



Board of Adjustment

**Staff Report
BOA-23666**

Hearing Date: April 23, 2024
Prepared by: Dylan Siers
dsiers@cityoftulsa.org
918-596-7584

Owner and Applicant Information

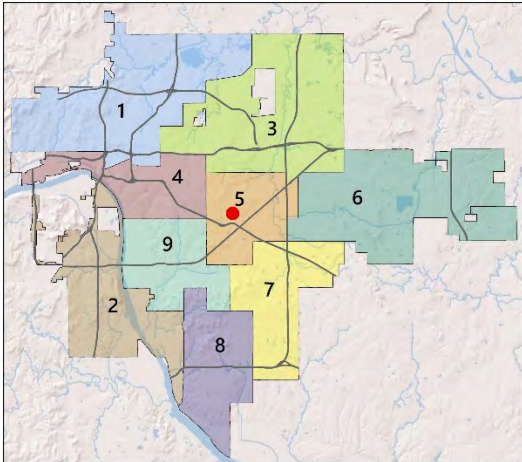
Applicant: Steve Bengé
Property Owner: Carlos Stephen & Brett Bengé

Property Location

6243 E 28 St
Tract Size: ±0.54 acres

Location within the City of Tulsa

(shown with City Council districts)



Elected Representatives

City Council: District 5, Grant Miller
County Commission: District 2, Karen Keith

Public Notice Required

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

Case History:

4/09/23: First appearance on BOA agenda, continued to correct a noticing error.

Request Summary

Variance to reduce the minimum 10-foot side/street setback for apartment/condo use in the RM-0 District (Sec. 5.030-B, Table 5-3, Table Note 6).

Zoning

Zoning District: RM-0
Zoning Overlays: None

Comprehensive Plan Considerations

Land Use

Land Use Plan: Local Center
Small Area Plans: None
Development Era: Early Automobile

Transportation

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

Environment

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

Staff Analysis

The applicant is proposing a Variance to reduce the minimum 10-foot side/street setback for apartment/condo use in the RM-0 District (Sec. 5.030-B, Table 5-3, Table Note 6).

- [6] Minimum interior side setback is 10 feet for apartment/condo and permitted nonresidential buildings.

Applicant seek to reduce setback from 10- feet to 5-feet on both sides.

Statement of Hardship

No hardship provided by the applicant.

Relevant Case History

- Z-7713, 4/6/2023, Rezoning from OL to RM-0.

Comprehensive Plan Considerations

Land Use Plan

The subject property is designated as Local Center.

Local Centers serve the daily needs of those in the surrounding neighborhoods. This designation implies that the center generally does not serve an area beyond the nearby neighborhoods. Typical uses include commercial or retail uses that serve the daily needs of nearby residents. In order to introduce a regional trip generator, the entire local center designation should be amended to be Regional Center with significant input from all affected properties and nearby neighborhoods.

Surrounding Properties:

<u>Location</u>	<u>Existing Zoning/Overlay</u>	<u>Existing Land Use Designation</u>	<u>Existing Use</u>
North	RS-3	Neighborhood	Residence
East	OL	Local Center	Advocacy Center
South	OL	Local Center	Organization
West	RS-3	Neighborhood	Residence

Small Area Plans

The subject properties are not within a small area plan.

Development 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

Environmental Considerations

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

Tree Canopy Coverage: Tree canopy in the area is 10% – 20%. 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 reduce the minimum 10-foot side/street setback for apartment/condo use in the RM-0 District (Sec. 5.030-B, Table 5-3, Table Note 6).

- 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

LTS 1, 2 & 3 BLK 1,BOMAN ACRES SECOND ADON, BOMAN ACRES, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

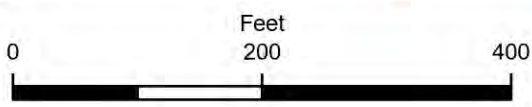
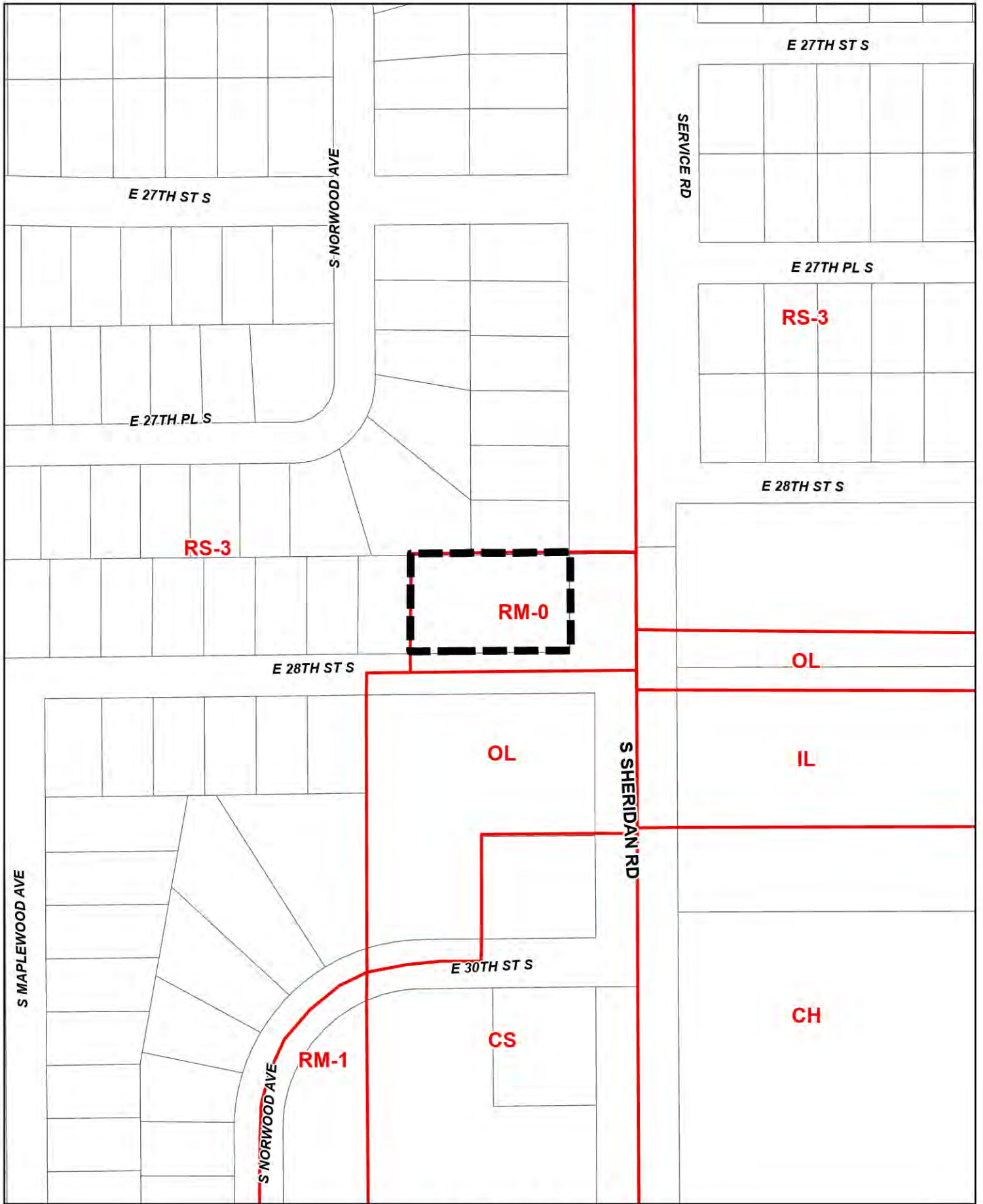
Exhibits

Case map

Aerial (small scale)

Aerial (large scale)

Tulsa Comprehensive Plan Land Use Map



BOA-23666



3.5



Subject
Tract
Feet
200 400

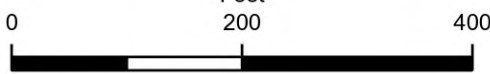
BOA-23666

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



Aerial Photo Date: 2021

3.6



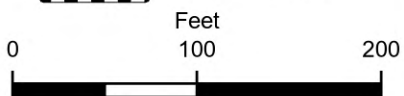


Subject
Tract

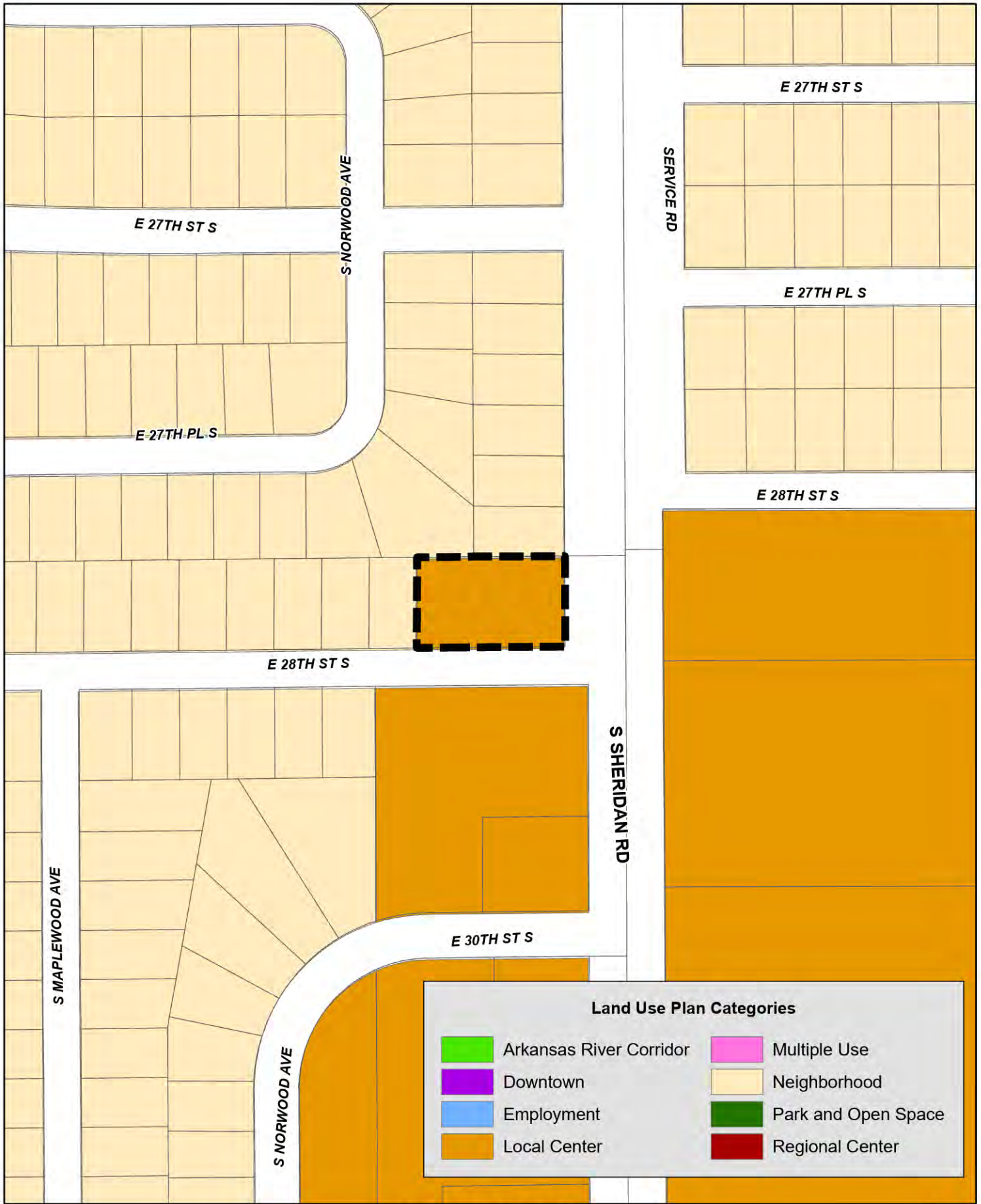
BOA-23666

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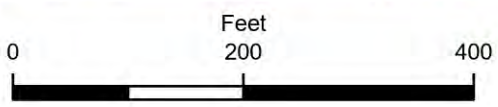
Aerial Photo Date: 2021



3.7



BOA-23666





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

CITY OF TULSA

CORRECTIONS SUMMARY



Subject: Zoning Review
Page Label: 2
Author: DWhiteman
Date: 1/2/2024 3:26:38 PM
Status:
Color: ■
Layer:
Space:

Section 60.040-C.2.a, Street Trees, Location: Required street trees must be located on the subject property within 20 feet of the planned street right-of-way unless the land use administrator determines that the presence of buildings or obstructions or other factors prevent viable tree planting within this area, in which case required street trees must be installed in the first 7 feet of the planned street right-of-way, as measured from the outer edge of the right-of-way. Street tree planting in the right-of-way must comply with the regulations of Title 35, Chapter 6 of the Tulsa Revised Ordinances. Review Comments: The four trees on the east side appear to be located in the right of way (ROW) of Sheridan Rd. and not on the subject property. Please relocate the required large trees to be on the subject property. Otherwise you will need to contact the Planning Office at 918-596-7526 regarding an alternative landscape compliance plan.



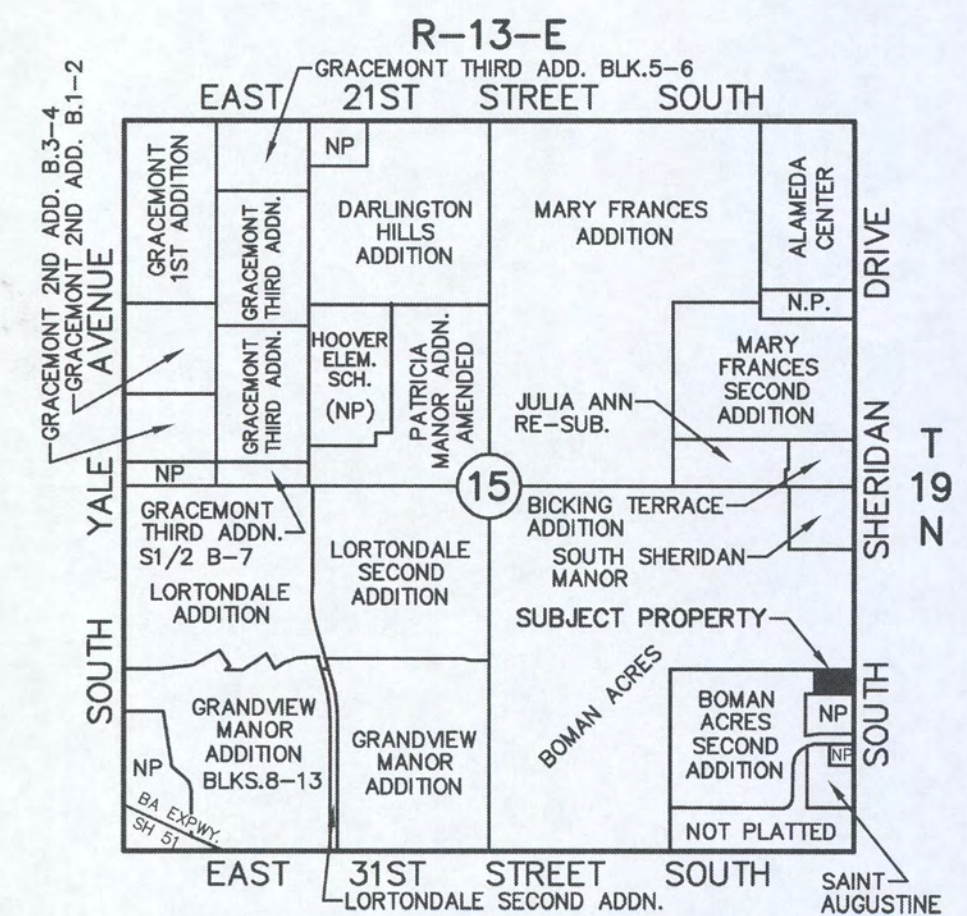
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Page Label: 2
Author: DWhiteman
Date: 1/2/2024 3:26:41 PM
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Space:

Section 5.030-A Table of Regulations. The lot and building regulations of Table 5-3 apply to all principal uses and structures in R districts, except as otherwise expressly stated in this zoning code. General exceptions to these regulations and rules for measuring compliance can be found in Chapter 90. Regulations governing accessory uses and structures can be found in Chapter 45. Footnote [6]: Minimum interior side setback is 10 feet for apartment/condo and permitted nonresidential buildings. Review Comment: This lot is zoned RM-0 and there are two issues with setbacks that must be resolved. Please revise the site plan to resolve the following:
 1) Per Table 5-3, a 10' street setback is required. The east side of the lot abuts the right of way for Sheridan Rd., please increase the setback of the building to at least 10' from the east property line.
 2) Per Footnote 6 to Table 5-3, a 10' interior side setback is required for Apartment/Condo uses. Please increase the setback from the west property line to at least 10'.



Design By Tim
 13909 East 36TH Street
 Tulsa, Oklahoma 74134
 phone: (918) 260-1162
 burtontim22@gmail.com
 Timothy H. Burton

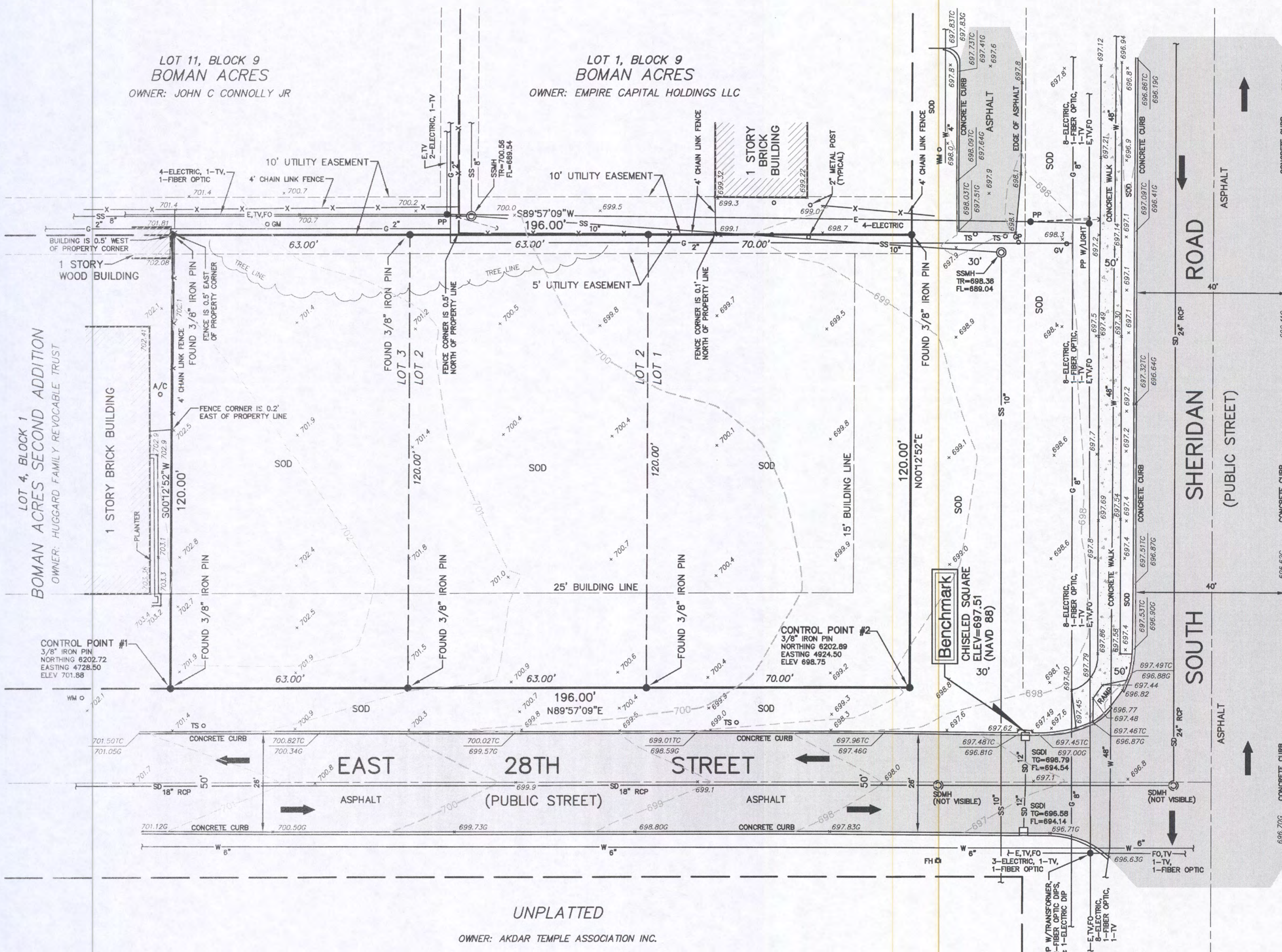
Revision Date	Revision
08/01/2023	Comments From The City of Tulsa



Location Map

Legend

- E OVERHEAD ELECTRIC LINE
- UB UNDERGROUND ELECTRIC CABLE
- UB GAS LINE
- SD STORM DRAIN LINE
- SS SANITARY SEWER LINE
- FO OVERHEAD FIBER OPTIC LINE
- UF UNDERGROUND TELEPHONE CABLE
- TV OVERHEAD CABLE T.V.
- W WATER LINE
- MH MANHOLE
- EMH ELECTRIC MANHOLE
- GMH GAS MANHOLE
- SDMH STORM DRAIN MANHOLE
- SSMH SANITARY SEWER MANHOLE
- TMH TELEPHONE MANHOLE
- A/C AIR CONDITIONER
- CO SANITARY SEWER CLEANOUT
- CB CABLE T.V. RISER
- EB ELECTRIC BOX
- EM ELECTRIC METER
- ER ELECTRIC RISER
- PH HYDRANT
- PP FLAG POLE
- GL GROUND LIGHT
- GM GAS METER
- GP GUARD POST
- GR GAS RISER
- GV GAS VALVE
- ICB IRRIGATION CONTROL BOX
- ICV IRRIGATION CONTROL VALVE
- LH SANITARY SEWER LAMPHOLE
- LP LIGHT POLE
- LPB LIGHT POLE WITH BASE
- PM PARKING METER
- PP UTILITY POLE
- RD ROOF DRAIN
- SH SPRINKLER HEAD
- TS TRAFFIC SIGNAL
- TR TRAFFIC RISER
- TSB TRAFFIC SIGNAL CONTROL BOX
- MS METER MANHOLE
- WM WATER METER
- WV WATER VALVE
- WB BASE OF WALL
- DDG DOUBLE GRATE DROP INLET
- FT FINISHED FLOOR
- FL FLOWLINE
- G GUTTER
- P PATIO
- PL PLANTER
- RCB REINFORCED CONCRETE BOX
- ROP REINFORCED CONCRETE PIPE
- SDB STORM DRAIN JUNCTION BOX
- SGD SINGLE GRATE DROP INLET
- TC TOP OF CURB
- TR TOP OF GRADE
- TR TOP OF RISER
- TW TOP OF WALL
- ET ELECTRIC TRANSFORMER
- P PARKING SPACES
- T TREE
- 1 REFERS TO NOTE NUMBER



Utility Statement

THE UNDERGROUND UTILITIES SHOWN ON THIS PLAT HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR, FURTHER, DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ON THIS PLAT ARE IN THE EXACT LOCATION INDICATED; ALTHOUGH, HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. CALL OKIE BEFORE DIGGING (800) 522-6543.

Certificate

WE, SACK AND ASSOCIATES, INC., DO HEREBY CERTIFY TO:
 TBD
 TBD
 TBD
 TBD

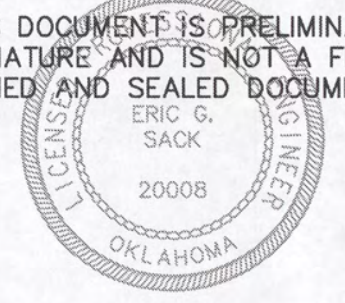
THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 7(a), 7(b), 7(c), 8, 9, 11, 13, 16, AND 17 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON FEBRUARY 4, 2021.

THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

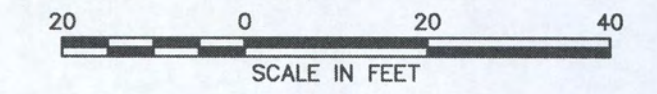
CERTIFIED THIS _____ DAY OF _____, 2021.

THIS DOCUMENT IS PRELIMINARY IN NATURE AND IS NOT A FINAL, SIGNED AND SEALED DOCUMENT.

SACK AND ASSOCIATES, INC.
 BY: ERIC G. SACK
 LICENSED PROFESSIONAL LAND SURVEYOR, OKLAHOMA NO. 1545



PRELIMINARY
 ALTA/NSPS LAND TITLE SURVEY
 OF
 LOTS 1, 2 AND 3 IN BLOCK 1
 OF
 'BOMAN ACRES
 SECOND ADDITION'
 SECTION 15, T-19-N, R-13-E
 CITY OF TULSA, TULSA COUNTY, OKLAHOMA



Project Title

Steve Bengé
 Legacy Park Midtown East
 6241 East 28th Street
 Tulsa, OK.

Sheet Title

EXISTING SITE PLAN

Drawn _____ Project Number _____

Checked _____

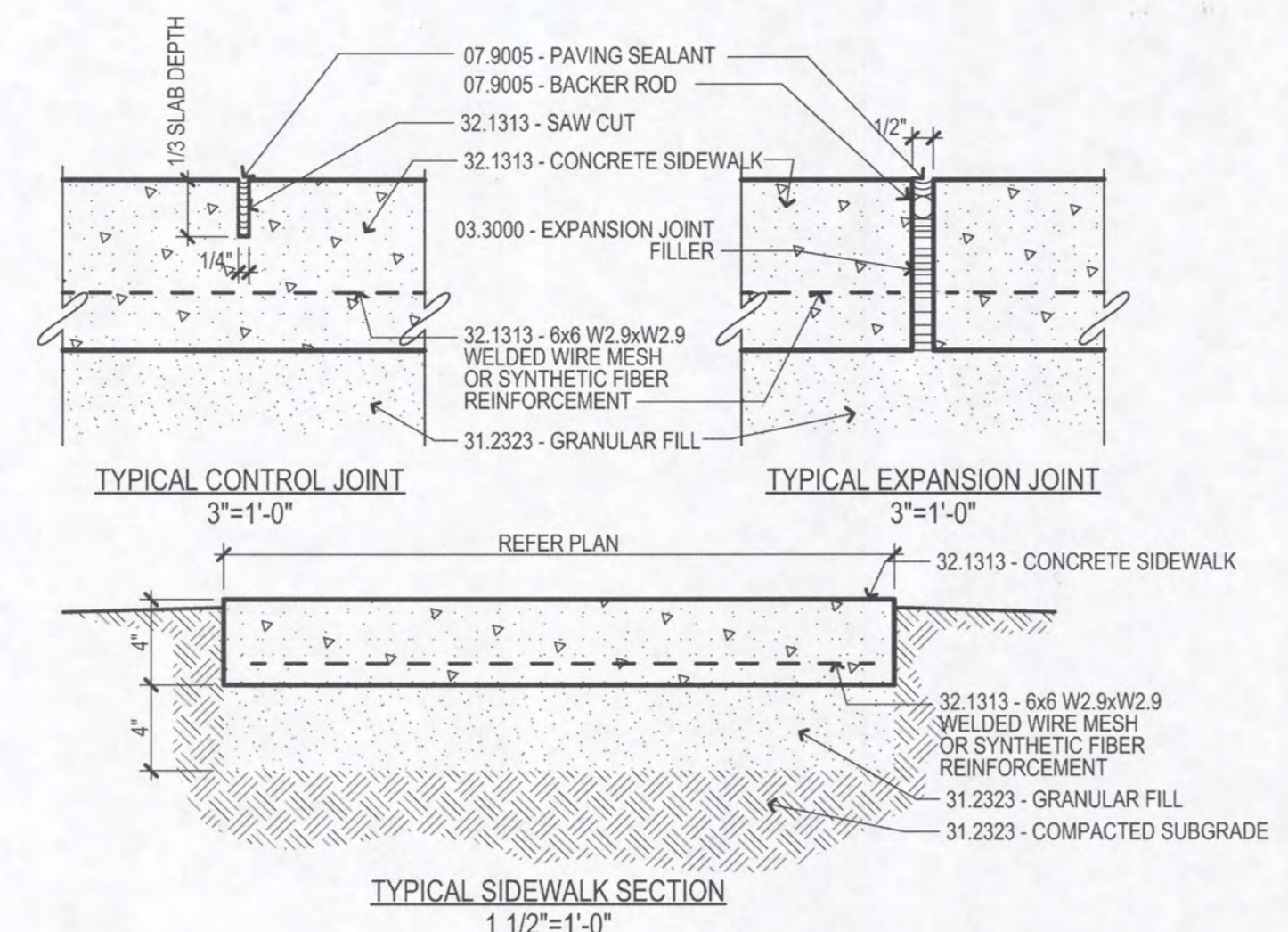
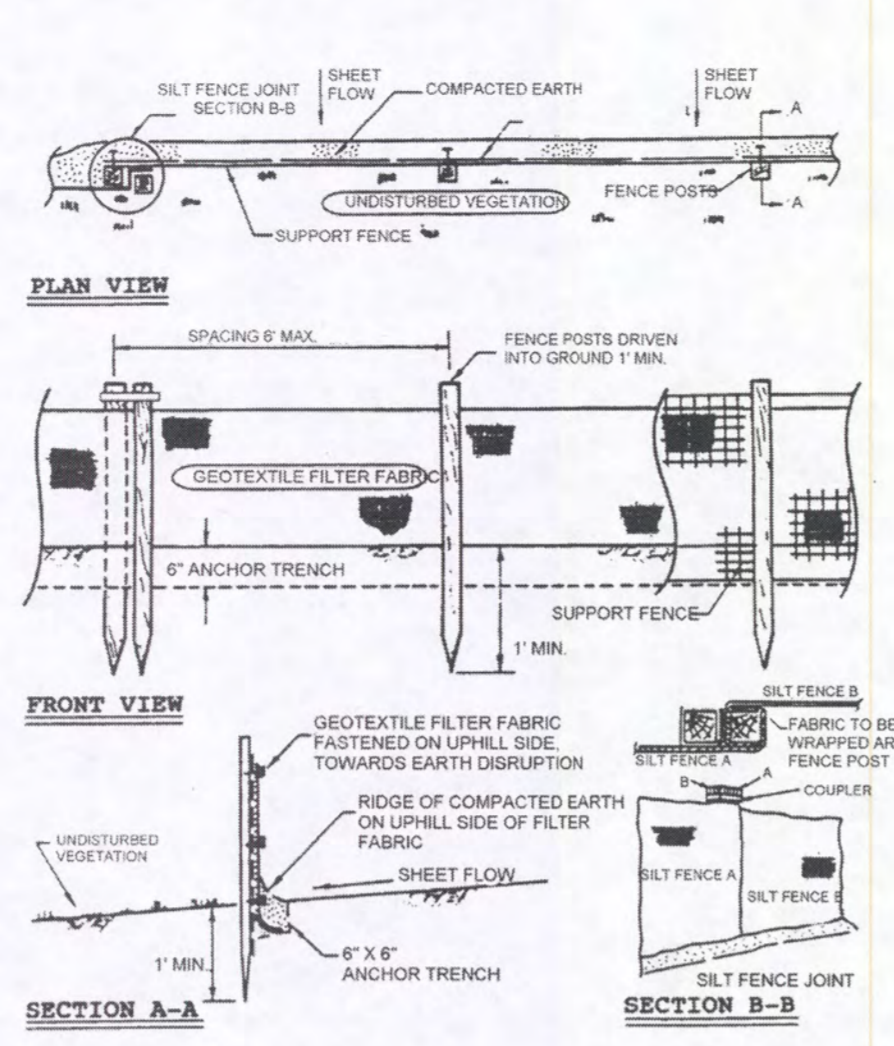
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Date: 03/21/2023

Sheet Number



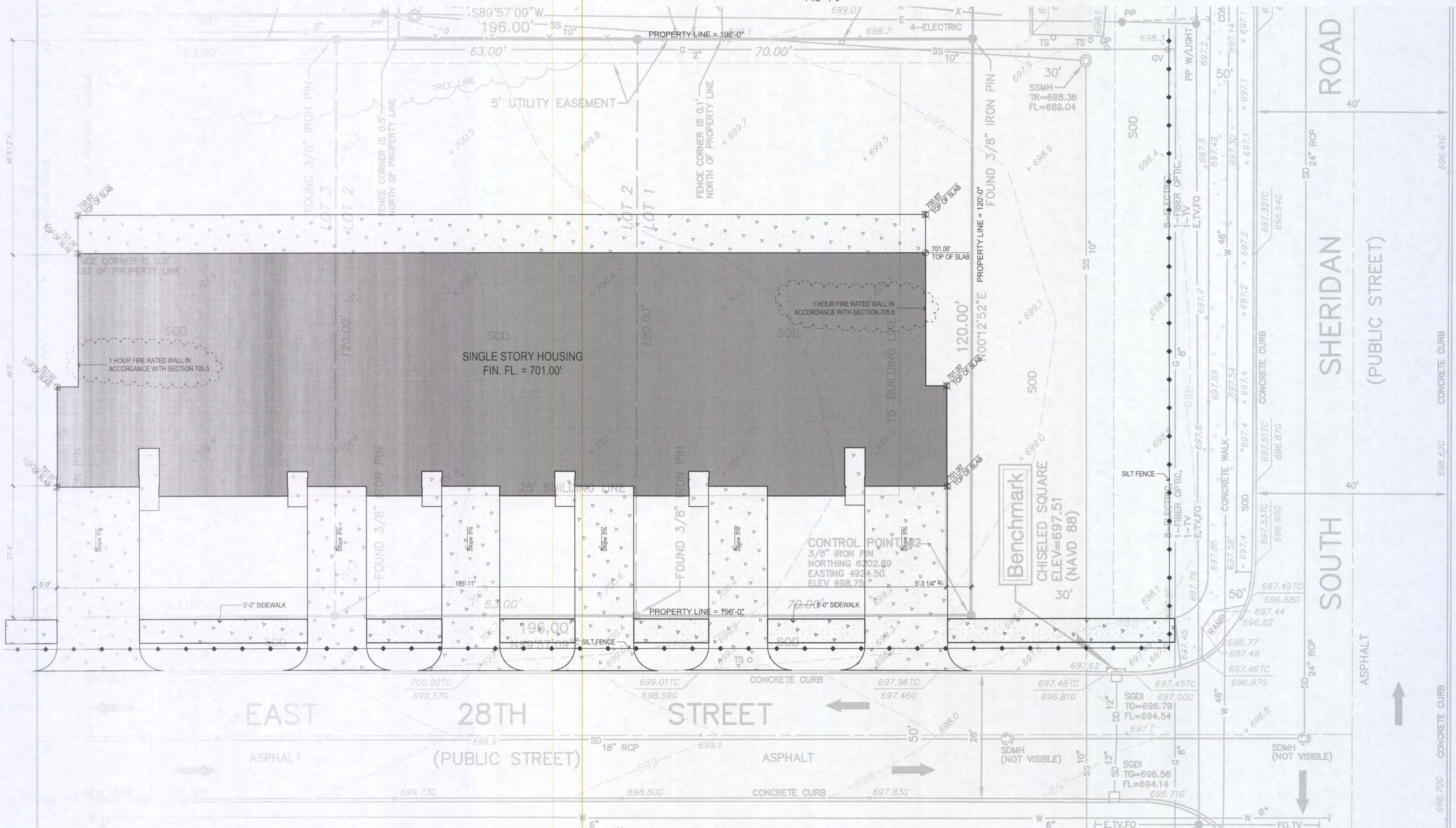
Site Notes
 Existing impervious area = 0 sq ft
 Total disturbed area = 0.314 acres
 Proposed impervious area (Building) = 8,807 sq ft
 Proposed impervious area (Drives & Sidwalks) = 4,911 sq ft
 Total Proposed Impervious Area = 13,718 sq ft



- ### Permanent Erosion Control
- BERMUDA GRASS, KENTUCKY 31, TALL FESCUE AND WEEPING LOVEGRASS ARE SOME OF THE TYPES OF PERMANENT VEGETATION THAT MAY BE EFFECTIVELY USED TO CONTROL EROSION.
- PRIOR TO SEEDING, NEEDED EROSION CONTROL PRACTICES SUCH AS DIVERSIONS, GRADE STABILIZATION STRUCTURES, BERMS, DIKES, STRAW BALES, ETC., SHALL BE INSTALLED.
 - THE SUBGRADE SHALL BE LOOSENED EVENLY TO A DEPTH OF 2 TO 3 INCHES AND 10-20-10 FERTILIZER (10 POUNDS PER 1000 SQUARE FOOT OR 450 POUNDS PER ACRE) SHALL BE MIXED WITH THE LOOSENED SURFACE SOIL BY DISCING OR OTHER SUITABLE MEANS.
 - SOILS KNOWN TO BE HIGHLY ACIDIC SHALL BE LIME TREATED.
 - SEEDING OPTIONS ARE AS FOLLOWS:
- | PLANT | ACRE | QUANTITY PER 1000 S.F. | PLANTING DATE | DEPTH |
|-----------|--------|------------------------|----------------|---------|
| BERMUDA | 10 LBS | 0.25 LBS | 04/01 TO 08/15 | 1/2 IN. |
| FESCUE | 40 LBS | 0.90 LBS | 09/01 TO 11/01 | 1/2 IN. |
| LOVEGRASS | 40 LBS | 0.90 LBS | 04/01 TO 06/30 | 1/2 IN. |
- SEEDS SHALL BE DRILLED UNIFORMLY.
 - SEEDING IMPLEMENTS SHOULD BE USED AT RIGHT ANGLES TO THE GENERAL SLOPE TO MINIMIZE EROSION.
 - MULCH SHALL BE USED WHERE NEEDED.
 - THE AREA SHALL BE WATERED DAILY OR AS OFTEN AS NECESSARY TO MAINTAIN ADEQUATE SOIL MOISTURE UNTIL THE PLANTS GROW 1/2 TO 1 INCH.

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 Tulsa, Oklahoma 74134
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 Timothy H. Burton

Revision Date	Revision
08/01/2023	Comments From The City Of Tulsa
10/09/2023	City Of Tulsa Comment



- ### SITE PLAN LEGEND
- 01.5000 - AREA OF WORK BOUNDARY
 - EXISTING ASPHALT PAVING
 - EXISTING CONCRETE PAVING
 - EXISTING GRASS
 - 32.1216 - AREAS OF ASPHALT PAVING
 - 32.1313 - AREAS OF CONCRETE PAVING
 - 32.9219 - AREAS OF SEEDING
 - 32.9223 - AREAS OF SODDING
 - 32.9300 - PLANTING BEDS

- ### SITE PLAN NOTES
- COORDINATE LOCATION OF CONSTRUCTION FENCE AND GATES WITH OWNER TO ACCOMMODATE CONTINUED OPERATION OF THIS FACILITY DURING CONSTRUCTION.
 - PAVING DIMENSIONS ARE TO BACK OF CURB UNLESS NOTED OTHERWISE.
 - REFER TO CIVIL ENGINEERING DRAWINGS FOR STORMWATER MANAGEMENT SYSTEM AND STRUCTURES, SITE GRADING, PAVING AND SITE UTILITY CONFIGURATION.
 - CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLYING WITH ALL CITY AND STATE ENVIRONMENTAL IMPACT AND TEMPORARY STORMWATER MANAGEMENT REQUIREMENTS.

Steve Bengé
 Legacy Park Midtown East
 6241 East 28th Street
 Tulsa, OK.

SITE PLAN, DETAILS & NOTES

Drawn	Project Number
Checked	
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Seal	Issue Date
	03/21/2023
	Sheet Number

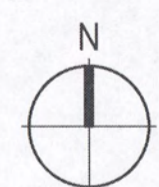
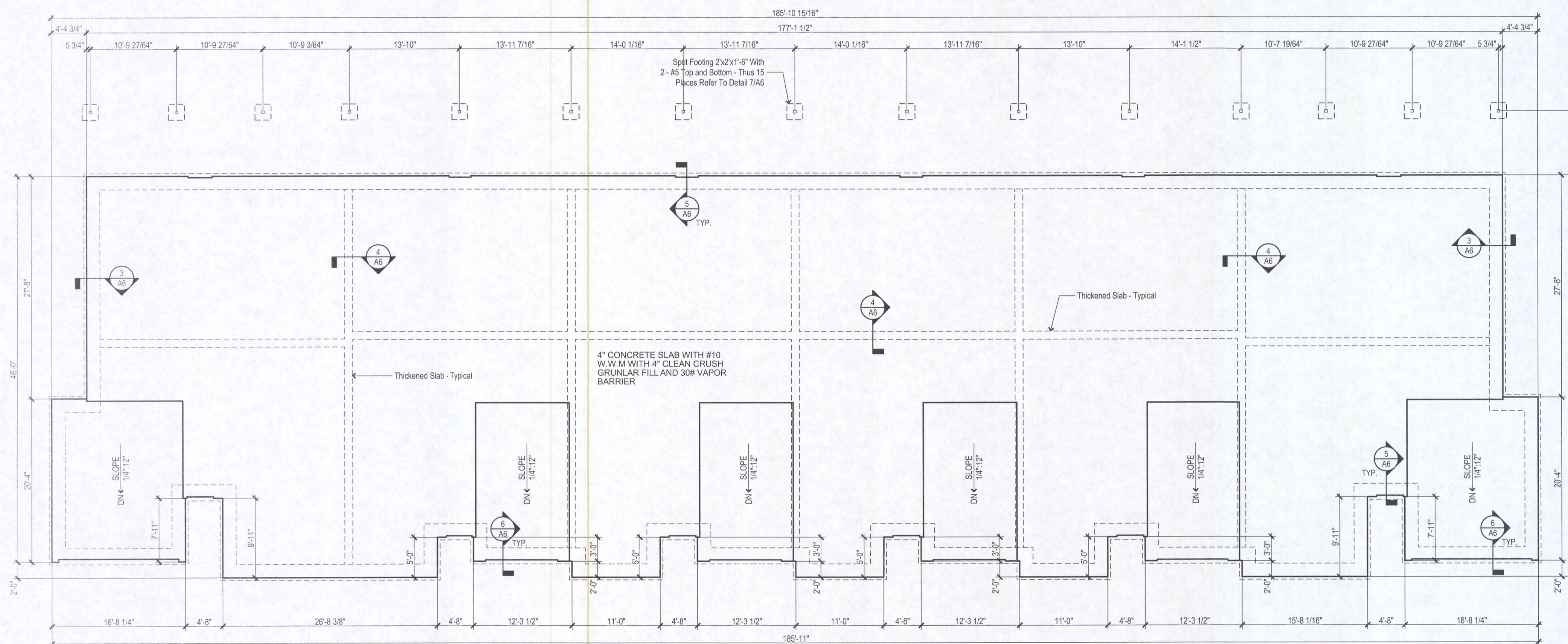




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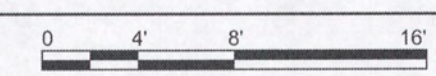
Revision Date	Revision
08/01/2023	Comments From The City Of Tulsa



1

FOUNDATION PLAN

1/8" = 1'-0"



Project Title

Steve Bengé
Legacy Park Midtown East
6241 East 28th Street
Tulsa, OK.

FOUNDATION PLAN

Drawn Project Number

Checked

User: burton
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Seal Issue Date

03/21/2023

Sheet Number

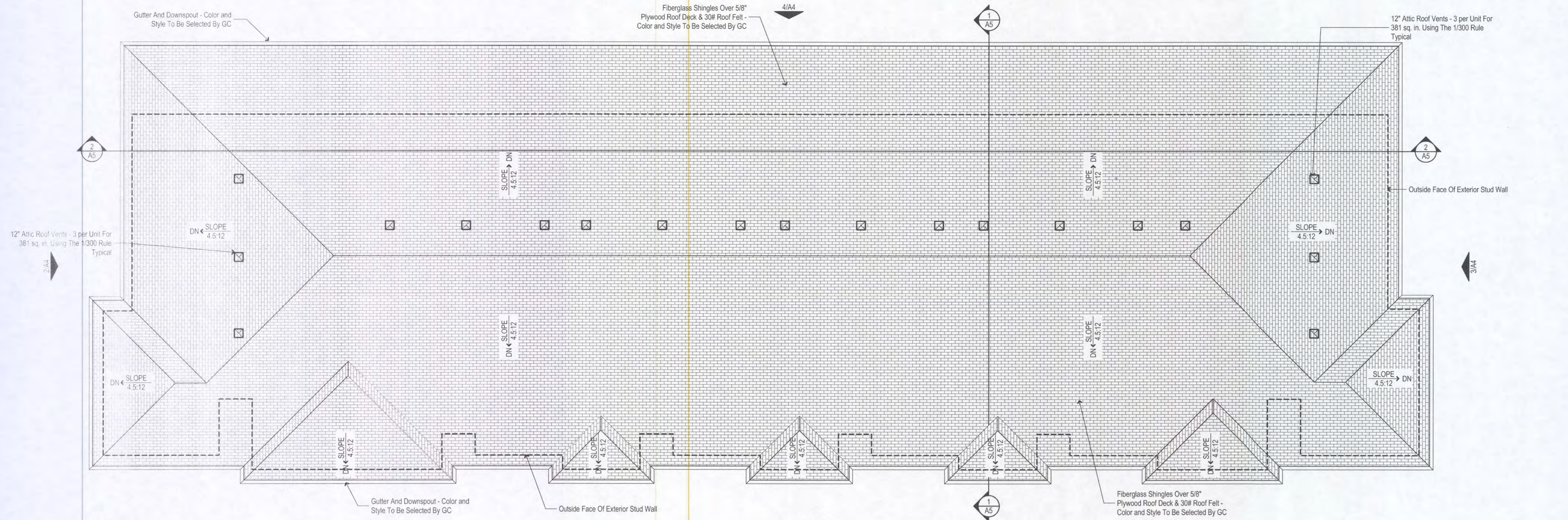
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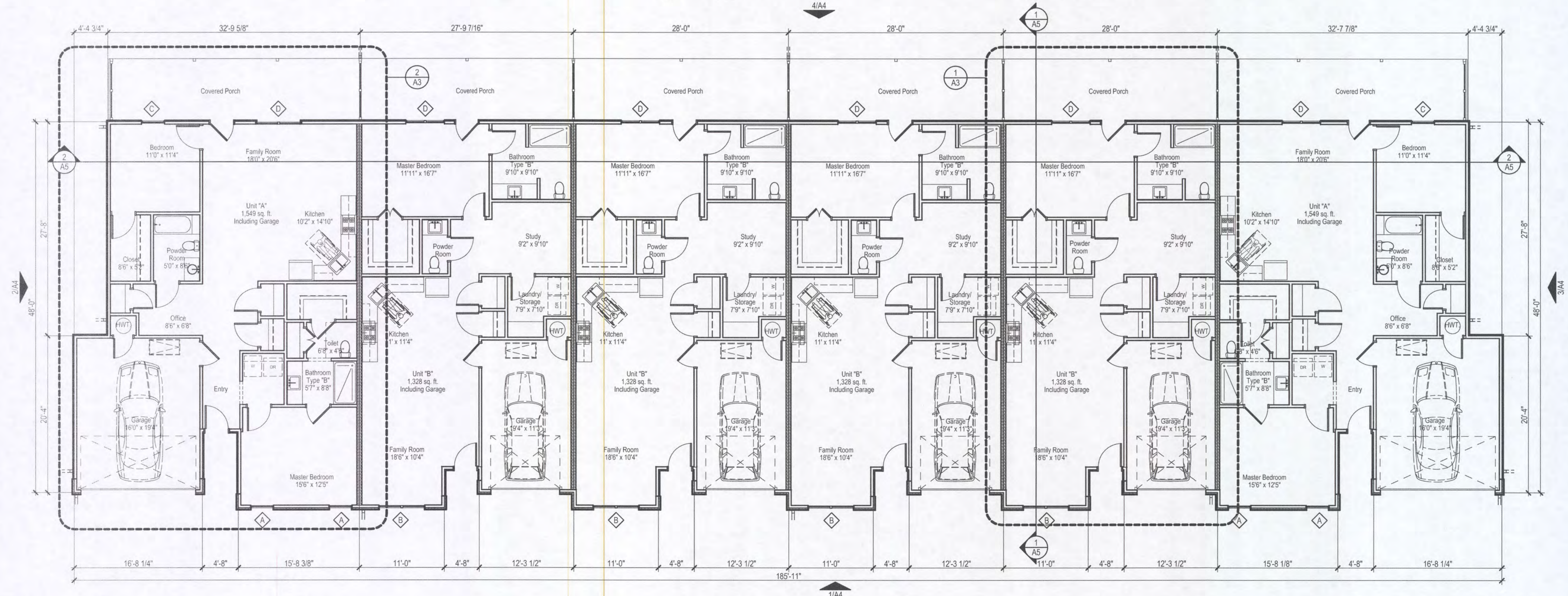
Design By Tim

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Timothy H. Burton

Revision Date	Revision
08/01/2023	Comments From The City Of Tulsa



2 ROOF PLAN
1/8" = 1'-0"
0 4' 8' 16'



1 FLOOR PLAN
1/8" = 1'-0"
0 4' 8' 16'

Project Title
Steve Bengé
Legacy Park Midtown East
6241 East 28th Street
Tulsa, OK.

Sheet Title
FLOOR PLAN & ROOF PLAN

Drawn: _____ Project Number: _____
Checked: _____
Scale: _____ Issue Date: _____

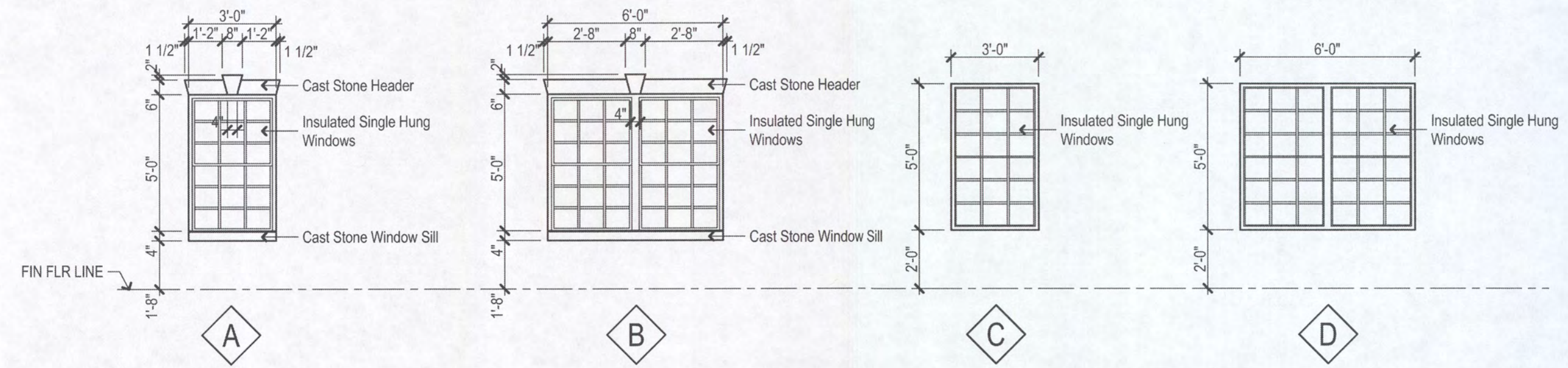
03/21/2023

Sheet Number

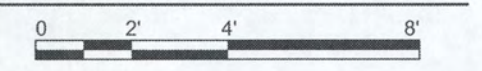
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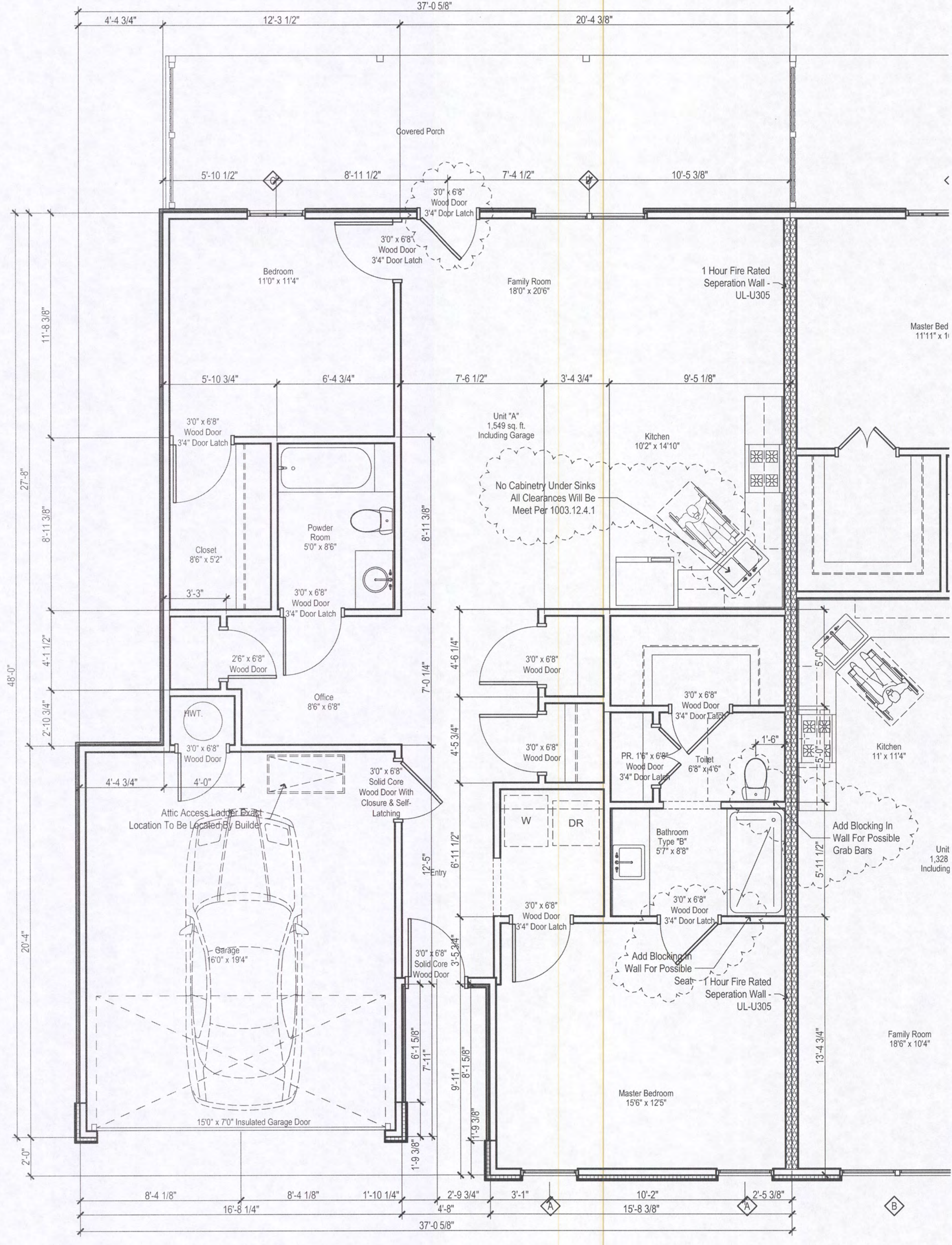
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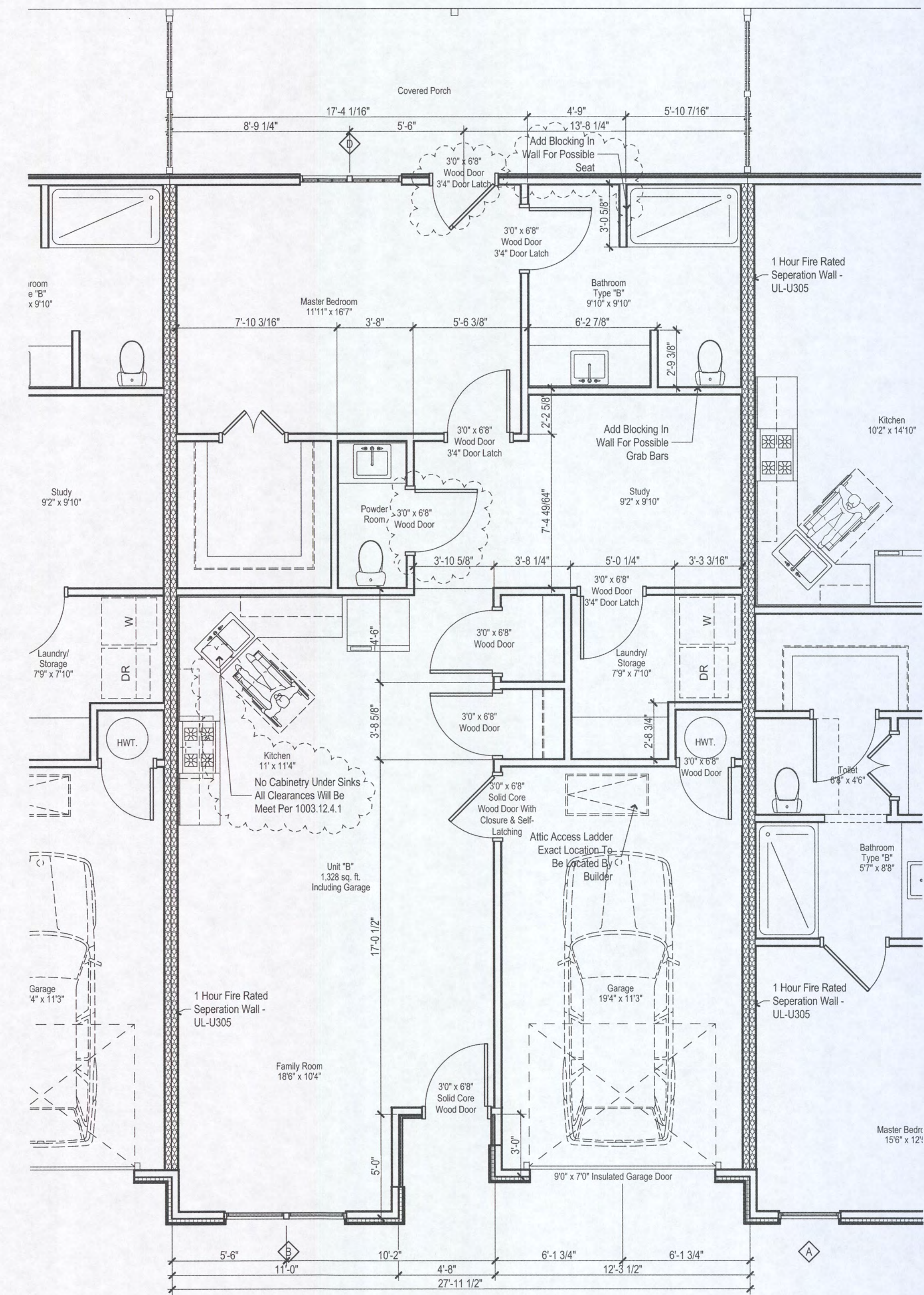
3 WINDOW TYPES
 1/4" = 1'-0"



Revision Date	Revision
08/01/2023	Comments From The City Of Tulsa



2 ENLARGED FLOOR PLAN UNIT "A"
 1/4" = 1'-0"



1 ENLARGED FLOOR PLAN UNIT "B"
 1/4" = 1'-0"

Project Title
Steve Bengé
 Legacy Park Midtown East
 6241 East 28th Street
 Tulsa, OK.

Sheet Title
ENLARGED FLOOR PLAN & WINDOW TYPES

Drawn
 Checked

Issue Date
 03/21/2023

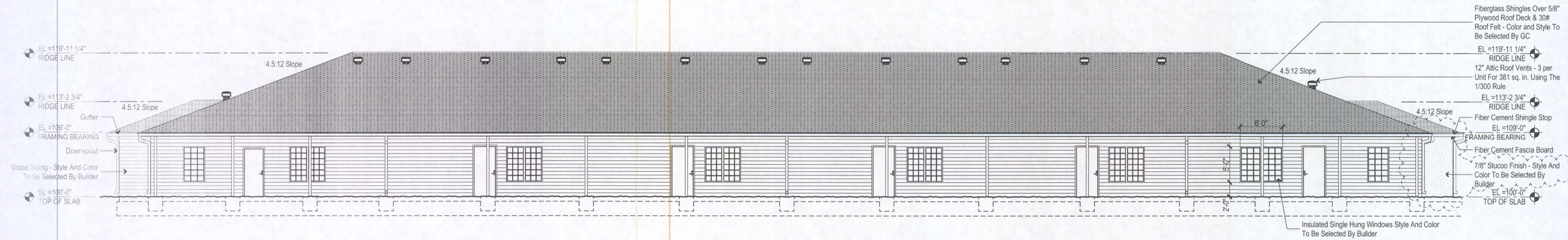
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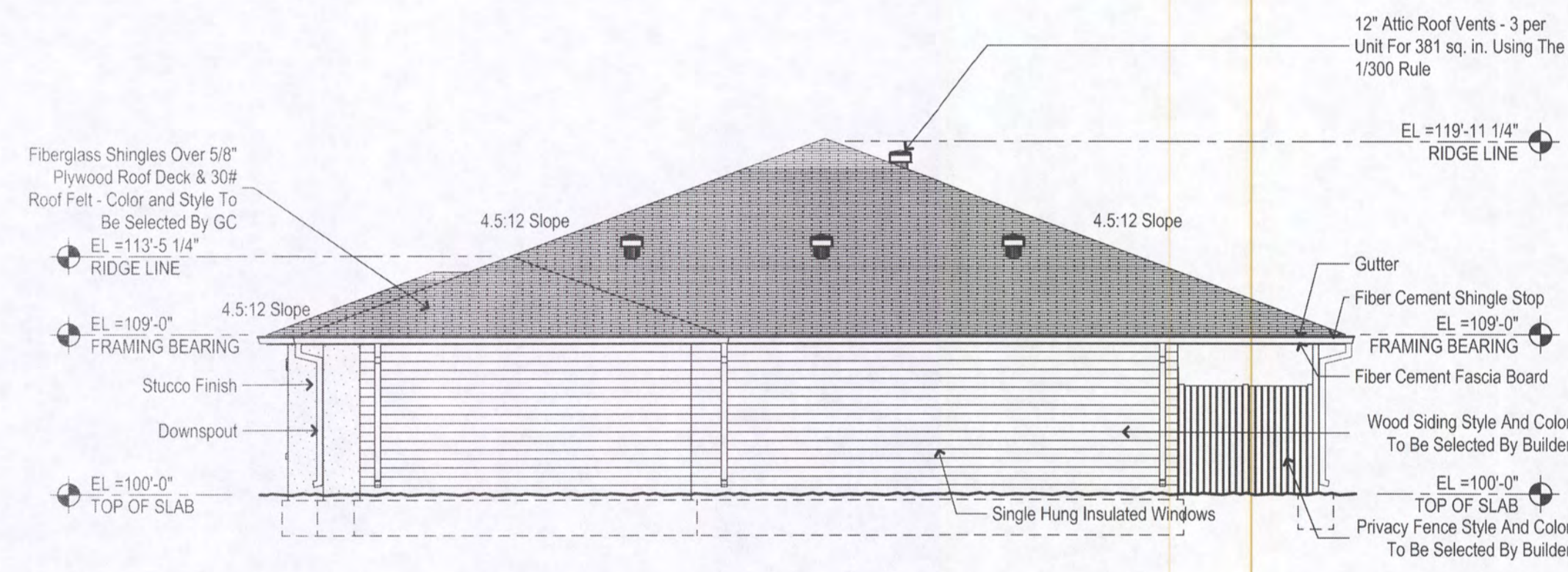
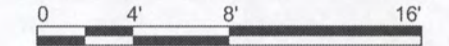
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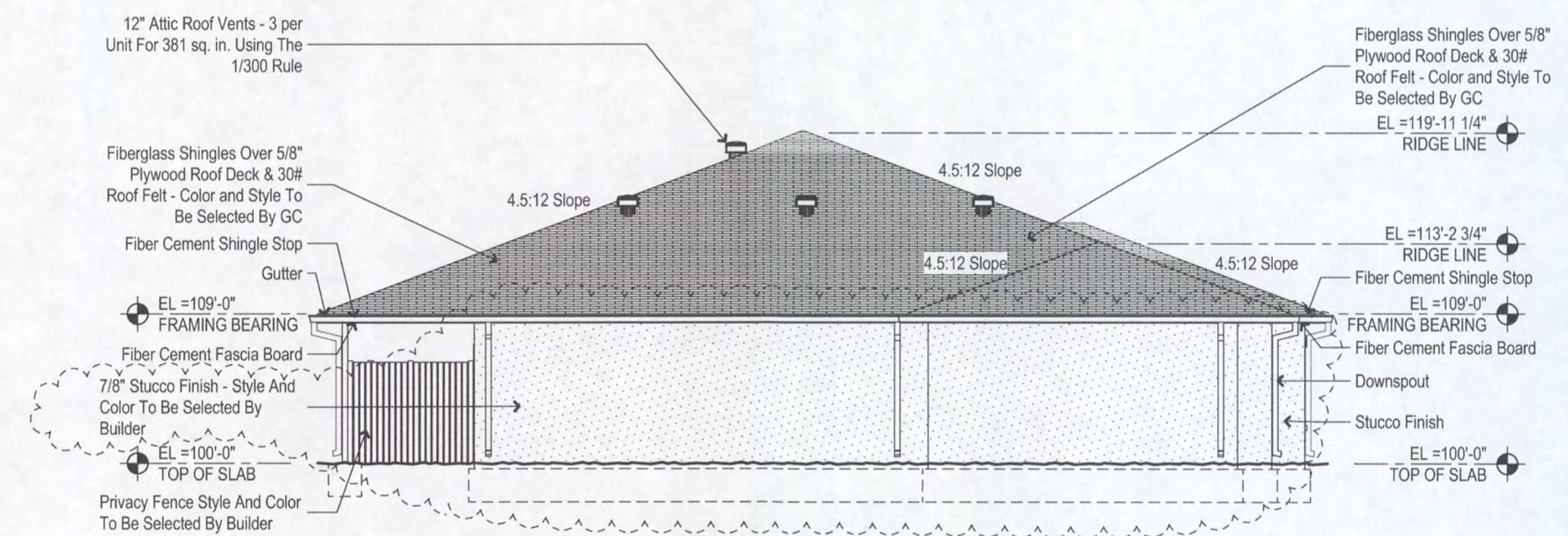
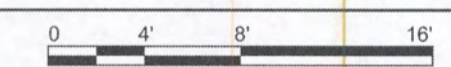
Revision Date	Revision
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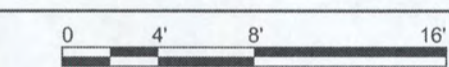
4 REAR ELEVATION
1/8" = 1'-0"



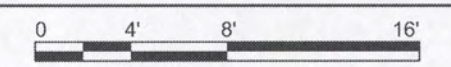
3 SIDE ELEVATION
1/8" = 1'-0"



2 SIDE ELEVATION
1/8" = 1'-0"



1 FRONT ELEVATION
1/8" = 1'-0"



Project Title

Steve Bengé
Legacy Park Midtown East
6241 East 28th Street
Tulsa, OK.

Sheet Title
BUILDING ELEVATIONS

Drawn _____ Project Number _____

Checked _____

User: burton Date: 10/24/2023 9:13 AM
File: C:\Burton\Steve Bengé\Legacy Park Midtown\LegacyPark VEG.dwg

Seal _____ Issue Date _____

03/21/2023

Sheet Number

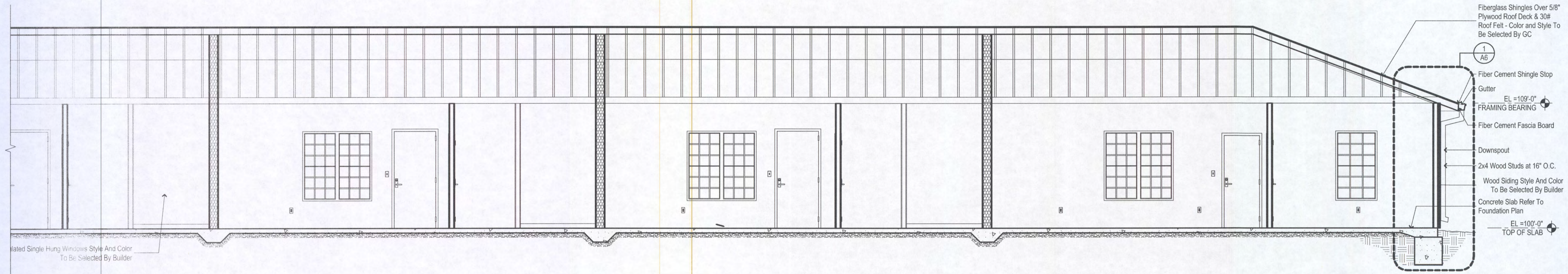
A4



Design By Tim

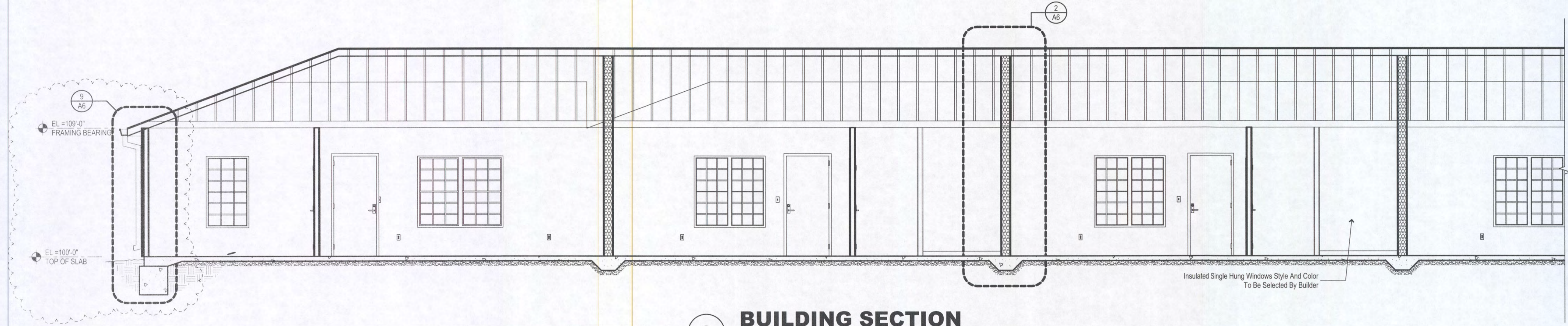
13809 East 36TH Street
Tulsa, Oklahoma 74134
phone: (918) 260-1162
burtontim.22@gmail.com
Timothy H. Burton

Revision Date	Revision
08/01/2023	Comments From The City Of Tulsa
08/28/2023	Comments From The City Of Tulsa



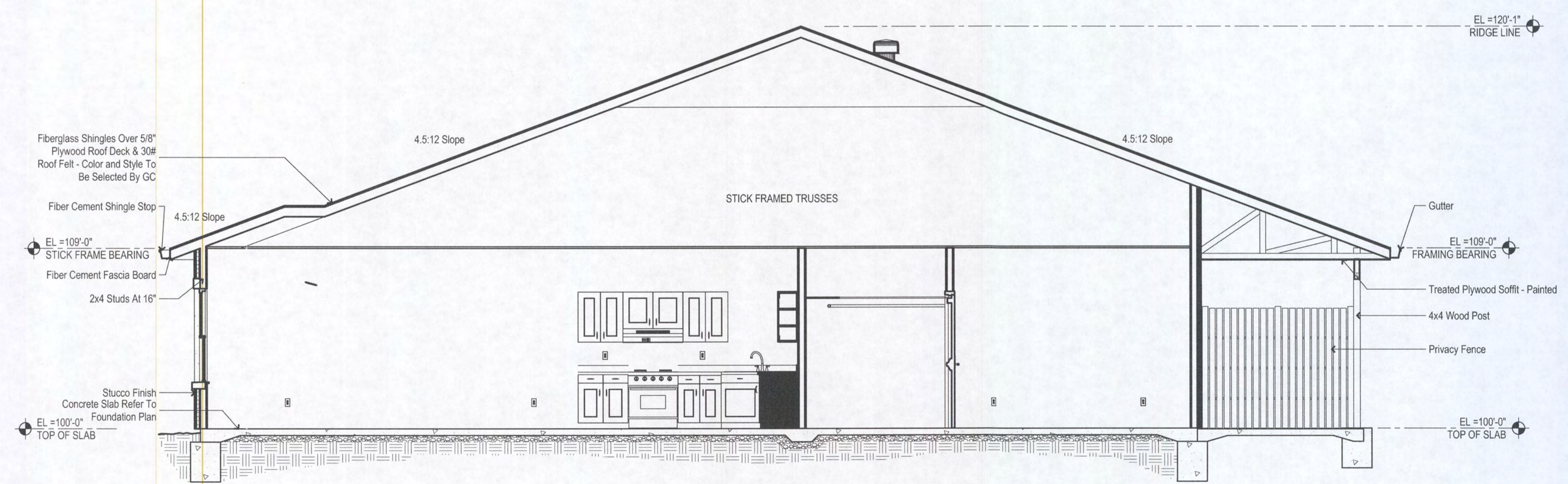
2 BUILDING SECTION

1/4" = 1'-0"



2 BUILDING SECTION

1:49.31



1 BUILDING SECTION

1/4" = 1'-0"

Project Title

Steve Bengé
Legacy Park Midtown East
6241 East 28th Street
Tulsa, OK.

Sheet Title
BUILDING SECTIONS

Drawn Project Number

Checked

User: burton
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Scale Issue Date

03/21/2023

Sheet Number

A5