



**Board of Adjustment**

**Staff Report  
Variance Case BOA-23653**

**Hearing Date:** March 12, 2024  
**Prepared by:** Dylan Siers  
dsiers@cityoftulsa.org  
918-596-7584

**Owner and Applicant Information**

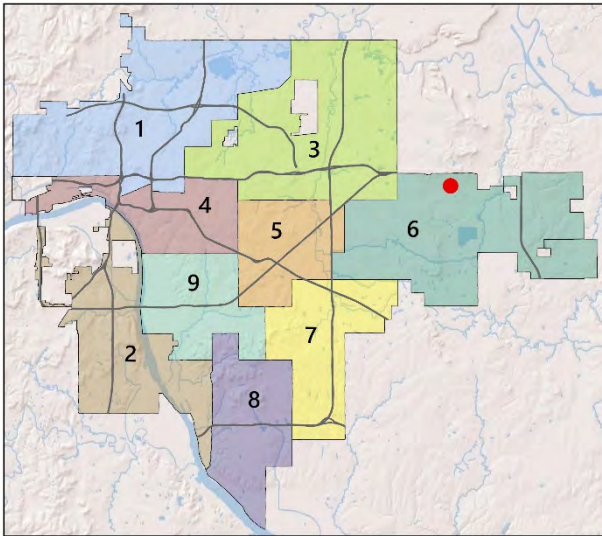
Applicant: Gustavo Vazquez  
Property Owner: Gustavo Vazquez

**Property Location**

310 S. 185 Ave. E.  
Tract Size: ±0.18 acres

**Location within the City of Tulsa**

*(shown with City Council districts)*



**Elected Representatives**

City Council: District 6, Christian Bengel  
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**

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-B)

**Zoning**

Zoning District: RS-3  
Zoning Overlays: N/A

**Comprehensive Plan Considerations**

**Land Use**

Land Use Plan: Neighborhood  
Small Area Plans: East Tulsa  
Development Era: Late Automobile

**Transportation**

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

**Environment**

Flood Area: N/A  
Tree Canopy Coverage: 20-30%  
Parks & Open Space: N/A

**Staff Analysis**

The applicant is proposing 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)

**45.030-A Accessory Building Size**

**1. RE and RS-1 Districts**

In RE and RS-1 districts, 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 750 square feet or 40% of the floor area of the principal residential structure, whichever is greater. [1]

**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.

Relevant Case History

- None

**Statement of Hardship**

“Existing house is undersized for the lot”

**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:

<u>Location</u>	<u>Existing Zoning/Overlay</u>	<u>Existing Land Use Designation</u>	<u>Existing Use</u>
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 within the East Tulsa Small area plan.

**Development Era**

The subject property is located in an area developed during the Late automobile era.

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: None

Transit: N/A

Existing Bike/Ped Facilities: None

Planned Bike/Ped Facilities: None

Arterial Traffic per Lane: N/A

**Environmental Considerations**

Flood Area: The subject property not within a flood area.

Tree Canopy Coverage: Tree canopy in the area is 25%. The area would benefit from additional trees, which also capture and treat runoff before it enters the river.

Parks & Open Space: N/A

**Sample Motion**

I move to approve or 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)

- 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:

- 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.

**Property Description**

Lot 4, Block 13, Rolling Hills Third Addition, City of Tulsa, Tulsa County, State of Oklahoma

**Photos:**



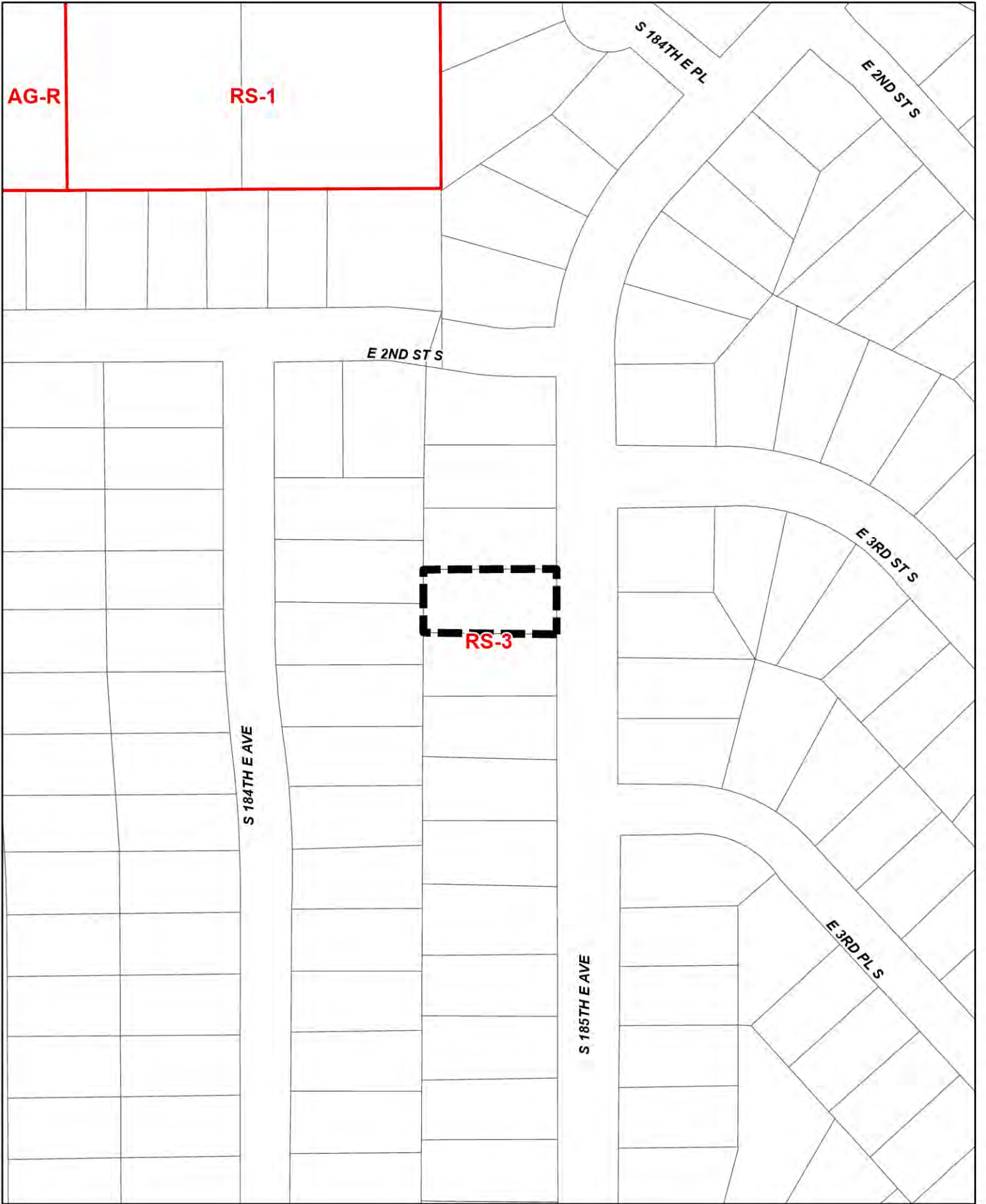
***Subject Property***



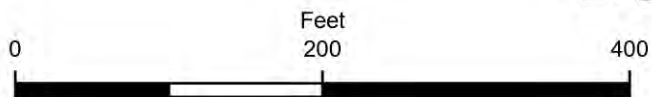
***Subject Property***

**Exhibits**

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



**BOA-23653**



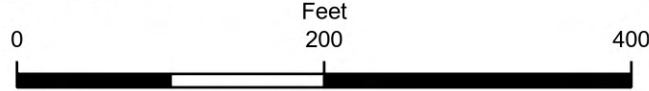
**5.6**





 Subject Tract

**BOA-23653**

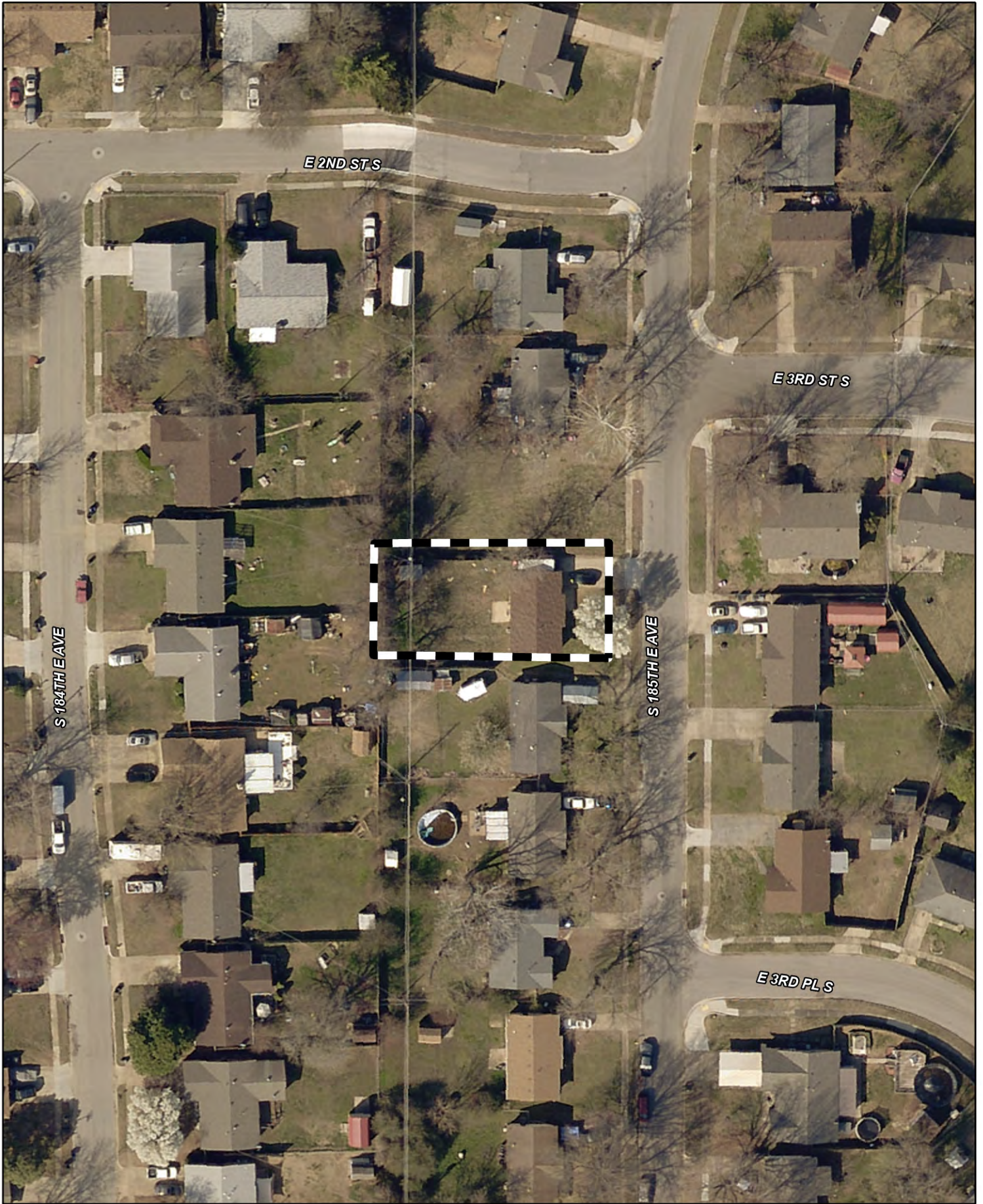


Note: Graphic overlays may not precisely align with physical features on the ground.



Aerial Photo Date: 2021



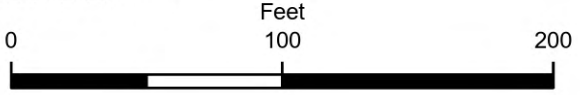


Subject Tract

**BOA-23653**

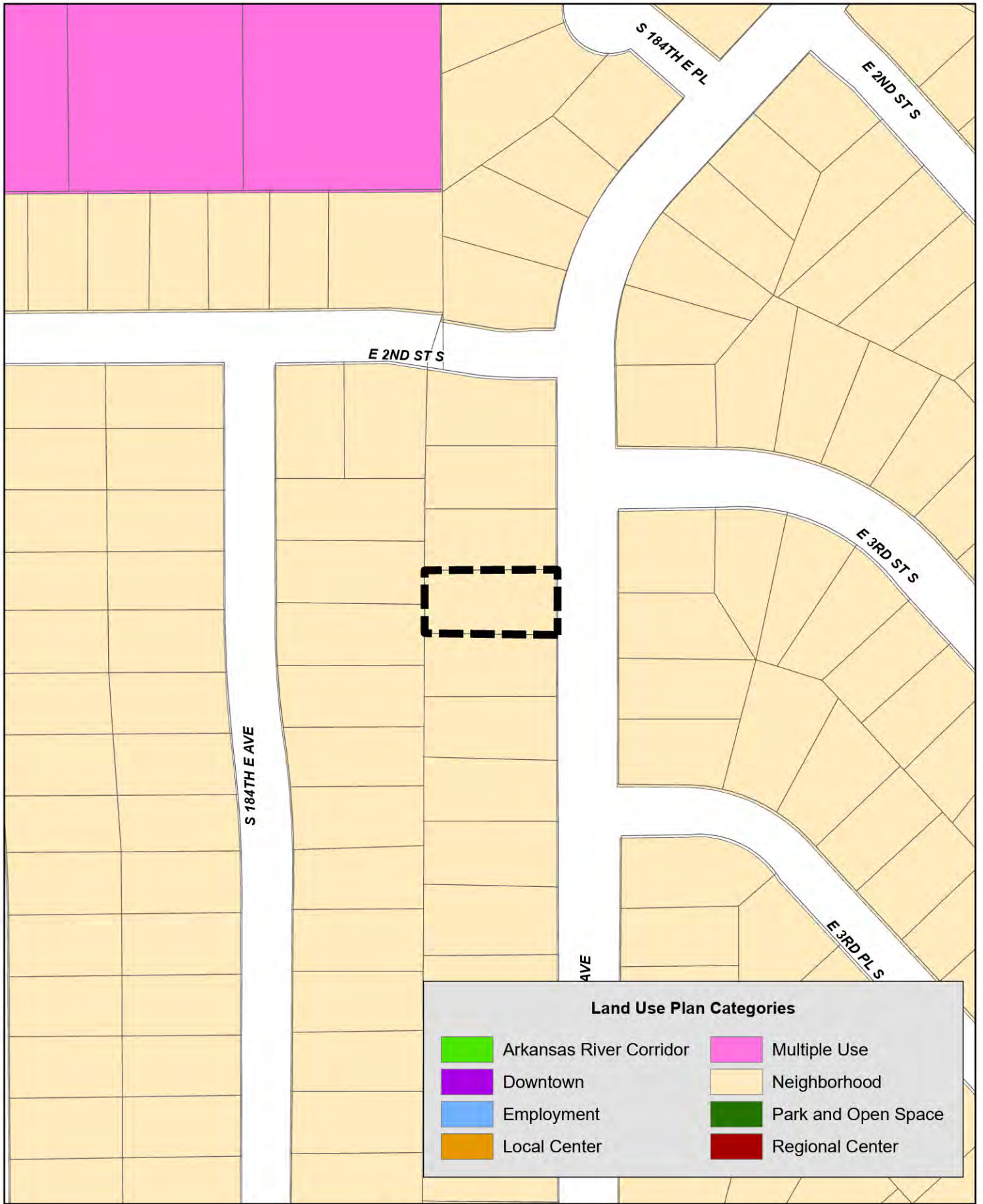
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Aerial Photo Date: 2021

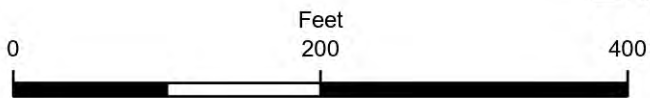


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**BOA-23653**



**5.9**



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

## CITY OF TULSA CORRECTIONS SUMMARY

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### Zoning Review (1)

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**Subject:** Zoning Review  
**Page Label:** 7  
**Author:** DWhiteman  
**Date:** 1/23/2024 12:34:02 PM  
**Status:**  
**Color:** ■  
**Layer:**  
**Space:**

Section 45.030-A.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.

Review Comments: Please revise the site plan and provide the size of the existing shed in the northwest corner of the yard. Based on the size of your house, the total areas of all detached accessory buildings may not exceed 500 square feet when combined. If the existing shed and the proposed building add up to more than 500 square feet, you will need to reduce the size of the new building or remove the existing building in order to stay under the 500 square feet limit. If you are removing the existing shed, please write that on the revised site plan. If you are reducing the size of the building, please provide a new site plan and building plans.

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This constitutes a Plan Review to date in response to the information submitted with and after the above referenced application. Additional issues may develop when the review continues upon receipt of additional information requested in this letter or upon additional submittal from the client. Any code items not reviewed are still in force, and it shall be the responsibility of the owner and design professional(s) to ensure that all code requirements are satisfied.



# 12x36 Side Lofted Barn material list

## **FLOOR material**

4 36' 4x6 treated runners/skids

36 12' treated 2x6

5 16' treated 2x6

14 4x8x3/4 tongue and groove subflooring

## **WALL material**

16 2x4 pine wall plate

2x4x72" pine wall studs on 16" center

27 4x8 LP smart siding wall sheathing

1x4 LP smart trim

## **LOFT area material**

2x6x12 pine loft joist

19 2x4 press plate rafters

18 4x8x7/16 decking

Rolled insulation on top of decking and under metal roof

## **ROOF material**

29-gauge charcoal gray roof metal

## **INCLUDES**

All windows are double pane insulated.

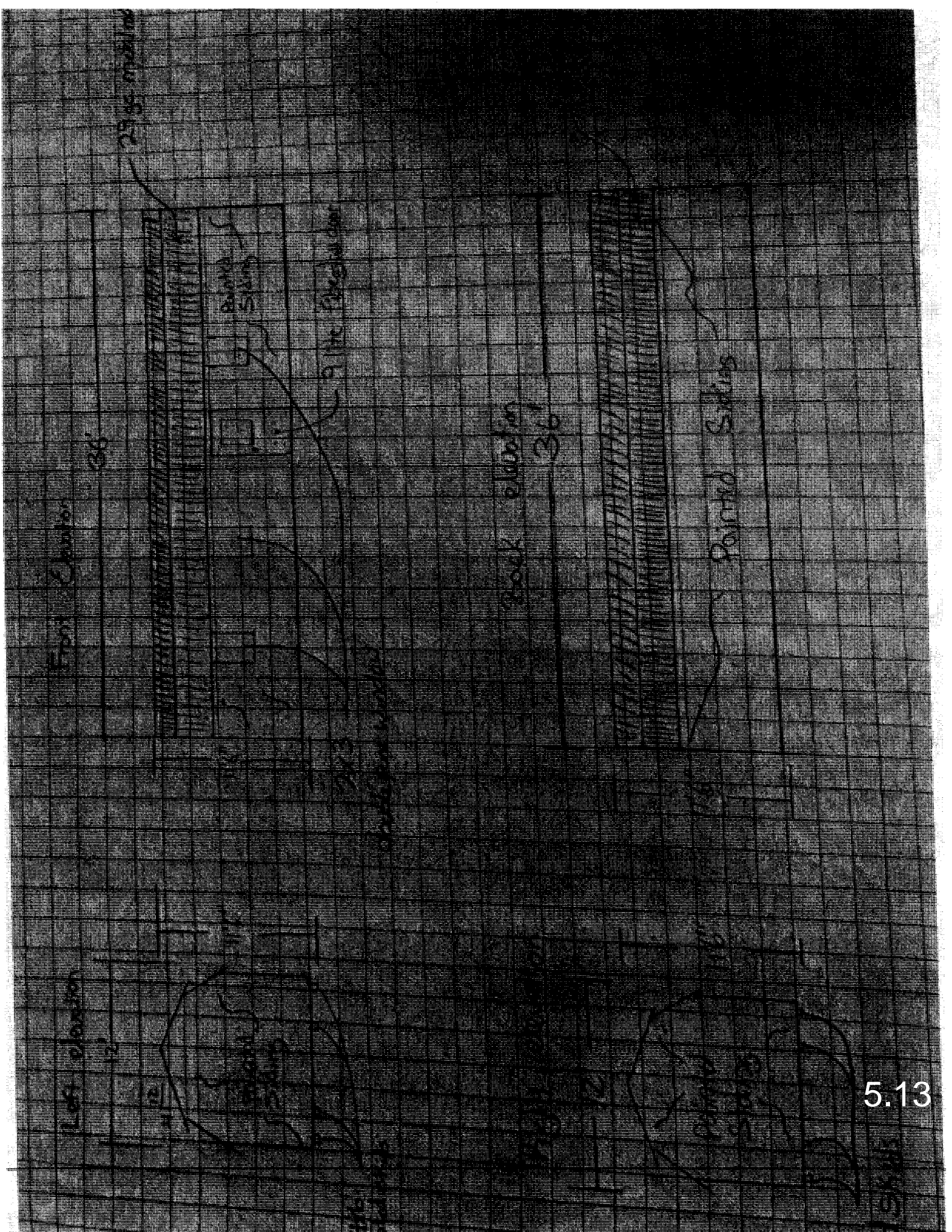
9 lite door is insulated fiberglass.

Includes vents on each gable end.

ALL nails used are galvanized ring shank for maximum strength.







Front Chamber

334

Back Chamber

Rock Veldin

36

Portined Skins

29

Left Chamber

33

Back Chamber

20

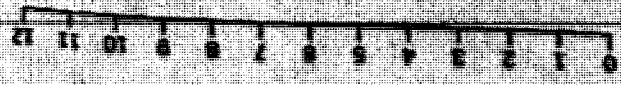
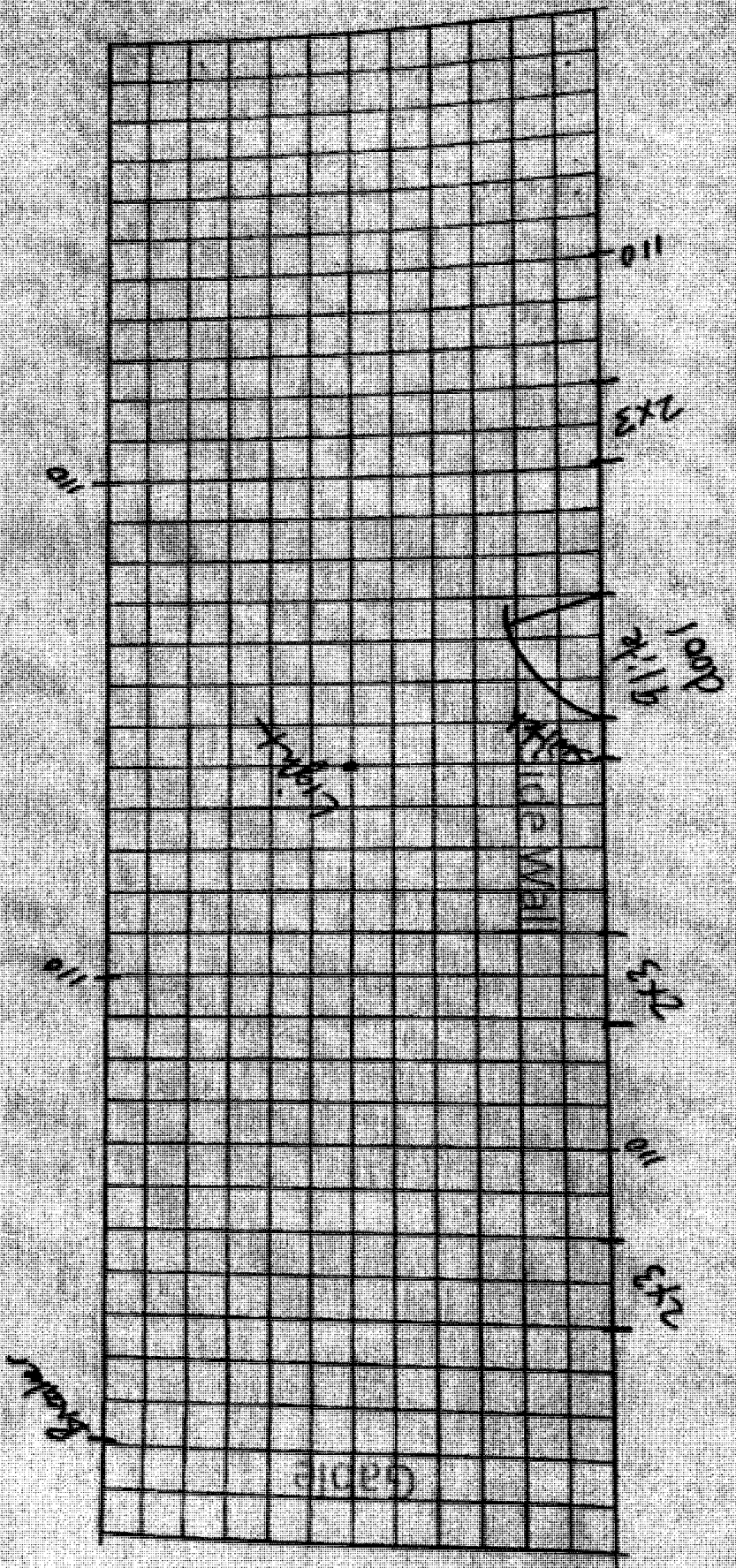
Back Chamber

33



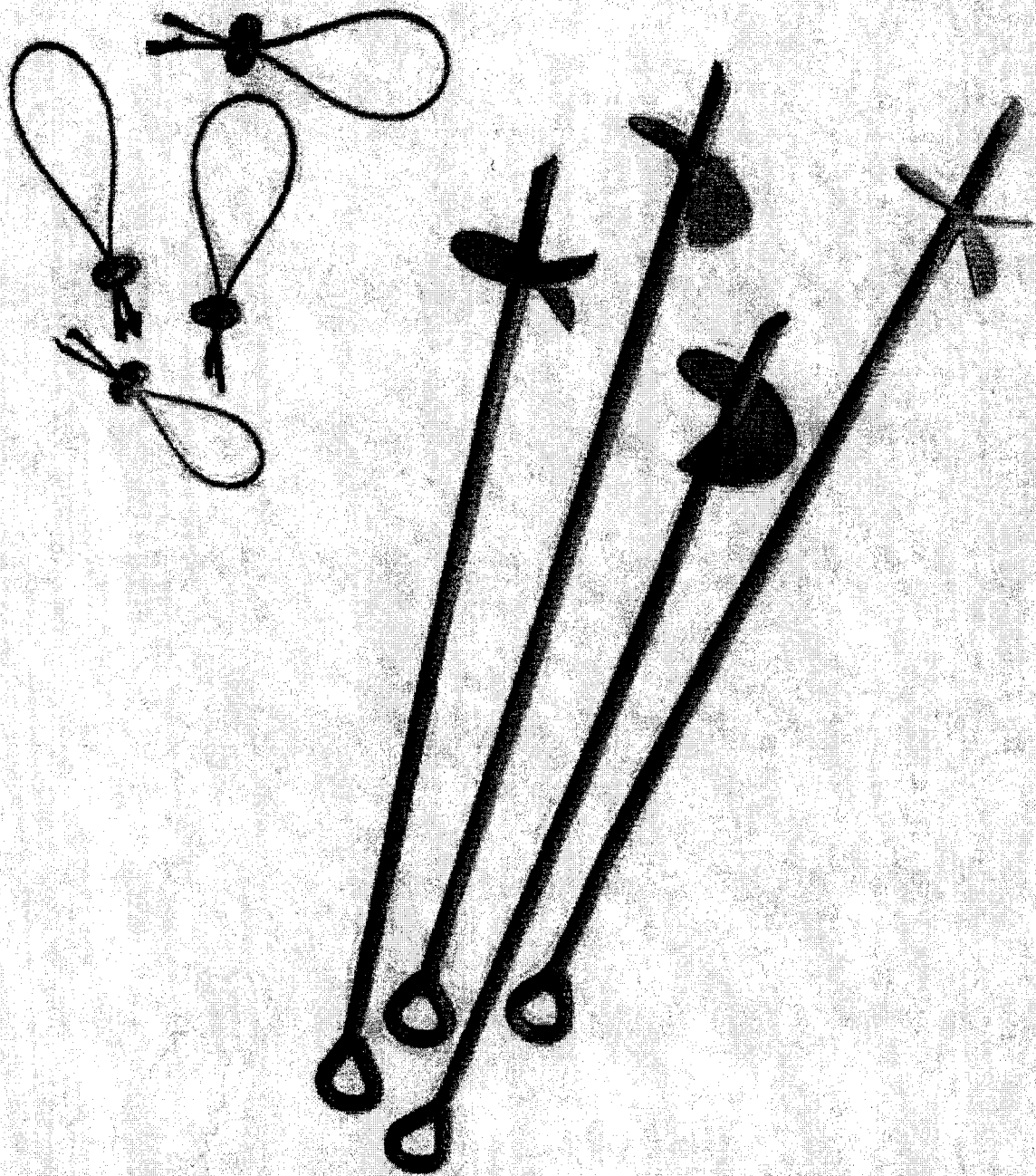
Date

FROM TICKETS



5.14





4 ANCHORS, PLACED ONE IN EACH CORNER  
OF THE BUILDING.

PROFESSIONAL LAND SURVEYOR'S INSPECTION PLAT  
FOR MORTGAGE LOAN PURPOSE



AMERICAN EAGLE  
LAND SURVEYING, LLC

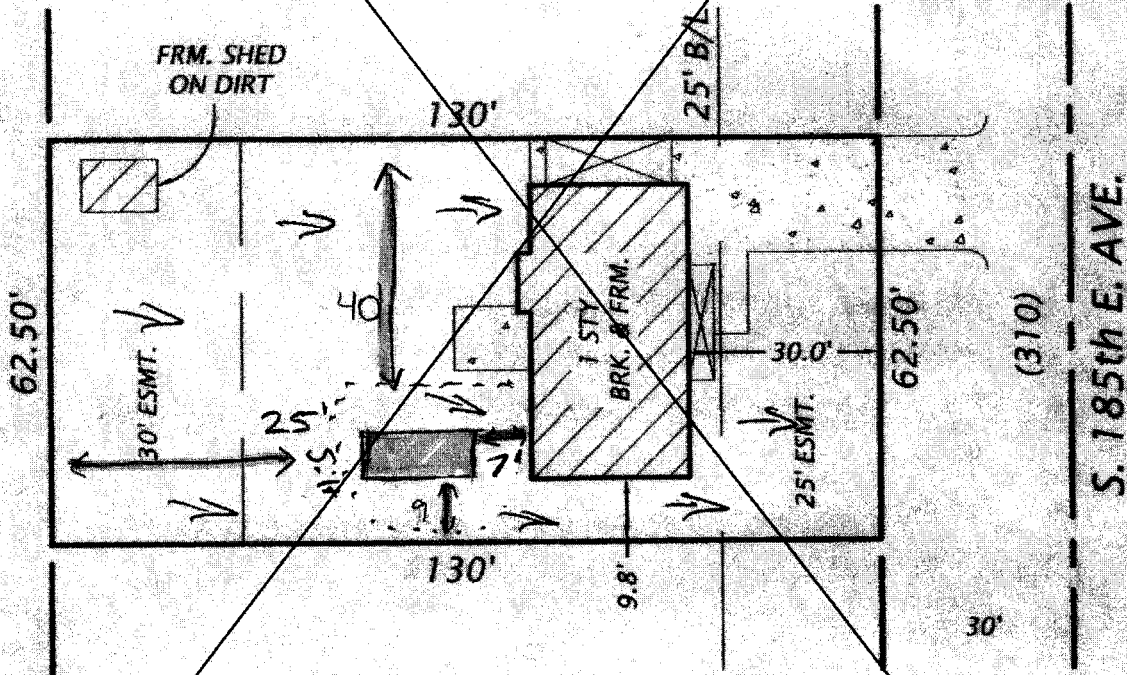
2023 West 111th Street Jenks, OK. 74037  
OFFICE (918)640-4162 FAX (918)894-5248  
darrellbible@gmail.com

Order No. 1510048  
Client: Allegiance Title & Escrow, LLC  
Borrower: Gustavo Arturo Vazquez Villela  
and Irma Yared Torres Bibiano  
File Number: 15-1087

Legal Description

Lot Four (4), Block Thirteen (13), ROLLING HILLS THIRD ADDITION,  
an Addition in Tulsa County, State of Oklahoma,  
according to the recorded Plat thereof.

SCALE  
1" = 30'  
PLAT NO. 2489



7. Right of Way Easements recorded in Book 901 at Page 567, and in Book 901 at Page 568 does not apply to or affect subject property.

8. Right of Way Easement granted to the Oklahoma Natural Gas Company recorded in Book 3100 at Page 56 does not apply to or affect subject property.

SUBJECT PROPERTY LIES WITHIN FLOOD ZONE "UNSHADED X" AN AREA OF MINIMAL FLOOD HAZARD AS SHOWN ON FIRM MAP#405381 0270L, DATED 10/16/12.

Property address: 310 South 185th East Avenue, Tulsa, Oklahoma



PROFESSIONAL LAND SURVEYOR'S INSPECTION PLAT  
FOR MORTGAGE LOAN PURPOSE



AMERICAN EAGLE  
LAND SURVEYING, LLC

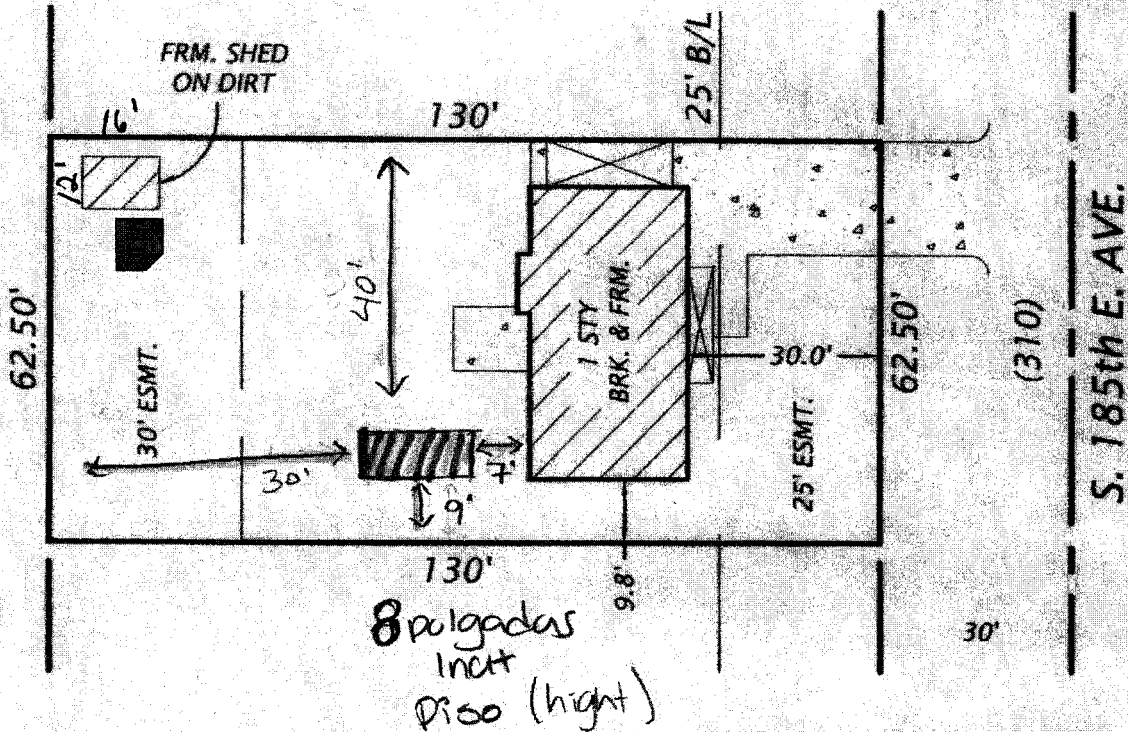
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