Staff Report
Special Exception Case BOA-23705

Hearing Date: June 11, 2024
Prepared by: Sean Wallace
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918-596-7585

Owner and Applicant Information
Applicant: Rosa Linda Gamboa Perez
Property Owner: Rosa Linda Gamboa Perez

Property Location
425 S. 39th W. Ave.
Tract Size: ±.2 acres

Location within the City of Tulsa
(shown with City Council districts)

Elected Representatives
City Council: District 4, Laura Bellis
County Commission: District 2, Karen Keith

Request Summary
Special exception to permit a carport in the street setback
and yard with modification of the allowable setback
requirement (Sec. 90.090-C1).

Zoning
Zoning District: RS-3
Zoning Overlays: None

Comprehensive Plan Considerations
Land Use
Land Use Plan: Neighborhood
Small Area Plans: Charles Page
Development Era: Streetcar

Transportation
Major Street & Highway Plan: N/A
planitulsa Street Type: N/A
Transit: Regular Route
Existing Bike/Ped Facilities: Katy Trail extends from Ziegler
Park.
Planned Bike/Ped Facilities: Completion of Charles Page
buffered bike lane.

Environment
Flood Area: City of Tulsa Regulatory Floodplain
Tree Canopy Coverage: 10-20%
Parks & Open Space: Ziegler Park is nearby.
Staff Analysis

The applicant is requesting a special exception to permit a carport in the street setback and yard with modification of the allowable setback requirement (Sec.90.090-C1). The proposed carport (already built) is within the 5’ required setback from the side lot line by 1’ and projects into the street setback by more than the 20’ allowed by code by an additional 15’ (35’ total).

4.2

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. [3]

[3] For detached accessory buildings, including accessory dwelling units, located within rear setbacks see 90.090-C.

45.030-B Carports

Carports are allowed in R zoning districts. Any carport that occupies all or a portion of the street setback or street yard area must be approved in accordance with the special exception procedures of Section 70.120 and comply with the regulations of 90.090-C1.

1. Carports

Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures of Section 70.120. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception process:

a. A carport may be a detached accessory building or an integral part of the principal building.

b. The area of a carport may not exceed 20 feet in length by 20 feet in width.
Relevant Case History

• None

**Comprehensive Plan Considerations**

**Land Use Plan**

The subject property is designated as Neighborhood. Neighbourhoods 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:**

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning/Overlay</th>
<th>Existing Land Use Designation</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>RS-3</td>
<td>Neighborhood</td>
<td>Residential</td>
</tr>
<tr>
<td>East</td>
<td>RS-3</td>
<td>Neighborhood</td>
<td>Residential</td>
</tr>
<tr>
<td>South</td>
<td>RS-3</td>
<td>Neighborhood</td>
<td>Residential</td>
</tr>
<tr>
<td>West</td>
<td>RS-3</td>
<td>Neighborhood</td>
<td>Residential</td>
</tr>
</tbody>
</table>

**Small Area Plans**

The subject property is within the Charles Page Small Area Plan.

**Development Era**

The subject property is in an area developed during the Streetcar Era (1910s-30s), prior to the proliferation of automobiles, when streetcars facilitated growth beyond downtown. Land uses range from fully integrated to somewhat separated, on a half-mile grid, with a mix of housing options. Priorities in these areas include walkability, bikeability, access to public transit, historic preservation, housing type variety, mixed-use development, transit-oriented development, commercial districts, and well-designed streetscapes.

**Transportation**

- **Major Street & Highway Plan:** N/A
- **Comprehensive Plan Street Designation:** N/A
- **Transit:** Bus Route 114 runs along 4th Street.
- **Existing Bike/Ped Facilities:** No sidewalks/Katy Trail extends from Ziegler Park.
- **Planned Bike/Ped Facilities:** Completion of the Charles Page buffered bike lane.
- **Arterial Traffic per Lane:** 1,954 vehicles per lane per day on Charles Page Blvd.

**Environmental Considerations**

- **Flood Area:** The subject property is within the City of Tulsa Regulatory Floodplain.
- **Tree Canopy Coverage:** Tree canopy in the area is 12%. 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: Ziegler Park is at the end of the block to the north of the subject property.

**Sample Motion**
I move to *approve or deny* a Special Exception to permit a carport in the street setback and yard with modification of the allowable setback requirement (Sec. 90.090-C1),

- 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.

**Property Description**
Lot 7 Block 1, Park View Place addition, City of Tulsa, Tulsa County, State of Oklahoma

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

(Subject property)
Land Use Plan Categories

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

SUBJECT TRACT
SUBJECT PROPERTY LIES WITHIN SERVICE AREA OF 0.25% ANNUAL CHANCE FLOOD HAZARD AS SHOWN ON FIRM MAP#4014.300.2201, DATED 10/16/12.

Property address: 425 South 38th West Avenue, Tulsa, Oklahoma.

I, Darrell Biele, professional land surveyor of the City of Tulsa and State of Oklahoma, do hereby certify that the described tract boundaries and other items referenced in the above inspection plat are shown as herein described. The plat is drawn to scale and is not intended as a legal description. All existing and future improvements, utilities, and other structures shown are for reference only and may not be used for any purpose. The plat is not to be used for construction or development purposes. The plat is not guaranteed to be accurate and may not be used for legal purposes. The plat is not intended for legal purposes and is for reference only.