



## Board of Adjustment

## Staff Report Special Exception Case BOA-23657

**Hearing Date:** March 26, 2024

**Prepared by:** Dylan Siers

dsiers@cityoftulsa.org

918-596-7584

### **Owner and Applicant Information**

Applicant: David Valderrama

Property Owner: John Abraham

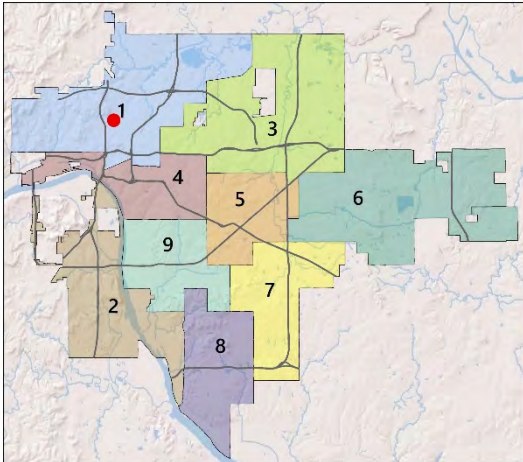
### **Property Location**

1602 N Denver Ave

Tract Size: ±0.20 acres

### **Location within the City of Tulsa**

(shown with City Council districts)



### **Elected Representatives**

City Council: District 1, Vanessa Hall

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 reduce the 20-foot setback for a street facing garage door on a corner lot (Sec. 80.020-B)

### **Zoning**

Zoning District: RS-3

Zoning Overlays: HNO

### **Comprehensive Plan Considerations**

#### **Land Use**

Land Use Plan: Neighborhood

Small Area Plans: None

Development Era: Early Automobile

#### **Transportation**

Major Street & Highway Plan: N/A

planitulsa Street Type: N/A

Transit: N/A

Existing Bike/Ped Facilities: None

Planned Bike/Ped Facilities: None

#### **Environment**

Flood Area: None

Tree Canopy Coverage: 10-20%

Parks & Open Space: N/A

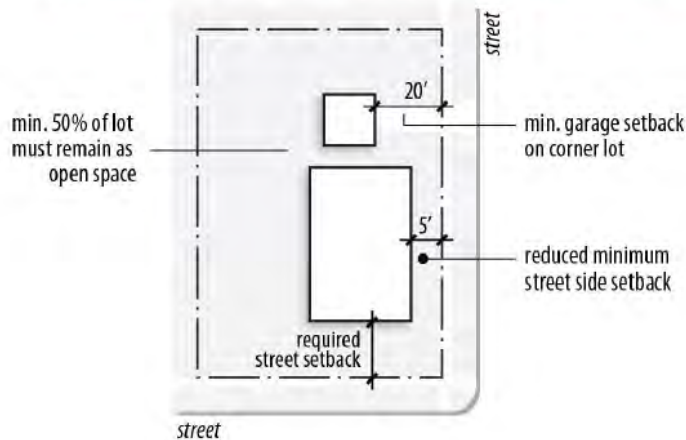
## Staff Analysis

Variance to reduce the 20-foot setback for a street facing garage door on a corner lot (Sec. 80.020-B). Applicant is requesting to reduce the setback from 20-feet to 9.5-feet.

### 80.020-B Nonconforming Lots in Residential Zoning Districts

In residential zoning districts, a single detached house may be erected on a nonconforming lot without complying with the minimum lot area, minimum lot area per unit, minimum lot width, minimum street frontage or minimum open space per unit requirements of the subject zoning district, provided that at least 50% of the lot area remains as open space. All other lot and building regulations apply, except that detached houses may be erected on corner lots that are nonconforming with regard to lot width, subject to a reduced minimum street side building setback of 5 feet. Garages that are accessed through a side yard abutting a street must be set back at least 20 feet.

*Figure 80-1: Detached House on Nonconforming Lot in R District*



### Relevant Case History

- None

## Statement of Hardship

If the garage blocked the rear door there would be no visibility to see the wellbeing of their children playing in the yard while they are inside their home. Putting the Garage all the way to the northwest corner also poses another hardship: Lots of concrete, far less lawn, 70 feet to walk in stormy weather, decrease in property value.

Awkward narrow space between buildings at rear entry would be inhospitable and would compromise safety from a potential aggressor.

Alternative garage location (where current zoning regulations suggest) at the rear of the yard would require a change to the existing driveway location, which would disrupt neighbors' routines, require much more laying of concrete and removal of existing concrete, and thus a much higher unnecessary cost.

The neighbor south of the customers' home (across from the driveway where the garage is planned to be built), their neighbor's garage is also in the right of way. It is not 50 feet back from the center of Queen Street.

The resale value of the customer's property would be less than it could be if the variance is not granted.

Builder has proposed a plan to the customers, explaining that the City of Tulsa Planning and Zoning Dept. requires a proposal requesting for minimal variance. Builder and Customers have met together to discuss this and have agreed

to move the original garage building 4 feet north to allow plenty of parking space in the driveway. The lot size is obviously small and unaccommodating but moving the garage wall north 4 more feet from the original plan-a total of 39 feet from the center of Queen Street-will allow two average cars to be parked on the driveway while leaving at least 7-8 feet from the curb to the rear car bumpers and also 3-4 feet from the garage doors to the front rear car bumpers. At the same time, this change will not block the rear door of the home and will allow the customers to see the wellbeing of their children playing in the yard. This is the maximum distance the garage can be moved north-to get closer to the current zoning regulations-without compromising the safety of their children, and other issues mentioned above.

Additionally, the customers are well acquainted and friends with many of their close neighbors. The Builder has provided renderings of the proposed garage build as it would look on the customer's property to the customers. They are sharing the renderings with their neighbors. The same renderings are being submitted to the City of Tulsa Planning and Zoning with the application for the variance.

## **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 not within a small area plan.

### **Development Era**

The subject property is located in an area developed during the Early Automobile Era.

The subject property is in an area developed during the Early Automobile Era (1930s-50s), which retained a high degree of the connectivity from neighborhood streets to the arterial network, with mostly commercial, office, industrial, and other active uses along major streets and a mix of housing options and neighborhood-based uses like schools, churches, and libraries in the interior sections. Priorities in these areas include walkability, bikeability, access to public transit, historic preservation, housing type variety, mixed-use development, commercial revitalization, compatibility of scale for neighborhood development, and transitions between commercial corridors and residential areas.

**Transportation**

Major Street & Highway Plan: N/A

Comprehensive Plan Street Designation: N/A

Transit: N/A

Existing Bike/Ped Facilities: N/A

Planned Bike/Ped Facilities: N/A

Arterial Traffic per Lane: N/A

**Environmental Considerations**

Flood Area: The subject property is within the Regulatory Floodplain

Tree Canopy Coverage: Tree canopy in the area is 10-20%. 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: N/A

**Sample Motion**

I move to approve or deny a Variance to reduce the 20-foot setback for a street facing garage door on a corner lot (Sec. 80.020-B)

- 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**

LT 12 BLK 4, THE MORLEY ADDN , CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

**Exhibits**

Photos

Case map

Aerial (small scale)

Aerial (large scale)

Tulsa Comprehensive Plan Land Use Map

Applicant's Exhibits



Subject property in BOA-23657 (Image used from Google Street View)





RS-2

N OSAGE DR

W SEMINOLE ST

N ELWOOD AVE

N DENVER AVE

N CHEYENNE AVE

RS-3

W QUEEN ST

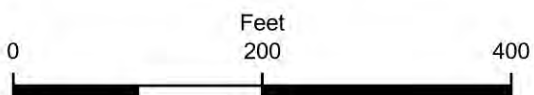
LL Tisdale

RM-1

RS-4

W PINE ST

**BOA-23657**



11.7





N OSAGE DR

W SEMINOLE ST

N ELMWOOD AVE

N DENVER AVE

N CHEYENNE AVE

W QUEEN ST

LL Tisdale

W PINE ST



Subject  
Tract

Feet  
200

400

**BOA-23657**

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

Aerial Photo Date: 2021

11.8







N ELWOOD AVE

N DENVER AVE

W QUEEN ST



Subject  
Tract

Feet  
100

200

**BOA-23657**

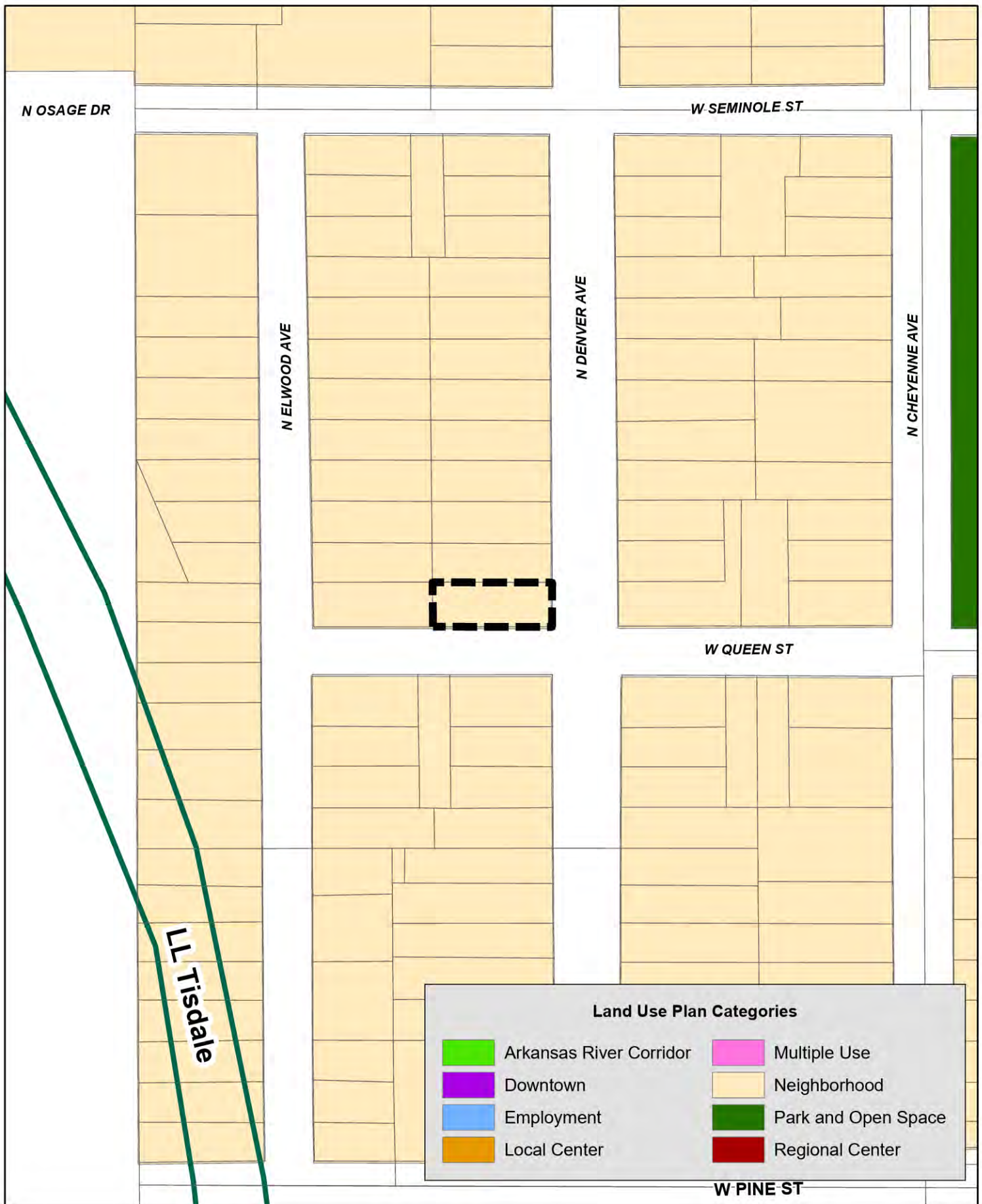
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2021

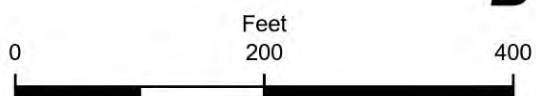


11.9





**BOA-23657**



**11.10**

To whom it may concern:

The following describes the hardships the customers John and Rebecca Abraham would have if a variance were not granted:

- If the garage blocked the rear door there would be no visibility to see the wellbeing of their children playing in the yard while they are inside their home. Putting the Garage all the way to the northwest corner also poses another hardship: Lots of concrete, far less lawn, 70 feet to walk in stormy weather, decrease in property value.
- Awkward narrow space between buildings at rear entry would be inhospitable and would compromise safety from a potential aggressor.
- Alternative garage location (where current zoning regulations suggest) at the rear of the yard would require a change to the existing driveway location, which would disrupt neighbors' routines, require much more laying of concrete and removal of existing concrete, and thus a much higher unnecessary cost.
- The neighbor south of the customers' home (across from the driveway where the garage is planned to be built), their neighbor's garage is also in the right of way. It is not 50 feet back from the center of Queen Street.
- The resale value of the customer's property would be less than it could be if the variance is not granted.
- Builder has proposed a plan to the customers, explaining that the City of Tulsa Planning and Zoning Dept. requires a proposal requesting for minimal variance. Builder and Customers have met together to discuss this and have agreed to move the original garage building 4 feet north to allow plenty of parking space in the driveway. The lot size is obviously small and unaccommodating but moving the garage wall north 4 more feet from the original plan—a total of 39 feet from the center of Queen Street—will allow two average cars to be parked on the driveway while leaving at least 7-8 feet from the curb to the rear car bumpers and also 3-4 feet from the garage doors to the front rear car bumpers. At the same time, this change will not block the rear door of the home and will allow the customers to see the wellbeing of their children playing in the yard. This is the maximum distance the garage can be moved north—to get closer to the current zoning regulations—without compromising the safety of their children, and other issues mentioned above.
- Additionally, the customers are well acquainted and friends with many of their close neighbors.
- The Builder has provided renderings of the proposed garage build as it would look on the customer's property to the customers. They are sharing the renderings with their neighbors. The same renderings are being submitted to the City of Tulsa Planning and Zoning with the application for the variance.

Sincerely, with much thanks,

David Valderrama, owner of Valderrama Homes, LLC






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

## CITY OF TULSA CORRECTIONS SUMMARY

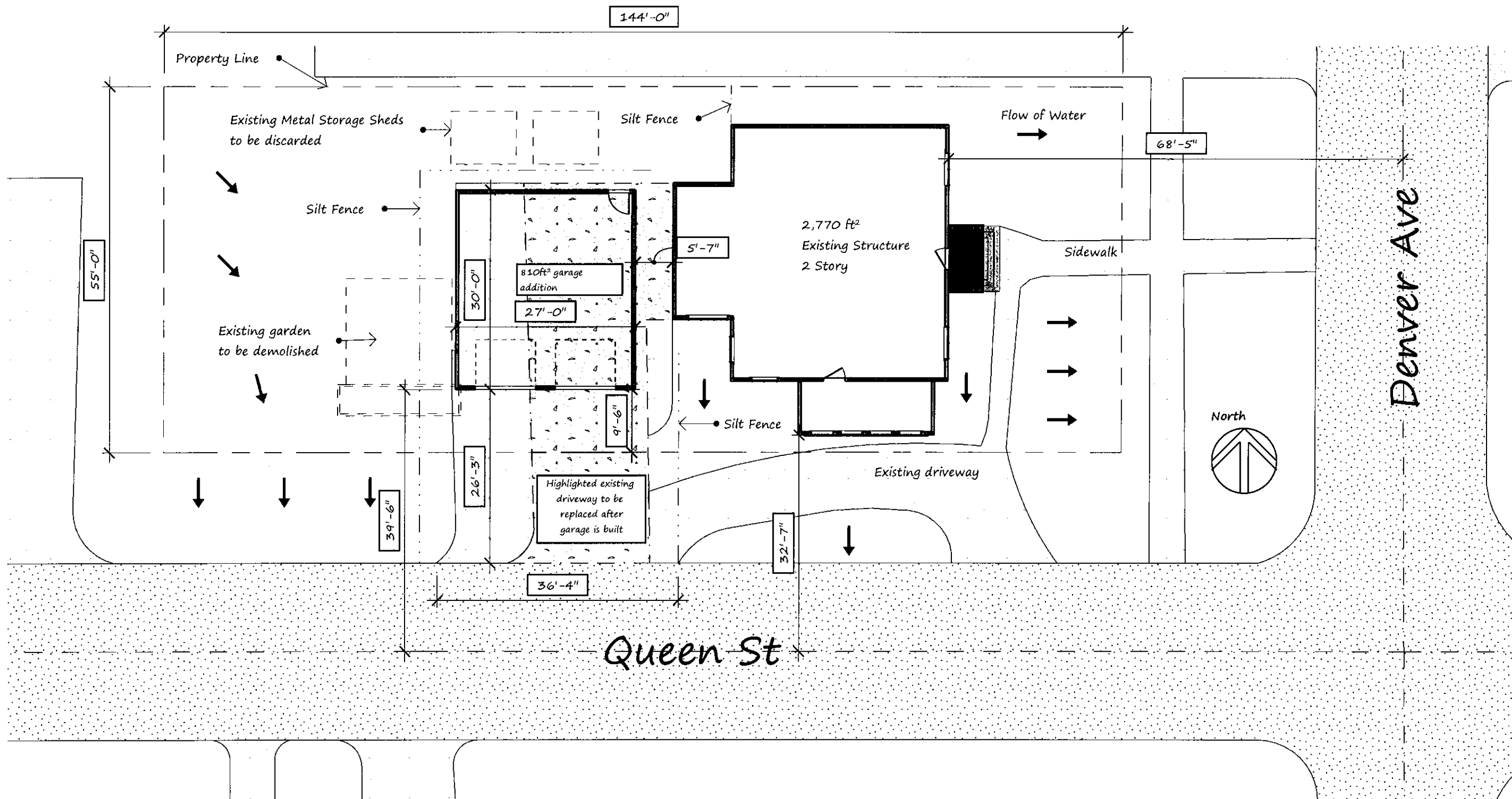


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**Page Label:** 1  
**Author:** DWhiteman  
**Date:** 2/13/2024 11:22:51 AM  
**Status:**  
**Color:**   
**Layer:**  
**Space:**

### 80.020-B Nonconforming Lots in Residential Zoning Districts.

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REVIEW COMMENTS: Because this lot is zoned RS-3 and has less than the normally required lot width of 60', this is considered a non-conforming lot. Garages on non-conforming lots that have doors facing the street must still be set back 20' from the property line. You could rotate the garage so that the doors face west, otherwise, since the garage doors face Queen St., they must be set back 20' from the south property line. At your location this is also equivalent to 50' from the center of Queen St. Please revise the plans to comply with this section; if the garage doors face Queen St. they need to be set back 20' from the south property line. A 5' side setback is still required from the north property line.



Site Plan  
1/16" = 1'

LEGAL DESCRIPTION  
03380 - Lot 12

BUILDER  
Valderrama Homes LLC  
David Valderrama

CLIENT  
John & Rebecca  
Abraham  
1602 N Denver Ave,  
Tulsa OK 74106

ISSUE  
02.18.24  
RE-ISSUE  
MM.DD.YY

PROJECT NO.  
24001  
PROJECT  
The Morley  
Addition

DRAWN BY  
Braden York

a

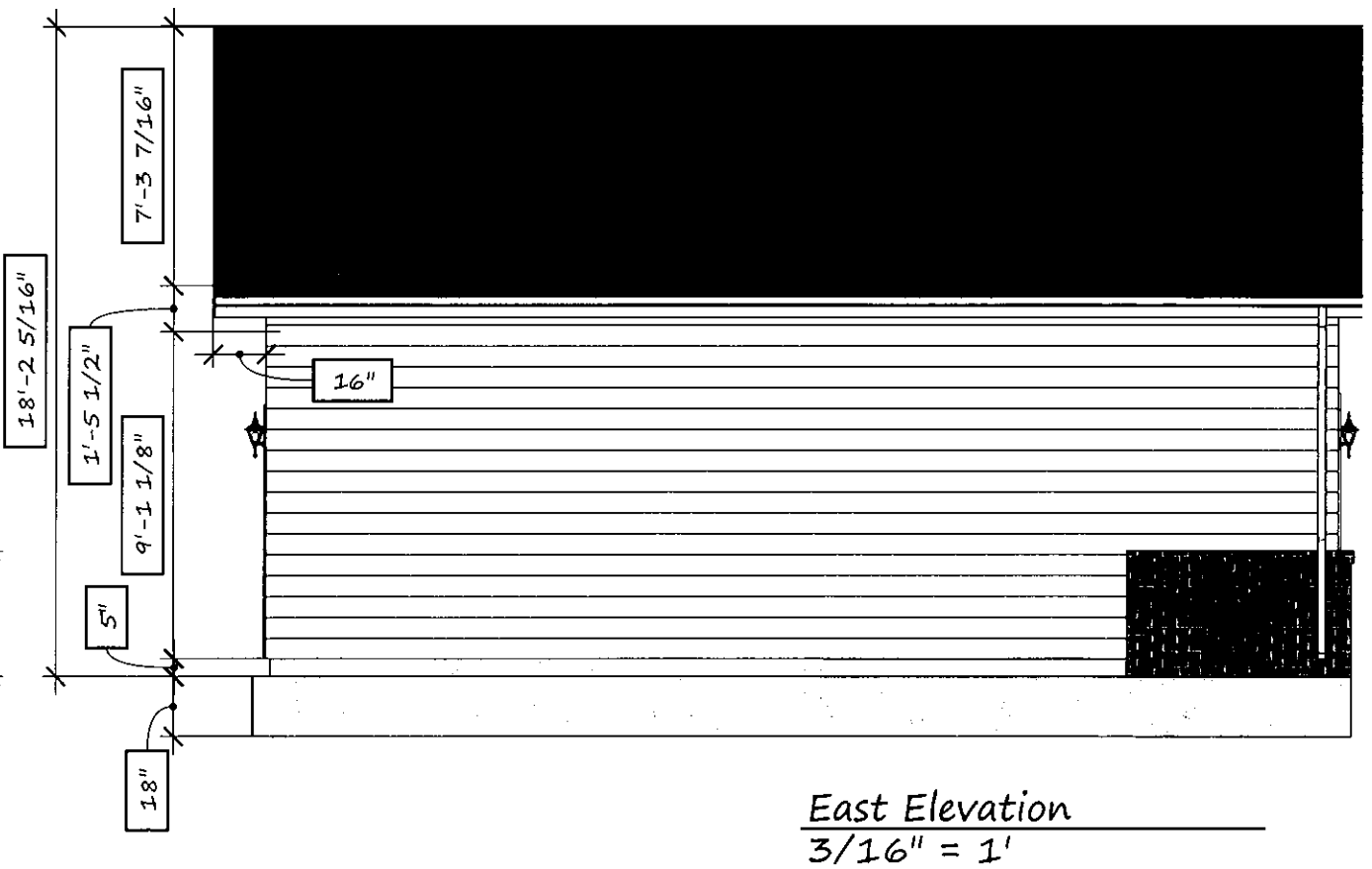
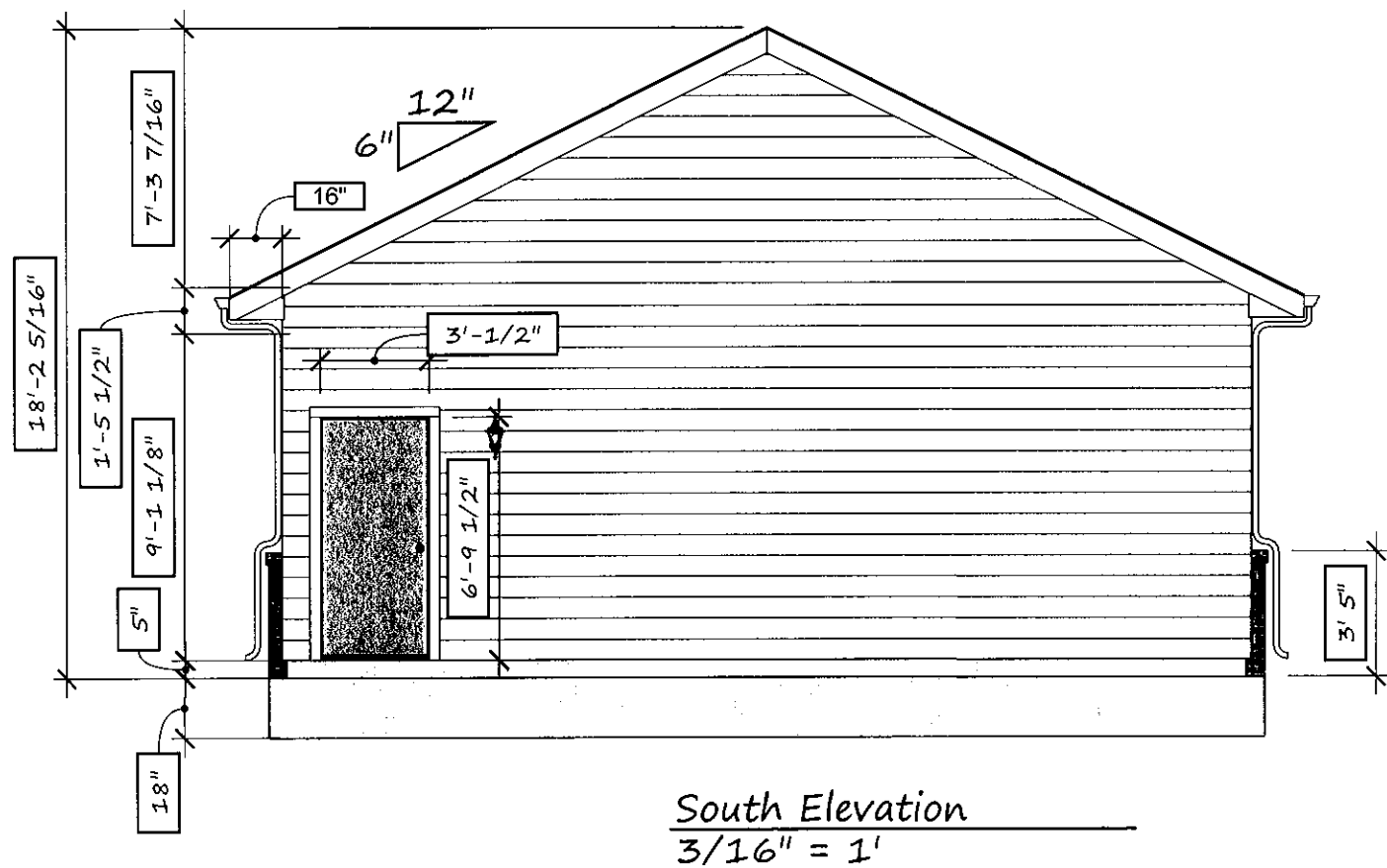
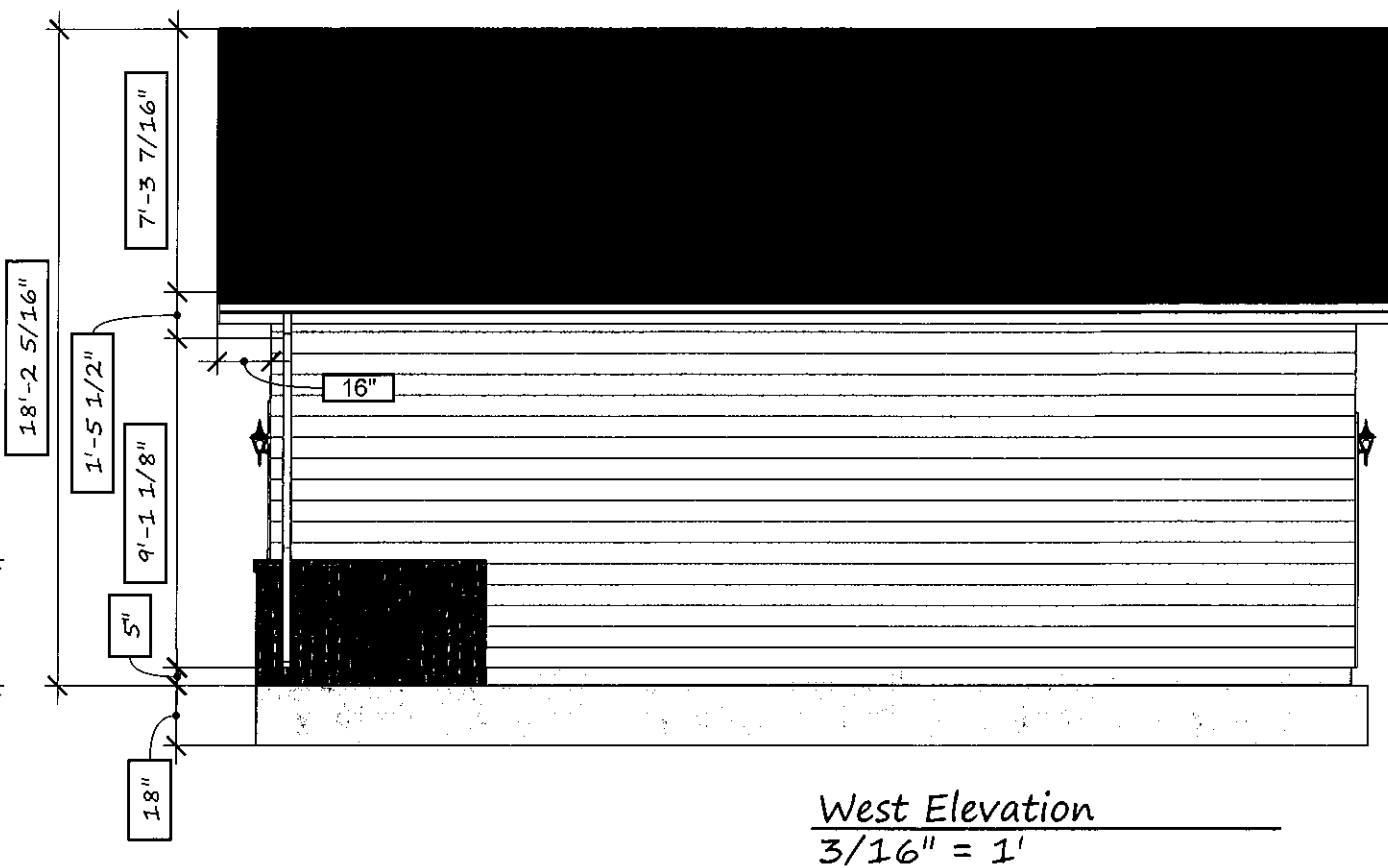
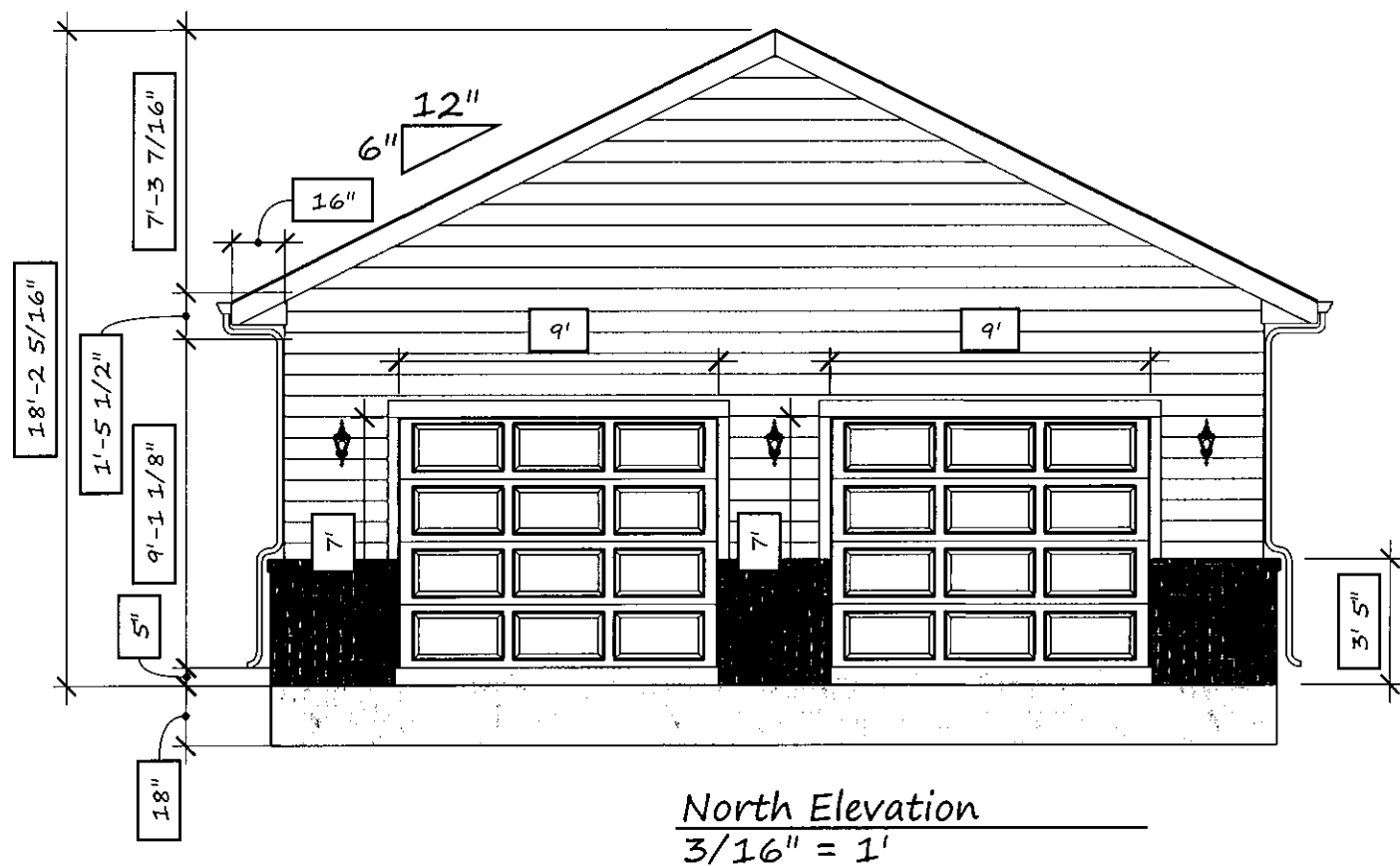
01





BUILDER	LEGAL DESCRIPTION	PROJECT LOCATION	CLIENT	PROJECT	PROJECT NO.	ISSUE	DRAWN BY	DESCRIPTION
Valderrama Homes LLC David Valderrama	03380 Lot 12	1602 N Denver Ave, Tulsa, OK 74106	John & Rebecca Abraham	The Morley Addition	24001	2-20-24	Braden York	Cover Page





DRAWN BY Braden York	PROJECT NO. 24001	ISSUE 02.18.24	CLIENT John & Rebecca Abraham 1602 N Denver Ave, Tulsa, OK 74106	BUILDER Valderrama Homes LLC David Valderrama
PROJECT The Morley Addition				
RE-ISSUE MM.DD.YY				
a				
02				

All penetrations will be spray-foamed with fire grade foam where fire blocking is necessary and to control air tightness. Fasteners per local code for all framed areas.

All rafters will be fastened to 2x10 plates around the perimeter of the ceiling joists with structural lags rather than hurricane ties, as well as all ceiling joists

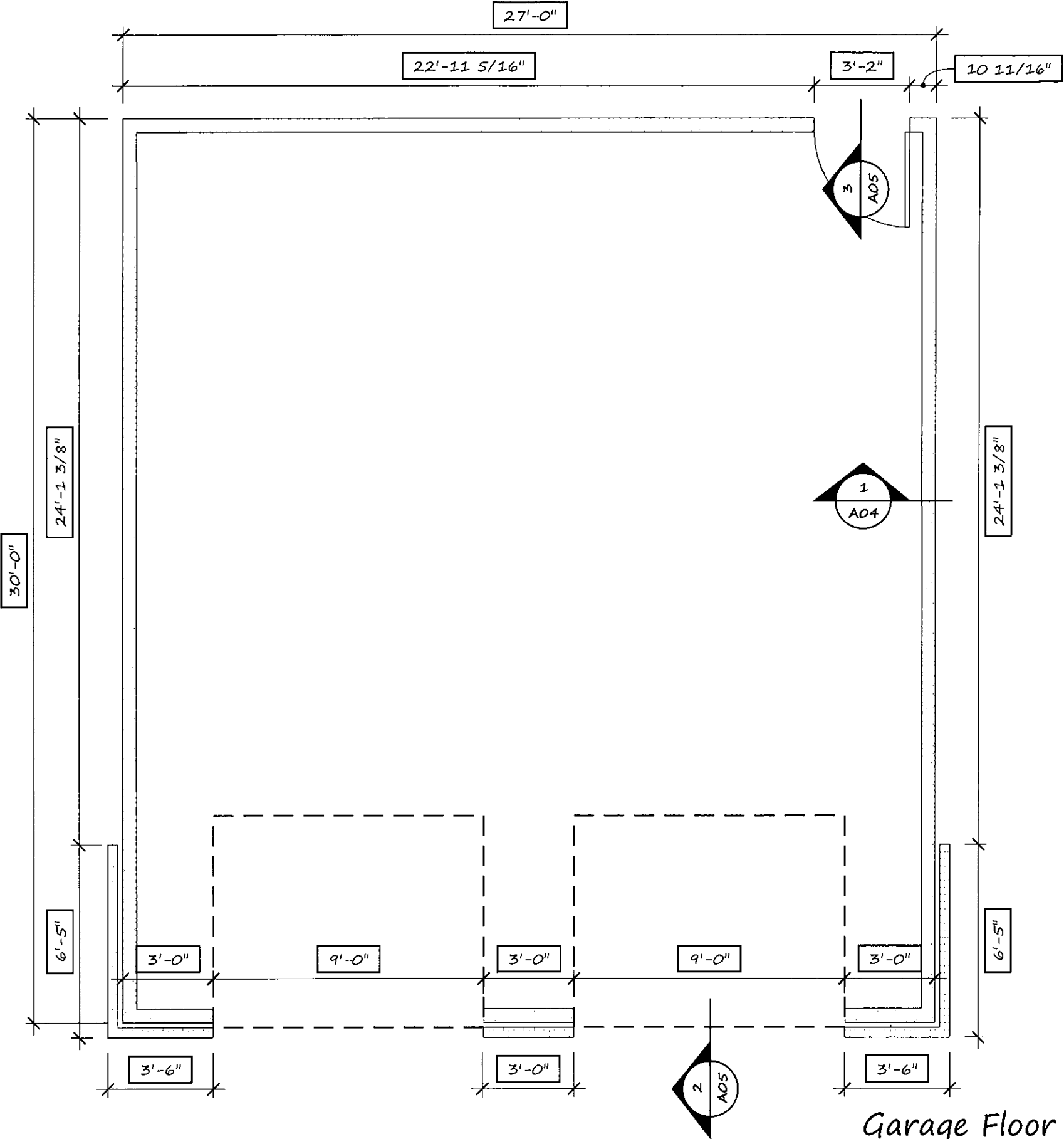
Sill plates will have foam barrier between plate and foundation. Additionally, exterior sill plates will be caulked with Quad Max where the bottom of the plate meets the slab. Caulk will fill the exterior gap throughout.

2X12 headers above garage doors and the entry door. 6, 15" structural lags will be driven through the garage door columns and into the garage door headers, on each end of the headers.

1/2" anchors will fasten the sill plates to the foundation at least every four linear feet.

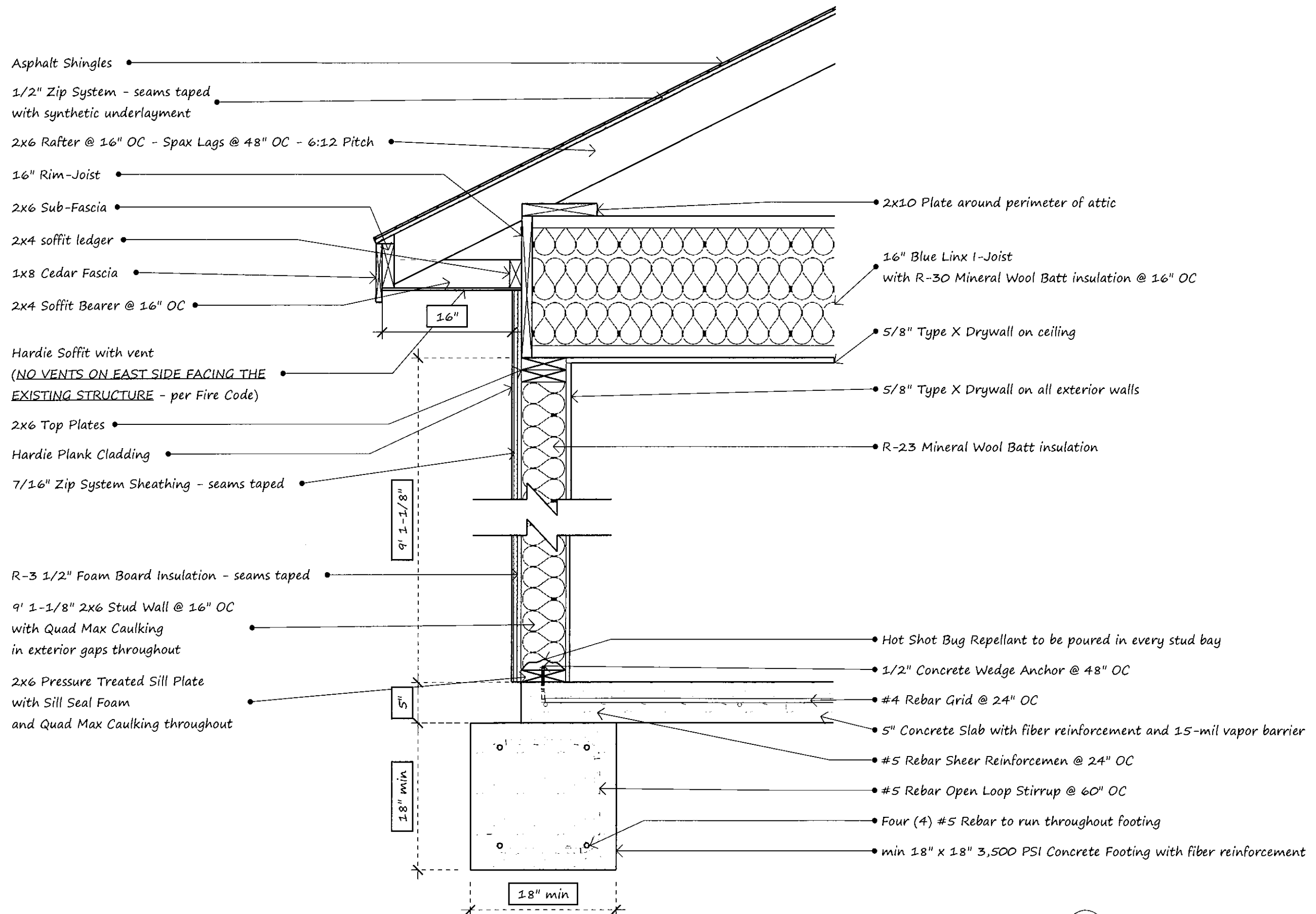
Simpson 14" Garage strap-tie hold downs, two on each side of every garage door. Because the south wall, where the garage doors will be, will have little structure, we will build up those wall columns, and wet set these hold downs when pouring the slab, and fasten them to the columns when framing.

Sherwin Williams "Duration" paint will be used for exterior and interior. All areas will first be primed with Zinsser Bulls Eye primer. One color of paint for both interior and exterior surfaces.



Garage Floor Plan  
1/4" = 1'

BUILDER Valderrama Homes LLC David Valderrama	CLIENT John & Rebecca Abraham 1602 N Denver Ave, Tulsa, OK 74106	ISSUE 02.18.24 RE: ISSUE MM.DD.YY	PROJECT NO. 24001 PROJECT The Morley Addition	DRAWN BY Braden York	a 03
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1 Main Wall Detail  
A03 Scale: 1" = 1'

BUILDER  
Valderrama Homes LLC  
David Valderrama

CLIENT  
John & Rebecca  
Abraham  
1602 N Denver Ave,  
Tulsa, OK 74106

ISSUE  
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RE-ISSUE  
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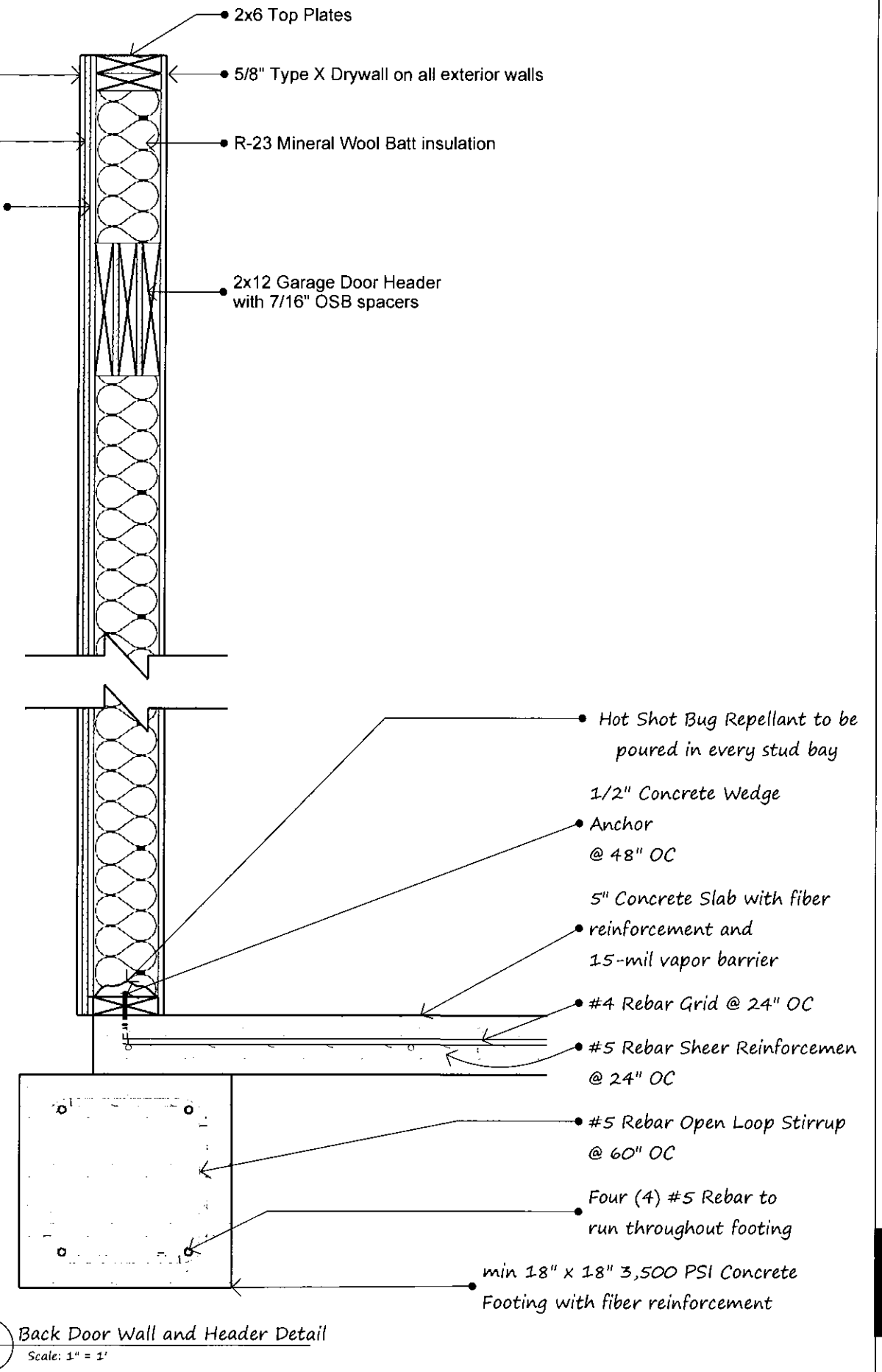
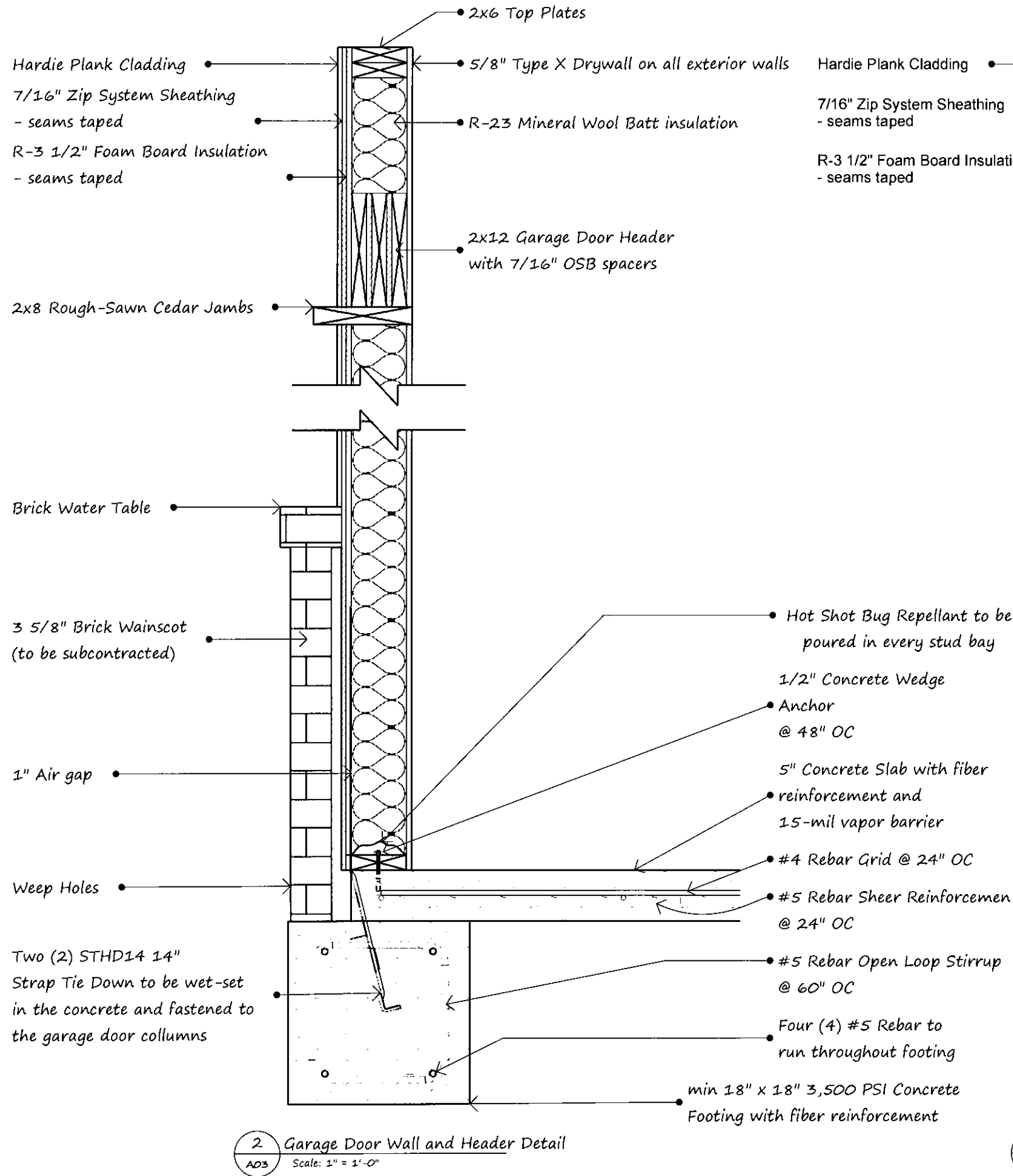
PROJECT NO.  
24001  
PROJECT  
The Morley  
Addition

DRAWN BY  
Braden York

a

04





BUILDER  
Valderrama Homes LLC  
David Valderrama

CLIENT  
John & Rebecca Abraham  
1602 N Denver Ave.  
Tulsa, OK 74106

ISSUE  
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Braden York

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05