



Board of Adjustment

Staff Report Variance Case BOA-23639

Hearing Date: February 13, 2024
Prepared by: Sean Wallace
swallace@cityoftulsa.org
918-596-7585

Owner and Applicant Information

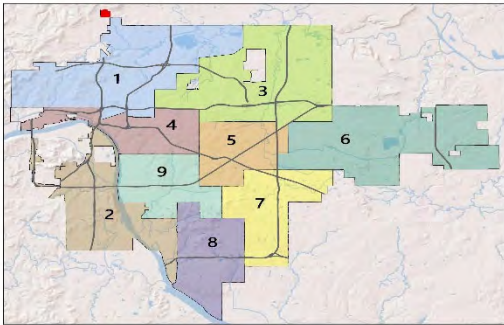
Applicant: MP Advocates
Property Owner: 61:4 Properties & Management LLC

Property Location

307 W 65th St N
Tract Size: ±.2 acres

Location within the City of Tulsa

(shown with City Council districts)



Elected Representatives

City Council: District 1, Vanessa Hall-Harper.
County Commission: District 1, Stan Sallee.

Public Notice Required

Newspaper Notice – min. 10 days in advance
Mailed Notice to 300’ radius – min. 10 days in advance

Request Summary

Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5); Variance to reduce the required 2,500 square feet of open space per unit for a duplex use in the RS-3 District (Sec. 5.030, Table 5-3).

Zoning

Zoning District: RS-3
Zoning Overlays: None

Comprehensive Plan Considerations

Land Use

Land Use Plan: Neighborhood
Small Area Plans: None
Development Era: Late Automobile

Transportation

Major Street & Highway Plan: N/A
planitulsa Street Type: Residential collector
Transit: N/A
Existing Bike/Ped Facilities: None
Planned Bike/Ped Facilities: N/A

Environment

Flood Area: N/A
Tree Canopy Coverage: 10-20%
Parks & Open Space: Vining Park nearby

Staff Analysis

The applicant is proposing to build a duplex in an RS-3 district (special exception required) and needs a Variance to reduce the open space per unit required from 2,500 square feet to 1,984 square feet. Open space is measured as follows:

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.

Relevant Case History

- None

Statement of Hardship

Please see attached.

Comprehensive Plan Considerations

Land Use Plan

The subject property is designated as 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 an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access from a lower-order street separated from the arterial, then it would be considered Neighborhood.

Surrounding Properties:

<i><u>Location</u></i>	<i><u>Existing Zoning/Overlay</u></i>	<i><u>Existing Land Use Designation</u></i>	<i><u>Existing Use</u></i>
North	RS-3	Neighborhood	Residential
East	RS-3	Neighborhood	Residential
South	RS-3	Neighborhood	Residential
West	RS-3	Neighborhood	Residential

Small Area Plans

The subject properties are not in a small area plan.

Development Era

The subject property is located in an area developed during the **late automobile area**.

The subject property is in an area developed during the Late Automobile Era (1950s-present), which has grown since the mainstreaming of automobile-centric lifestyles, with a high degree of separation between residential and nonresidential uses, and low levels of street connectivity. In these areas, transportation is nearly exclusively concentrated on the mile-by-mile arterial grid, and major streets are often both transportation corridors and destination corridors, which can lead to traffic congestion. Nonresidential uses are predominantly located at the intersections of major arterial streets. Priorities in these areas include commercial revitalization, placemaking, community gathering opportunities, conservation of natural areas, a high degree of privacy, one-stop shopping, and commuting routes.

Transportation

Major Street & Highway Plan: N/A

Comprehensive Plan Street Designation: Residential Collector

Transit: N/A

Existing Bike/Ped Facilities: None

Planned Bike/Ped Facilities: N/A

Arterial Traffic per Lane: 2,500-5,000

Environmental Considerations

Flood Area: The subject property is not in a flood area.

Tree Canopy Coverage: Tree canopy in the area is 11%. Preserving the limited existing canopy should be encouraged, as well as measures to increase the canopy through landscaping. Street-lining trees in particular should be encouraged to spread the benefit of the tree canopy to the pedestrian realm.

Parks & Open Space: The property is very close to Vining Park.

Photos:



Subject Property

Sample Motion

I move to approve or deny a Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5).

- 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.

And I move to approve or deny a Variance to reduce the required 2,500 square feet of open space per unit for a duplex use in the RS-3 District (Sec. 5.030, Table 5-3).

- 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 the hardship to be _____.

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;
- 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;
- That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- That the variance to be granted is the minimum variance that will afford relief;
- 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
- 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.

Property Description

LT 9 BLK 2 NORTHGATE THIRD ADDN

Exhibits

- Case map
- Aerial (small scale)
- Aerial (large scale)
- Tulsa Comprehensive Plan Land Use Map

Request:

We are requesting a special exception to allow for construction of a duplex on an RS-3 zoned lot (Table 2-2.5); Additionally, we are requesting a variance of the minimum open space requirement from 2,500 sq.ft. per unit to 1,984 sq.ft. per unit (Table 2-3 [8]).

Hardship:

1. 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 subject property is a platted lot in Northgate Third, recorded in 1967, prior to the adoption of the first Tulsa zoning code. Although it conforms to today's bulk and area requirements for a RS-3 zoned single family lot, the lots in Northgate are shallower and have less area than most RS-3 lots platted throughout the city, and therefore are more difficult to develop with duplexes than other neighborhoods.

2. The literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose.

The code allows for a duplex in RS-3 zoning if it meets the requirements for a special exception. All other requirements would be met if not for the minimum open space provision for which we are seeking relief.

3. 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.

The shallowness of this lot, and others throughout the Northgate Additions, are unique from other property within the same zoning classification.

4. The alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner.

This vacant lot was not platted by the current property owner.

5. The variance to be granted is the minimum variance that will afford relief.

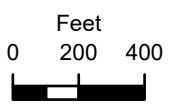
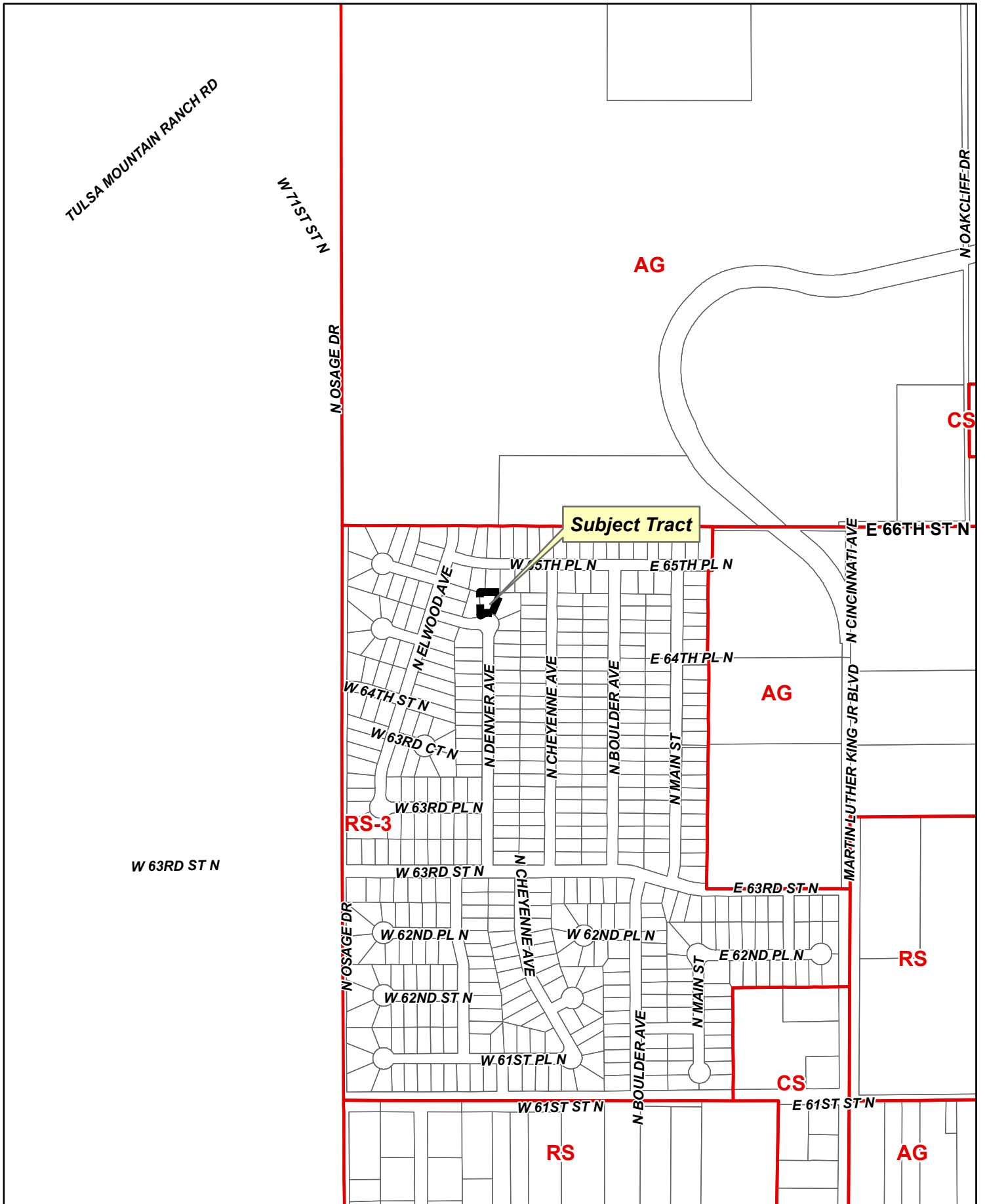
Our request is the minimum relief needed to build a modest size duplex.

6. 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 of development of adjacent property.

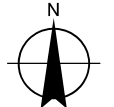
The proposed duplex has been designed to match the context of the neighborhood.

7. 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.

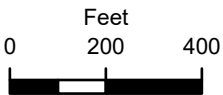
The proposed variance will not be detrimental to the public good nor impair the purposes of the zoning code/comprehensive plan.



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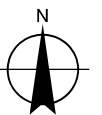


 Subject Tract

BOA-23639

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

Aerial Photo Date: 2021



5.8



N ELWOOD AVE

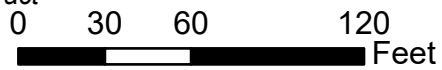
W 65TH PL N

W 65TH ST N

N DENVER AVE



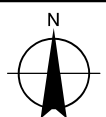
Subject Tract



BOA-23639









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

Aerial Photo Date: 2021

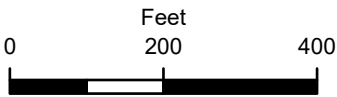


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Land Use Plan Categories

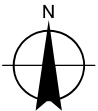
 Arkansas River Corridor	 Multiple Use
 Downtown	 Neighborhood
 Employment	 Park and Open Space
 Local Center	 Regional Center

SUBJECT TRACT

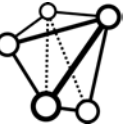


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19-14 04



5.10



M+P ADVOCATES
 MAPPING | PLANNING | DESIGN
 T: 918.695.7215
 E: MPLUSPNET@GMAIL.COM

PREPARED FOR:
61:4 PROPERTIES AND MANAGEMENT LLC

PROJECT ID: **P-2313**

307 W 65th STREET N

NEW CONSTRUCTION PERMIT SET

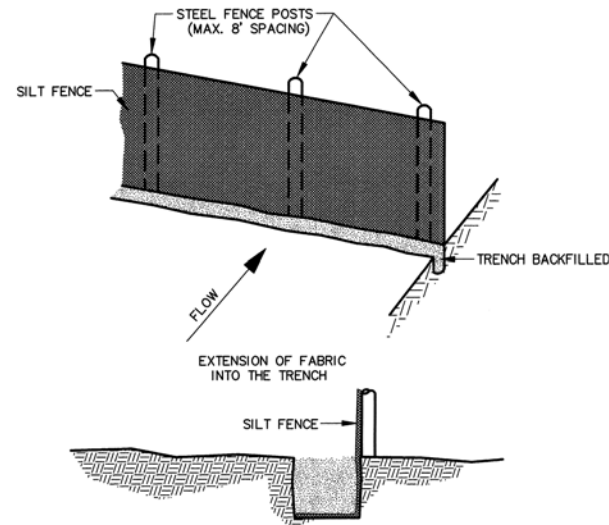
SITE ADDRESS: 307 W 65TH STREET N, TULSA, OK 74126
 LEGAL DESCRIPTION: LOT 9, BLK 2 NORTHGATE THIRD ADDN

PUBLISH DATE: **2023-10-30**

THIS SHEET SET AND THE DRAWINGS CONTAINED HEREIN SHALL NOT BE MODIFIED OR REPRODUCED WITHOUT THE EXPLICIT, WRITTEN CONSENT OF M+P ADVOCATES.

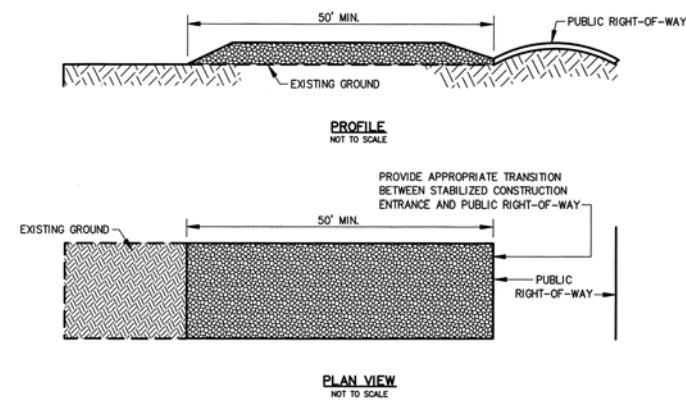
SHEET: SITE & EROSION CONTROL PLAN

A01



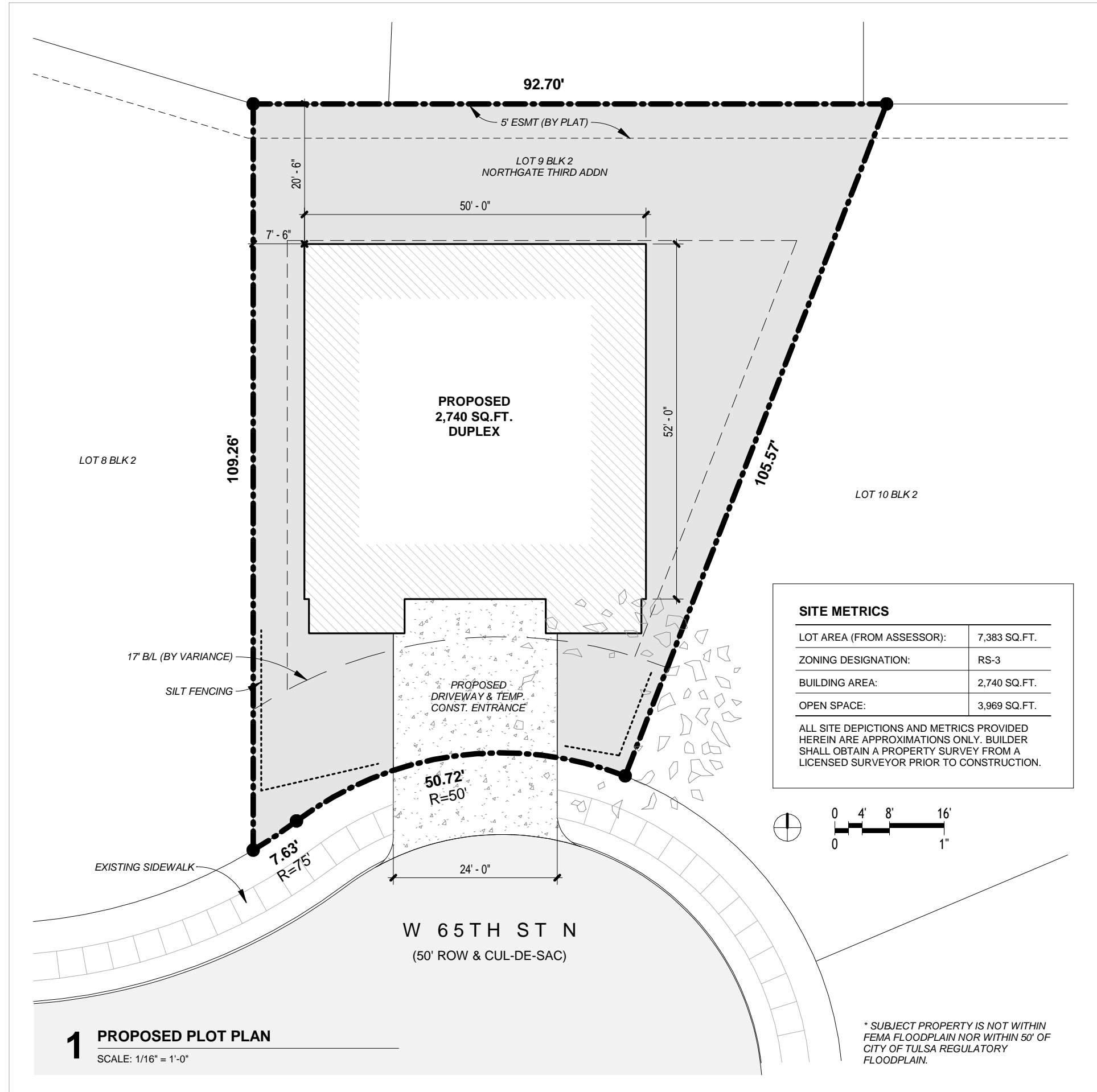
STANDARD SILT FENCE NOTES:

1. STEEL POSTS WHICH SUPPORT THE SILT FENCE SHALL BE INSTALLED ON A SLIGHT ANGLE TOWARD THE ANTICIPATED RUNOFF SOURCE.
2. THE TOE OF THE SILT FENCE SHALL BE TRENCHED IN WITH A SPADE OR MECHANICAL TRENCHER, SO THAT THE DOWNSLOPE FACE OF THE TRENCH IS FLAT AND PERPENDICULAR TO THE LINE OF FLOW.
3. 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.
4. 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.
5. INSPECTION SHALL BE FREQUENT AND REPAIR OR REPLACEMENT SHALL BE MADE PROMPTLY AS NEEDED.
6. SILT FENCE SHALL BE REMOVED WHEN IT HAS SERVED ITS USEFULNESS SO AS NOT TO BLOCK OR IMPEDE STORM FLOW OR DRAINAGE.
7. SEDIMENT TRAPPED BY THIS PRACTICE SHALL BE DISPOSED OF IN AN APPROVED SITE, IN A MANNER THAT WILL NOT CONTRIBUTE TO ADDITIONAL SILTATION.
8. 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.



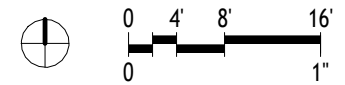
STANDARD CONSTRUCTION ENTRANCE NOTES:

1. STONE SIZE AASHTO DESIGNATION M43, SIZE NO. 2 (2-1/2" TO 1-1/2"). USE CRUSHED STONE.
2. LENGTH - AS EFFECTIVE, BUT NOT LESS THAN 50 FEET.
3. THICKNESS - NOT LESS THAN EIGHT (8) INCHES.
4. WIDTH - NOT LESS THAN FULL WIDTH OF ALL POINTS OF INGRESS OR EGRESS.
5. 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.
6. ALL SEDIMENT SHALL BE PREVENTED FROM ENTERING ANY STORM DRAIN, DITCH, OR WATERCOURSE THROUGH USE OF SANDBAGS, GRAVEL, BOARDS, OR OTHER APPROVED METHODS.
7. MAINTENANCE - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHT-OF-WAYS. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT 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.



SITE METRICS	
LOT AREA (FROM ASSESSOR):	7,383 SQ.FT.
ZONING DESIGNATION:	RS-3
BUILDING AREA:	2,740 SQ.FT.
OPEN SPACE:	3,969 SQ.FT.

ALL SITE DEPICTIONS AND METRICS PROVIDED HEREIN ARE APPROXIMATIONS ONLY. BUILDER SHALL OBTAIN A PROPERTY SURVEY FROM A LICENSED SURVEYOR PRIOR TO CONSTRUCTION.



1 PROPOSED PLOT PLAN
 SCALE: 1/16" = 1'-0"

* SUBJECT PROPERTY IS NOT WITHIN FEMA FLOODPLAIN NOR WITHIN 50' OF CITY OF TULSA REGULATORY FLOODPLAIN.