present a spacing challenge.

Facts Staff find unfavorable for the variance request:

- None.

SAMPLE MOTION:

Move to _____ (approve/deny) a Variance to permit an accessory building in a side setback in the RE district (Sec. 90.080-C, Table 90-1).

- 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

Exhibit "A"

The East Ten (10) feet of Lot Sixteen (16), all of Lot Seventeen (17), and the West Twenty-five (25) feet of Lot Eighteen (18), Block Two (2), FOREST HILLS, an Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded Plat thereof.

Exhibit “B”

The Applicant requests a Variance of Section 90.080-C, Table 90-1 of the Tulsa Zoning Code (the “Code”) to permit an accessory building in a side setback in the RE District for property located at 2157 E. 26th Place (the “Property”).

The Property is located just east of Lewis Avenue in the Forest Hills neighborhood. The Property owner desires to construct a detached garage and outdoor living area to the rear of the residence on the east side of the Property, approximately 5’9” from the east Property boundary, as shown on the attached site plan. The lot is approximately 200 feet deep; however, Crow Creek crosses the northern half of the lot, prohibiting any development within the rear half of the Property that is City of Tulsa Regulatory Floodplain.

Importantly, the Code *permits* accessory buildings to be constructed up to three feet (3’) from a side property boundary when located in the rear setback. In this case, due to a collective mistake, the rear setback was measured south of Crow Creek in the actual rear yard of the buildable area of the Property, not north of Crow Creek from the north Property boundary. A building permit was issued for the detached garage and outdoor living area and construction commenced. The footing, piers, and plumbing have been constructed, inspected and approved. However, before the slab was poured, the inspector (who previously approved the footing and piers), would not approve the location of the structure after observing that the accessory building, while located in the rear yard of the Property, was not actually located within the rear setback nearly 100 feet to the north.

The location of Crow Creek bisecting the Property is unique and results in unnecessary hardship. As a practical matter, the accessory building is located in the rear setback of the buildable area of the Property. Additionally, because the proposed garage and outdoor living area will be located in a similar location to a previously existing pool house, the Variance will not impair the use of adjacent property or be injurious to the neighborhood.



Stormwater Design Engineering
Engineering Services Department
2317 South Jackson Avenue
Tulsa, Oklahoma 74107

FLOODPLAIN DETERMINATION INFORMATION

Case ID# EMAIL
Name: Richard Winn Phone: N/A FAX/Email: rwinn@twoarchitecture.com
Mailing Address/Zip: N/A
Property Address: 2157 E. 26th Pl S Tulsa, OK Parcel No.: 14725-93-18-01310
Legal Lot(s): 16, 17, & 18 Block 2 Subdivision FOREST HILLS
The Engineering Services Department provides floodplain information as a public service for the betterment and understanding of floodplain management. It should be realized that floodplains as presently defined are subject to periodic change as new data becomes available.

WATERSHED AND FLOODPLAIN DATA
Property in a Regulated Floodplain: Yes No
FIRM Flood Zone: X Base Flood Elevation: N/A NAVD 1988
FIRM Panel: 40143C0240 Suffix L Date: 10/16/2012
City Regulatory Floodplain: IN OUT City Regulatory Elevation: 690.4 NAVD 1988
Creek Basin: Crow Creek
MDP CR: Date: 1989 NSP 37 Date: 2017 Atlas Page: 60
Comments:
Section/Township/Range: 18 N 13 E 36 W Date Completed: 1/29/2020
Zone "AE": "AO", "A": Areas of 1% annual chance flood (Special Flood Hazard Area).
Zone "X": Areas outside 1% annual chance flood.

FEDERALLY REGULATED LOANS ON PROPERTIES LOCATED IN A SPECIAL FLOOD HAZARD AREA REQUIRE FLOOD INSURANCE. Flood insurance is available to all residents in Tulsa. For more information, contact your insurance agent.
City Regulatory Floodplain information is according to best available data.
NOTE: This Federal Flood Zone determination is based on the Flood Insurance Rate Map for the City. This letter does not imply that the referenced property will or will not be free from flooding damage. A property not in a Special Flood Hazard Area may be damaged by a flood greater than that predicated on the FIRI or from a local drainage problem not shown. This letter does not create liability on the part of the City of Tulsa, or any officer or employee thereof, for any damage that results from reliance on this determination.
**Determination is valid for a period of 180 days or until a FEMA and/or City of Tulsa regulatory product is revised and adopted.

Joshua White
Landscape Architect
1117 E. 15th Street
Suite 200
Tulsa, Oklahoma 74103
Phone: 918.433.1111
Fax: 918.433.1112

Setback Note: Per City of Tulsa Zoning Code

90.090-D Contextual Setbacks

When existing buildings on one or more abutting lots are closer to the street (front or street side) property line than the otherwise required setback, additions to existing buildings or construction of new buildings on the subject lot may comply with the average street yard depth that exists on the nearest 2 lots on either side of the subject lot instead of complying with the zoning district's minimum street setback requirement. Existing yard depths must be based on the front corners of the buildings on the lots used in the contextual setback determination that are nearest to the subject lot.

East neighboring property has an existing building setback of 32.6'. West neighboring property has an existing building setback of 24.1'.

Allowable Street Yard Setback = Average street yard depth: $32.6 + 24.1 = 56.9 / 2 = 28.5'$

NOTES

THIS IS A PRELIMINARY GRADING PLAN FOR BUILDING PERMITS. FINAL GRADES MAY BE ADJUSTED BASED ON EXISTING SITE CONDITIONS & BUILDING MATERIALS.

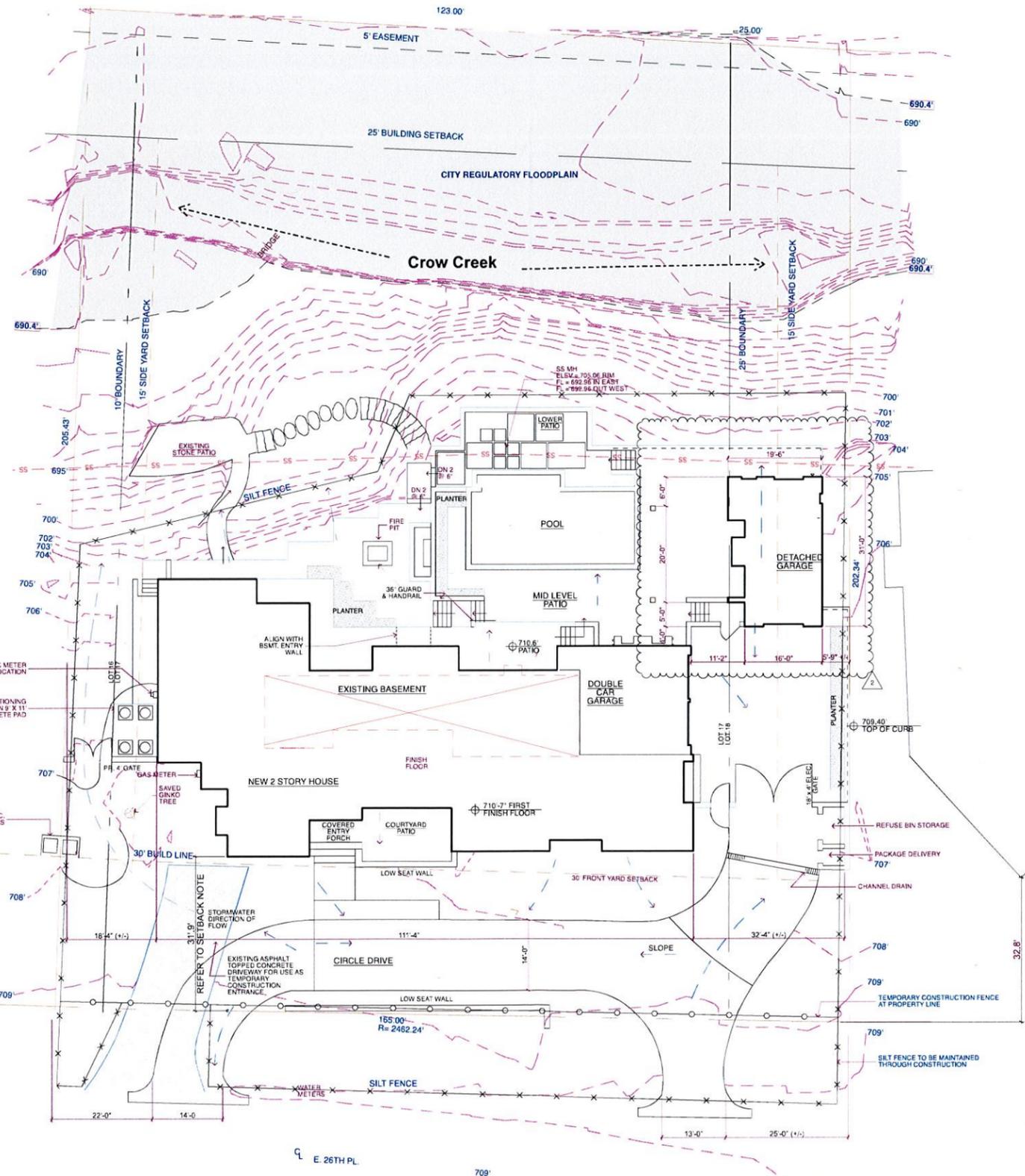
ALL ROOF DRAINS & AREA DRAINS ARE TO BE CONNECTED TO PVC TIGHT LINES AND RUN TO THE BACK YARD.

PRELIMINARY GRADING PLAN FOR THE FARROW RESIDENCE

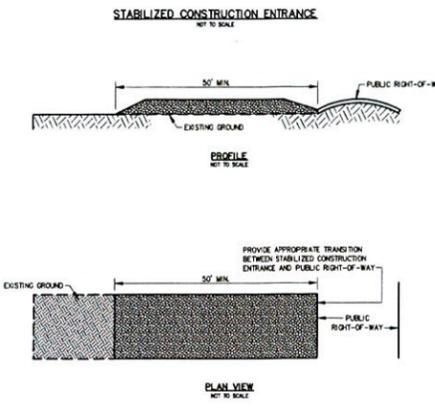
1" = 10'-0" NORTH

9-30-2020

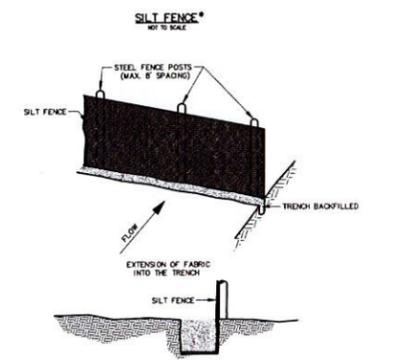
Clare Ashby, asla
landscape architect



1 SITE PLAN
SCALE: 1" = 10'



- NOTES:**
- STONE SIZE ASHTO DESIGNATION M3, SIZE NO. 2 (2-1/2" TO 1-1/2"). USE CRUSHED STONE.
 - LENGTH - AS EFFECTIVE, BUT NOT LESS THAN 30 FEET.
 - THICKNESS - NOT LESS THAN EIGHT (8) INCHES.
 - WIDTH - NOT LESS THAN FULL WIDTH OF ALL POINTS OF INGRESS OR EGRESS.
 - WASHING - WHEN NECESSARY, WHEELS SHALL BE CLEANED TO REMOVE SEDIMENT PRIOR TO ENTRANCE ONTO PUBLIC RIGHT-OF-WAY. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH CRUSHED STONE WHICH DRAINS INTO AN APPROVED SEDIMENT TRAP OR SEDIMENT BASIN. ALL SEDIMENT SHALL BE PREVENTED FROM ENTERING ANY STORM DRAIN, DITCH, OR WATERCOURSE THROUGH USE OF SANDBAGS, GRAVEL, ROCKS, OR OTHER APPROVED METHODS.
 - MAINTENANCE - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OF FLOWING OF SEDIMENT ONTO PUBLIC RIGHT-OF-WAYS. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND AND REPAIR AND OR CLEANUP OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED, OR TRACKED ONTO PUBLIC RIGHT-OF-WAYS MUST BE REMOVED IMMEDIATELY BY THE CONTRACTOR.



- NOTE:**
- STEEL POSTS WHICH SUPPORT THE SILT FENCE SHALL BE INSTALLED ON A 45 DEGREE ANGLE TOWARD THE ANTICIPATED RUNOFF SOURCE.
 - THE TOP OF THE SILT FENCE SHALL BE TRENCHED IN WITH A SPACING OF APPROXIMATELY 18 INCHES, SO THAT THE CONVERSE FACE OF THE TRENCH IS FLAT AND PERPENDICULAR TO THE LINE OF FLOW.
 - THE TRENCH SHOULD BE A MINIMUM OF 6 INCHES DEEP AND 3-4 INCHES WIDE TO ALLOW FOR THE SILT FENCE TO BE LAID IN. THE TRENCH 4" AND BACKFILLED.
 - SILT FENCE SHOULD BE SECURELY FASTENED TO EACH STEEL SUPPORT POST OR TO WOVEN WIRE, WHICH IS IN TURN ATTACHED TO THE STEEL FENCE POSTS.
 - INSPECTION SHALL BE FREQUENT AND REPAIR OR REPLACEMENT SHALL BE MADE PROMPTLY AS NEEDED.
 - SILT FENCE SHALL BE REMOVED WHEN IT HAS SERVED ITS USEFULNESS SO AS NOT TO BLOCK OR IMPED STORM FLOW OR DRAINAGE.
 - SEDIMENT TRAPPED BY THIS PROJECT SHALL BE DISPOSED OF IN AN APPROVED SITE, IN A MANNER THAT WILL NOT CONTRIBUTE TO ADDITIONAL SILTATION.
 - ACCUMULATED SILT SHALL BE REMOVED WHEN IT REACHES A DEPTH OF 6 INCHES AND DISPOSED OF IN AN APPROVED SPOIL SITE OR AS IN NO. 7 ABOVE.

• DRAINAGE AREA LESS THAN TWO (2) ACRES.
STANDARD SYMBOL: $\frac{SF}{LA}$
REFERENCE: CHAPTER 1000: CITY OF TULSA STORMWATER MANAGEMENT CRITERIA MANUAL
STANDARD OBTAINED FROM: USDA-NCS, SOIL STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL IN DEVELOPING AREAS.

PROPERTY INFORMATION

Project Type: Residential Addition
Owners: Mark and Ann Farrow
Site Address: 2157 E. 26th Pl, Tulsa, OK

LEGAL DESCRIPTION

Legal Description: East 10 feet of Lot Sixteen all of Lot Seventeen and West 25 feet of Lot Eighteen, Block Two, Forest Hills, an addition to the City of Tulsa, Tulsa County.

BUILDING SUMMARY

| | |
|-------------------------------|--------------------|
| Existing Basement Area | 943 Sq Ft |
| New Attached Garage | 519 |
| New Livable Area 1st Floor | 3,854 |
| New Livable Area 2nd Floor | 2,903 |
| New Detached Garage | 478 |
| New Outdoor Living | 320 |
| Total Livable Footage: | 6,757 Sq Ft |



TWO ARCHITECTURE
NICHOLE HUNN
ARCHITECT
1315 E. 15th Street
Suite 200
Tulsa, Oklahoma 74103
Phone: 918.433.1111
Fax: 918.433.1112

RESIDENTIAL NEW CONSTRUCTION
FARROW RESIDENCE
2157 E. 26TH PL., TULSA, OK

ISSUE DATE:
PERMIT SET: 9.18.20
PROGRESS SET: 01.19.21

REVISIONS:
A 11.09.20
B 02.18.21

A1.0
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