## Staff Report
**Variance Case BOA-23709**

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

### Owner and Applicant Information
- **Applicant:** Daniel Davies  
- **Property Owner:** Davies Family Revocable Trust

### Property Location
- **Address:** 3709 E. 46th St.  
- **Tract Size:** ±.4 acres

### Location within the City of Tulsa
(Shown with City Council districts)

![City Council districts map]

### Request Summary
- **Variance** to reduce the required 15-foot side street setback in the RS-2 zoning district (Sec. 5.030-B, Table Note (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:** N/A  
- **planitulsa Street Type:** N/A  
- **Transit:** N/A  
- **Existing Bike/Ped Facilities:** None  
- **Planned Bike/Ped Facilities:** On-street bike corridor on Harvard Avenue and signed route on Pittsburg Avenue.

#### Environment
- **Flood Area:** FEMA 500-year Floodplain  
- **Tree Canopy Coverage:** 10-20%  
- **Parks & Open Space:** Langenheim Park is nearby.

### Elected Representatives
- **City Council:** District 9, Jayme Fowler  
- **County Commission:** District 3, Kelly Dunkerley

### Public Notice Required
- **Newspaper Notice** – min. 10 days in advance  
- **Mailed Notice to 300’ radius** – min. 10 days in advance
Staff Analysis
The applicant is requesting a Variance to reduce the required side street setback to build a garage addition. Per the zoning code, the addition must be 45’ from the center of S. Louisville but per plans would be 36’-6” (or 8.5’ into the minimum 15’ setback). The proposed side setback is 6’-6”.

Relevant Case History
- None

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.

<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-2</td>
<td>Neighborhood</td>
<td>Residential</td>
</tr>
<tr>
<td>East</td>
<td>RS-2</td>
<td>Neighborhood</td>
<td>Residential</td>
</tr>
<tr>
<td>South</td>
<td>RS-2</td>
<td>Neighborhood</td>
<td>Residential</td>
</tr>
<tr>
<td>West</td>
<td>RS-2</td>
<td>Neighborhood</td>
<td>Residential</td>
</tr>
</tbody>
</table>

Small Area Plans
The subject property is 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: None

Planned Bike/Ped Facilities: An on-street bike corridor is proposed for Harvard Avenue in the Tulsa GO Plan, and a Signed Route is proposed for Pittsburg Avenue in the Tulsa GO Plan.

Arterial Traffic per Lane: 6,136 vehicles per lane per day on S. Harvard Ave.

Environmental Considerations
Flood Area: The subject property is within the FEMA 500-year Floodplain.

Tree Canopy Coverage: Tree canopy in the area is 16%. 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: Langenheim Park is nearby.
Sample Motion
I move to approve or deny a Variance to reduce the required 15-foot side street setback in the RS-2 zoning district (Sec.5.030-B, Table Note (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 10, Block 22, Patrick Henry B13-23 addition, City of Tulsa, Tulsa County, State of Oklahoma

Exhibits
Case map
Aerial (small scale)
Aerial (large scale)
Photos
Tulsa Comprehensive Plan Land Use Map
(Subject property looking north on Louisville Ave.)
Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: 2021
CITY OF TULSA
CORRECTIONS SUMMARY

Subject: Building Review
Page Label: 1
Author: DWhiteman
Date: 4/25/2024 11:28:26 AM
Status:
Color:
Layer:
Space:

R403.1 General
All exterior walls shall be supported on continuous solid or fully grouted masonry or concrete footings, crushed stone footings, wood foundations, or other approved structural system that shall be of sufficient design to accommodate all loads according to Section R301 and to transmit the resulting loads to the soil within the limitations as determined by the character of the soil. Footings shall be supported on undisturbed natural soils or engineered fill. Concrete footings shall be designed and constructed in accordance with the provisions of Section R403 or in accordance with ACI 332.

REVIEW COMMENT: According to the table in this section, footings must have a minimum width of 12", which is the horizontal dimension. The wall section drawing shows an 8" wide proposed footing, please revise this to 12".

Zoning Review (2)

Subject: Zoning Review
Page Label: 1
Author: DWhiteman
Date: 4/25/2024 10:50:17 AM
Status:
Color:
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Please double check the measurement from the center of Louisville to the addition. Louisville Ave. at this location has a 60' wide right of way. If the addition is only 36.5' from the center of Louisville, then it would appear to be only 6.5' from the property line. See other zoning comment: the addition is required to be at least 15' from the west side property line; which should be equivalent to 45' from the center of Louisville Ave.

Subject: Zoning Review
Page Label: 1
Author: DWhiteman
Date: 4/25/2024 10:59:01 AM
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Section 50.030-B Table Note [3] For detached houses and duplexes on corner lots, the minimum side street setback along a non-arterial street may be reduced to 15 feet, provided that the minimum setback for street-facing garage doors is 20 feet or 20 feet from the back of the sidewalk, whichever is greater. The street setback specified in Table 5-3 applies along the other street.

REVIEW COMMENT: The side setback on the west side of the house is 15', which should be equivalent to 45' from the center of Louisville Ave. Please revise the plans to show that no part of the addition will be located closer than 45' to the center of Louisville Ave.

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.