Staff Report Case BOA-23713

Hearing Date: June 11, 2024
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Owner and Applicant Information
Applicant: Luke Summers
Property Owner: Robert W. McQuarry II Revocable Living Trust

Property Location
1315 E. 27th Pl.
Tract Size: ± .72 acres

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

Request Summary
Variance to reduce the minimum 15-foot side setback in the RE zoning district (Section 5.030, Table 5-3).

Zoning
Zoning District: RE
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: Urban Arterial (Peoria Avenue)
planitulsa Street Type: N/A
Transit: BRT Route
Existing Bike/Ped Facilities: None
Planned Bike/Ped Facilities: None

Environment
Flood Area: N/A
Tree Canopy Coverage: 30-50%
Parks & Open Space: Woodward Park, Gathering Place, Philbrook Museum of Art and Gardens

Elected Representatives
City Council: District 4, Laura Bellis
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
**Staff Analysis**

The applicant is proposing a Variance to reduce the minimum 15-foot side setback in the RE zoning district (Section 5.030, Table 5-3). The proposed building will be 5’ from the West property line.

### Relevant Case History
- None

### Statement of Hardship

“We are requesting a Variance of the Building setback requirement from the current ten foot (15’) to five feet (5’) on the west side as part of the redevelopment of this lot and the adjacent lot (1327 East 27th Place).

The Philbrook area is a fantastic area with outstanding estates. The previous house on this lot was a rental property which had fallen into disrepair and had become an eye-sore to the neighborhood. (After review, it was determined that it was more cost effective to demolish the structure than try to renovate it.) We now own it and the adjacent lot and are trying to build an estate-like home that matches the character and quality deserving of this neighborhood.

Most homes on this street are estates and were constructed prior to the current zoning code and use setbacks less than the current requirements. The previous home only had a seven-foot (7’) setback on the west side, and while we could use the same setback as the previous house, the additional 2 feet will reduce the number of trees removed or injured and help provide a much better environment for the neighborhood. The current setback requirements will require the removal of trees and create a more drastic elevation change between the two properties and not allow the same quality of street presence for the neighborhood. It seems the setback requirements were installed to enhance the look and feel of the neighborhood. In this instance, a strict enforcement of those requirements will actually have the reverse effect and negatively impact the neighborhood. This variance will not impair adjacent properties but will be in the spirit and intent of the Zoning Code and provide for a much better neighborhood.

In constructing our new home, we want to be good neighbors and improve the look and feel of our neighborhood. To do this effectively, we need at least the setback of the original house, although the additional two feet will provide a much better impact on the neighborhood.”

### 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:**

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

**Small Area Plans**
The subject properties are not in 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:** Peoria Avenue to the west of the subject property is classified as an Urban Arterial.

**Comprehensive Plan Street Designation:** N/A

**Transit:** BRT Route 700 runs along Peoria Avenue.

**Existing Bike/Ped Facilities:** N/A

**Planned Bike/Ped Facilities:** N/A

**Arterial Traffic per Lane:** Peoria Avenue to the west has an average annual daily traffic count of 4,140 vehicles per lane.

**Environmental Considerations**

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

**Tree Canopy Coverage:** Tree canopy in the area is 30-50%. Significant effort should be given to the preservation of mature stands of trees. Tree canopy removal should be minimized, and replacement of trees that need removing should be encouraged.

**Parks & Open Space:** N/A
Sample Motion
I move to approve or deny a Special Exception to allow Variance to reduce of minimum 15 foot side setback in the RE zoning district (Section 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
PRT LTS 3 & 4 BEG 205.37E & 25N SWC LT 4 TH E89.13 N305 W134.5 S90 E45.5 S215.31 POB, SUNNYCREST ACREAGE. City of Tulsa, Tulsa County, State of Oklahoma
(Google street view image of 1315 E 27th PL)

**Exhibits**

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