



## Board of Adjustment

## Staff Report

### Variance

**Hearing Date:** May 14, 2024

**Prepared by:** Austin Chapman

achapman@cityoftulsa.org

918-596-7597

#### **Owner and Applicant Information**

Applicant: Sarah L. Somji

Property Owner: Gwendolyn Emerson & Tyler New

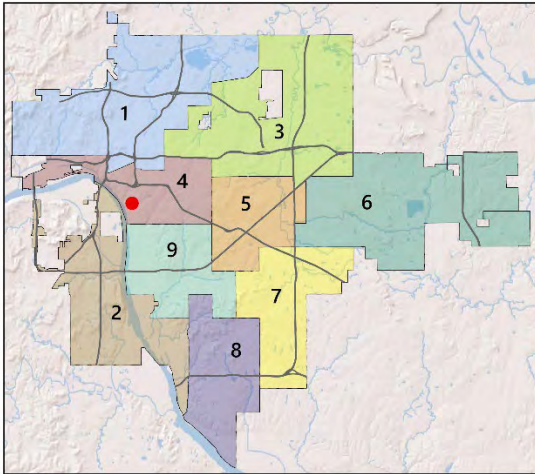
#### **Property Location**

2617 S. Owasso Ave.

Tract Size: 8,190 Square Feet

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

*(shown with City Council districts)*



#### **Elected Representatives**

City Council: District 4, Vanessa Hall-Harper

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

#### **Request Summary**

Variance to reduce the required rear setback in the RS-2 zoning district (Sec.5.030; Table 5-3)

#### **Zoning**

Zoning District: RS-2

Zoning Overlays: None.

#### **Comprehensive Plan Considerations**

##### **Land Use**

Land Use Plan: Neighborhood

Small Area Plans: None

Development Era: Early Automobile

##### **Transportation**

Major Street & Highway Plan:

S. Cincinnati Ave:

Residential collector.

S. Owasso Ave.: Not classified.

planitulsa Street Type: None.

Transit: N/A

Existing Bike/Ped Facilities: Property is roughly 200-feet from the Midland Valley Trail which can be connected to through the neighborhood.

Planned Bike/Ped Facilities: None.

##### **Environment**

Flood Area: None.

Tree Canopy Coverage: 10-20%

Parks & Open Space: Property is in close proximity to the Gathering Place.

**Staff Analysis**

The applicant is proposing to build an addition that would connect the principal residence to an existing detached garage. Once that connection is made it would make the house in violation of the rear setback 25-foot setback. The applicant is requesting the variance to reduce the setback from 25-feet to 2.85-feet.

*Table 5-3: R District Lot and Building Regulations*

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
<b>Min. Building Setbacks (ft.)</b>													
Street [3]													
Arterial or fwy service rd.	35	35	35	35	35	35	35	35	10	10	10	10	35
Other streets	35	35	30	25	20	20	25	10	10	10	10	10	25
Side (interior) [4]	15	5	5	5	5	5	5	5[5]	5[6]	5[6]	5[6]	5[7]	10
Rear [4]	25	25	25	20	20	20	20	20	20	20	10	20	15

**Relevant Case History**

- BOA-19524, 02/25/2003, the Board granted a minor variance to reduce the rear yard setback from 25-feet to 20-feet at 2543 S. Cincinnati. Ave.
- BOA-15260, 10/05/89, the Board granted a variance to permit more than 20% coverage of the rear yard by a detached accessory building at 2551 S. Cincinnati.

**Statement of Hardship**

Please see attached exhibit provided by the applicant.

**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 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.

Surrounding Properties:

<u>Location</u>	<u>Existing Zoning/Overlay</u>	<u>Existing Land Use Designation</u>	<u>Existing Use</u>
North	RS-2	Neighborhood	Detached House
East	RS-2	Neighborhood	Detached House
South	RS-2	Neighborhood	Detached House
West	RS-2	Neighborhood	Detached House

**Small Area Plans**

The subject properties are not included in a Small Area Plan.

**Development Era**

The subject properties are...The Early Automobile Era area includes those parts of the city that developed prior to and after World War II but prior to the major annexations of the 1960s. These neighborhoods developed during the rise of the automobile, but generally maintain a rectilinear street grid with homes on smaller lots.

**Transportation**

Major Street & Highway Plan:

S. Cincinnati Ave:

Residential collector. Residential collector streets plan for a an ultimate right-of-way of 60-feet, the current right-of-way width is 50-feet.

S. Owasso Ave.: Not classified

Comprehensive Plan Street Designation: None.

Transit: N/A.

Existing Bike/Ped Facilities: Property is roughly 200-feet from the Midland Valley Trail which can be connected to through the neighborhood.

Planned Bike/Ped Facilities: None.

Arterial Traffic per Lane:

Arterial Traffic - North (21st St S - 3,831 Vehicles per Lane)

Arterial Traffic - East (S Peoria Ave - 4,140 Vehicles per Lane)

Arterial Traffic - South (E 31st St S - 2,357 Vehicles per Lane)

Arterial Traffic - West (Riverside Dr - 4,477 Vehicles per Lane)

**Environmental Considerations**

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

Tree Canopy Coverage: Tree canopy in the area is 19%. 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

Site Photos



Subject property showing the residence and garage to be connected

**Sample Motion**

I move to approve or deny a Variance to allow Variance to reduce the required rear setback in the RS-2 zoning 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:

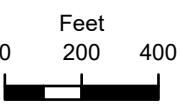
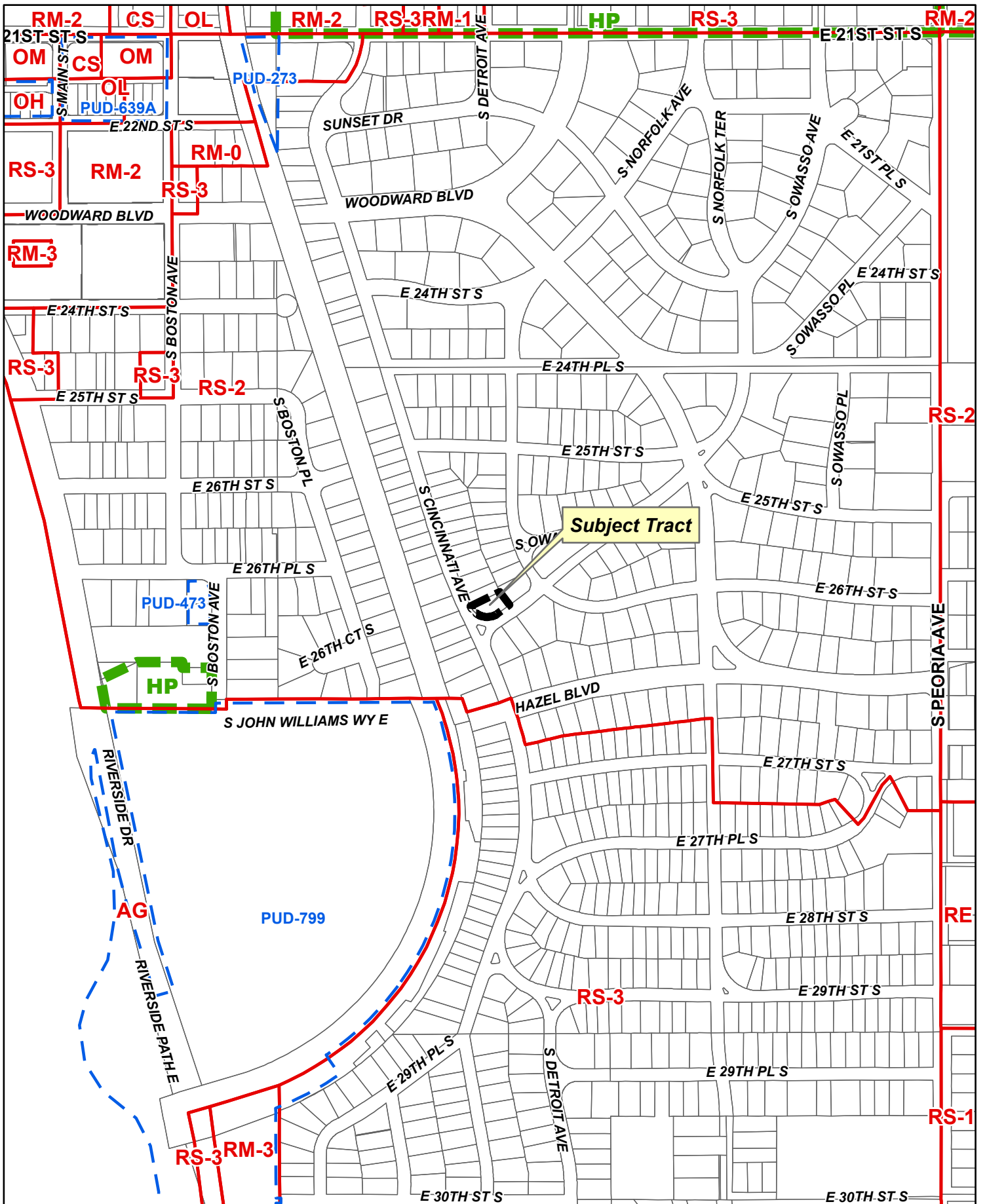
- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal 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**

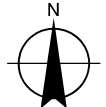
Lot 11 Block 7 Sunset Terrace , City of Tulsa, Tulsa County, State of Oklahoma

**Exhibits**

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



**BOA-23693**



**10.6**





S OWASSO AVE

S NORFOLK AVE

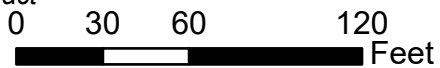
E 26TH ST S

S CINCINNATI AVE

S OWASSO AVE



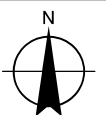
Subject Tract



**BOA-23693**

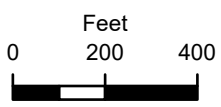
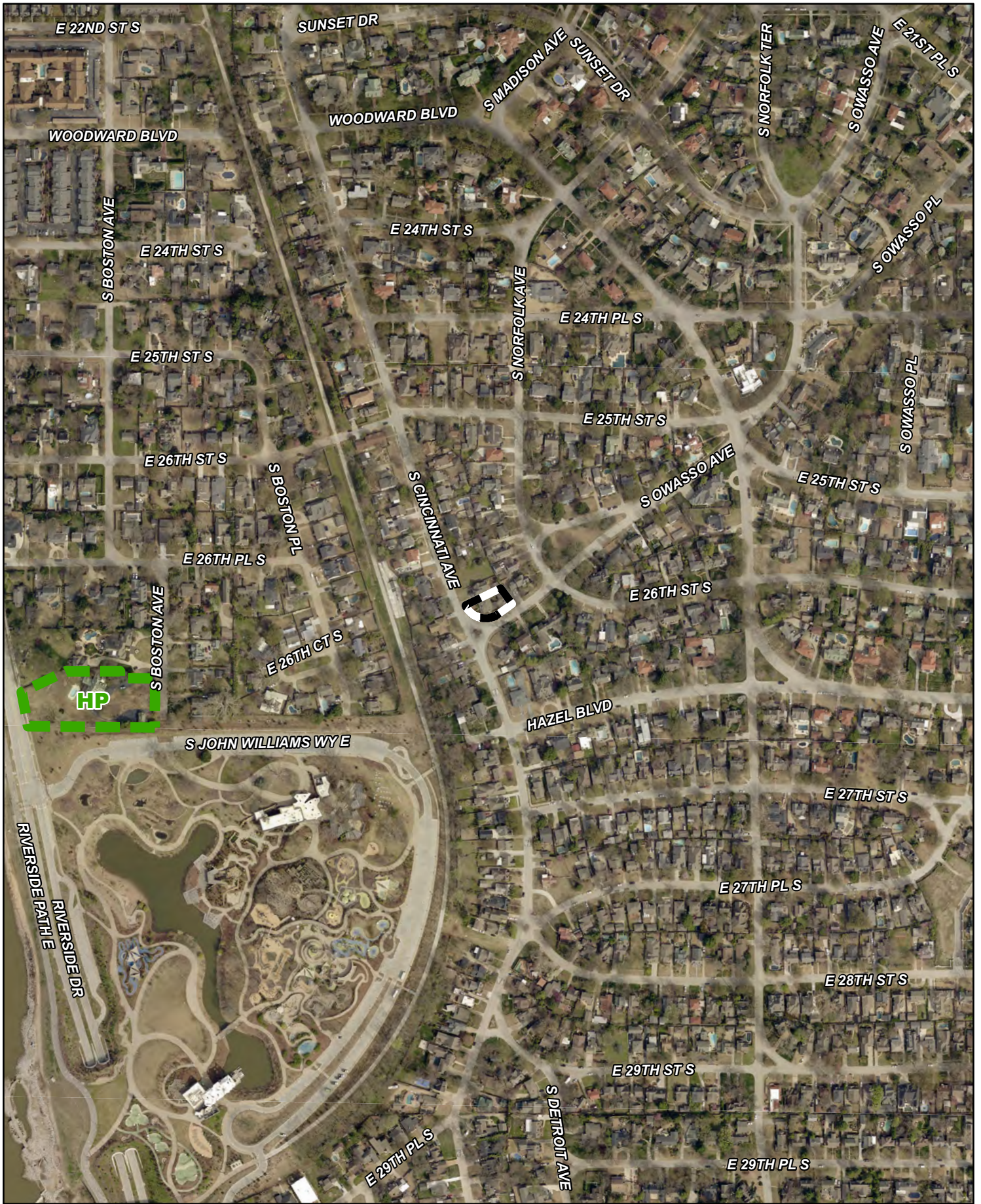
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2021



10.7



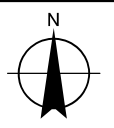


 Subject Tract

**BOA-23693**

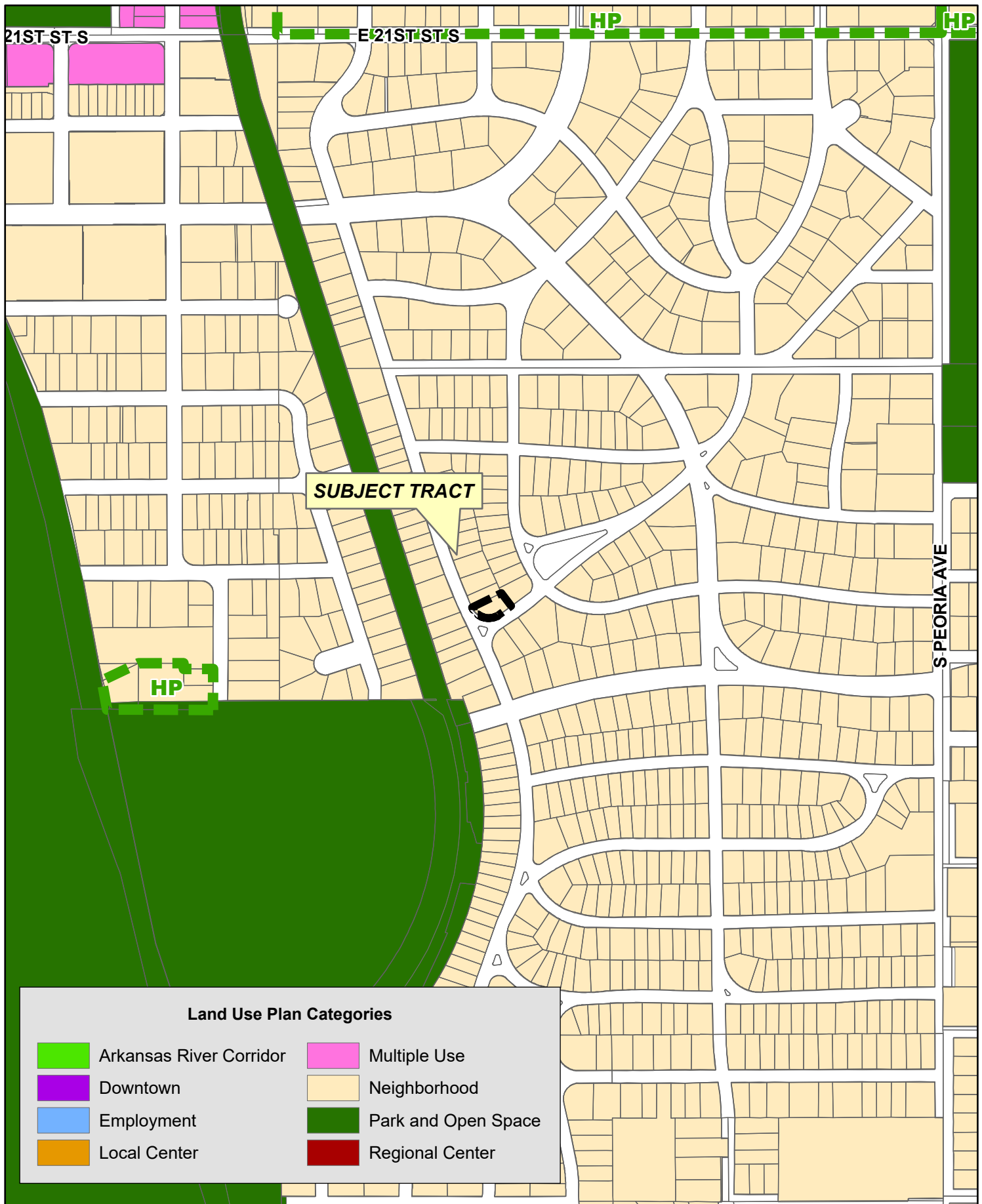
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






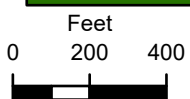
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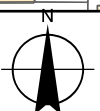
**Land Use Plan Categories**

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



**BOA-23693**

19-14 04



10.9



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

# CITY OF TULSA

## CORRECTIONS SUMMARY

### ZCO-175083-2024 (2617 S OWASSO AVE E Tulsa, OK 74114) Markup Summary #1

#### Note (1)

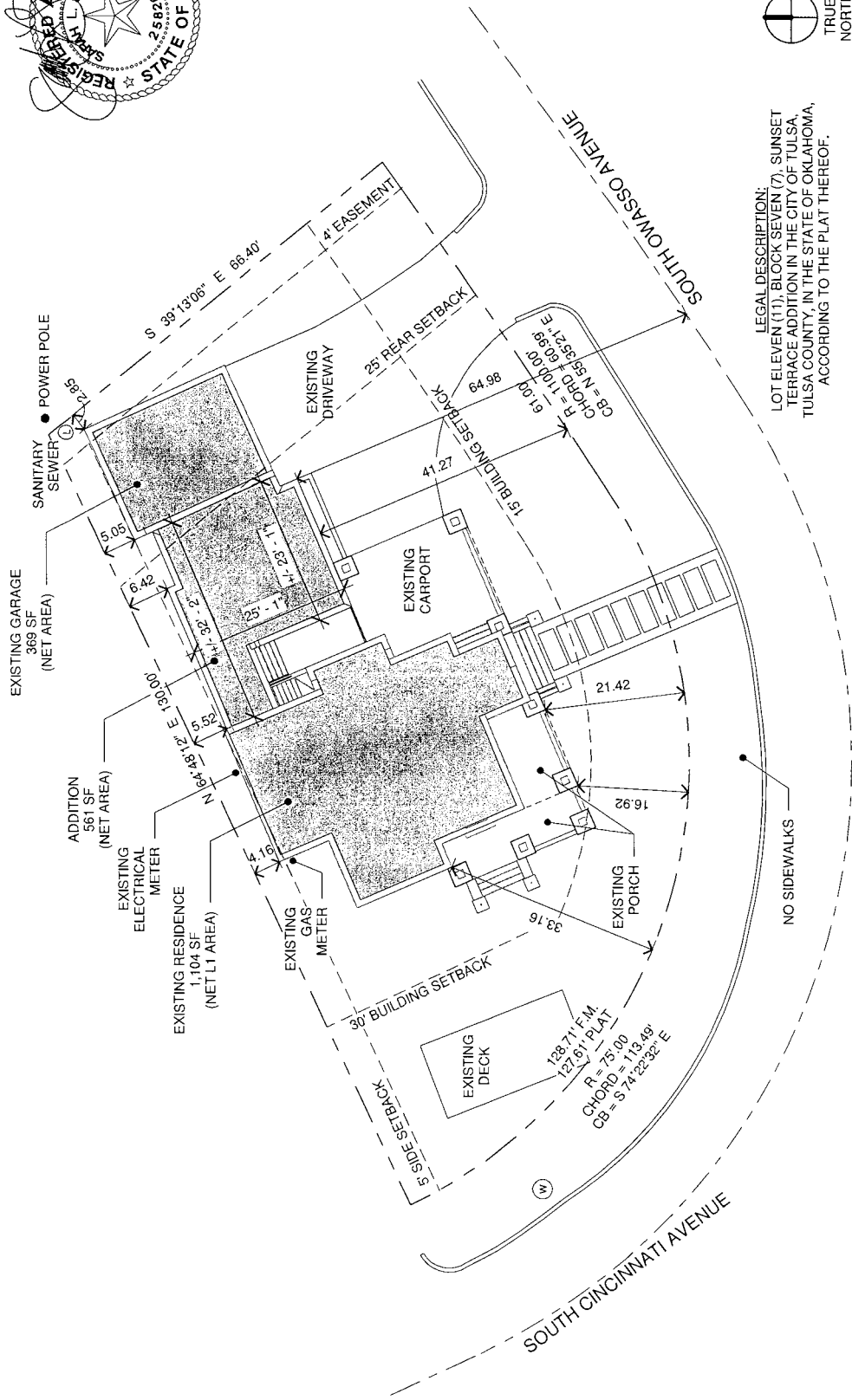
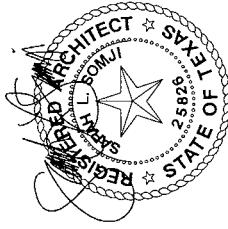


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**Author:** O.C. Walker  
**Date:** 4/8/2024 8:59:14 AM  
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5.030-A: Setback(s): In RS-2 zoned district the minimum rear (west) setback is 20' to the existing property line. The existing garage could have existed in the rear setback if it was not attached to the primary residence. The proposed addition will be connecting both the residence and the garage that will all be attached by the roofline. This creates a non-conformity to the garage being in the rear 20' setback.

Review Comments: Apply to Tulsa Planning office or a variance to allow the existing garage to be located within the 20' rear setback.





LEGAL DESCRIPTION:  
 LOT ELEVEN (11), BLOCK SEVEN (7), SUNSET  
 TERRACE ADDITION IN THE CITY OF TULSA,  
 TULSA COUNTY, IN THE STATE OF OKLAHOMA,  
 ACCORDING TO THE PLAT THEREOF.

Proposed Site Plan	
Project number	23-51
Date	4/10/2024
Drawn by	Author
Checked by	Checker
Scale 1/16" = 1'-0"	

No.	Description	Date

Owasso Residence  
**REMODEL/ADDITION**

**Sarah L. Lowe Architect**  
 DESIGN | ARCHITECTURE | PHOTOGRAPHY