



Board of Adjustment

**Staff Report
BOA-23728**

Hearing Date: July 9, 2024
Prepared by: Sean Wallace
swallace@cityoftulsa.org
918-596-7585

Owner and Applicant Information

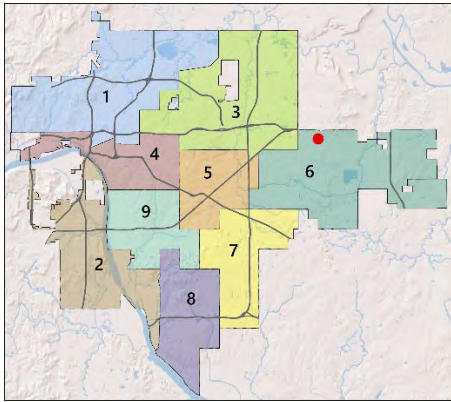
Applicant: Gary West
Property Owner: Gary & Lori West Trust

Property Location

515 S 161st E Ave
Tract Size: ±2.5 acres

Location within the City of Tulsa

(shown with City Council districts)



Elected Representatives

City Council: District 6, Christian Bengel
County Commission: District 1, Stan Sallee

Public Notice Required

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

Request Summary

Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A).

Zoning

Zoning District: RS-3
Zoning Overlays: None

Comprehensive Plan Considerations

Land Use

Land Use Plan: Neighborhood
Small Area Plans: None
Development Era: Future Growth

Transportation

Major Street & Highway Plan: Secondary Arterial
planitulsa Street Type: N/A
Transit: N/A
Existing Bike/Ped Facilities: None
Planned Bike/Ped Facilities: Signed bike route on E 11th St

Environment

Flood Area: N/A
Tree Canopy Coverage: 30-50%
Parks & Open Space: Area is mostly undeveloped/natural

Staff Analysis

The applicant is requesting a variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A). The applicant is proposing to build an accessory building (workshop) that has a floor area of 2,400 sq. ft. There is an existing accessory building (shed) on the lot, which has a floor area of 400 sq. ft. Per the zoning code, the aggregate floor area of all accessory buildings can only be a maximum of 500 sq. ft. or 40% of the principal residential building, whichever is greater. The home is 3,513 sq. ft.; therefore, the applicant is allowed a maximum of 1,405 sq. ft. of floor area. The total proposed floor area of accessory buildings on the lot is 2,800 sq. ft., which exceeds the maximum by 1,395 sq. ft.

45.030-A Accessory Building Size

1. RE and RS-1 Districts

In RE and RS-1 districts, 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 750 square feet or 40% of the floor area of the principal residential structure, whichever is greater. [1]

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. [1]

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

Relevant Case History

- None

Statement of Hardship

Exhibit attached

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:

<u>Location</u>	<u>Existing Zoning/Overlay</u>	<u>Existing Land Use Designation</u>	<u>Existing Use</u>
North	RS-3	Neighborhood	Residential

East	AG-R	Neighborhood	Residential
South	RS-3	Neighborhood	Residential
West	AG	Neighborhood	Vacant/Agricultural

Small Area Plans

The subject property is not within a small area plan.

Development Era

The Future Growth areas of the city have yet to be developed beyond agricultural uses, and they present opportunities to ensure the pattern of development is efficient and fiscally responsible. These areas typically do not have subdivision streets or connectivity beyond the mile-by-mile grid, have poor public service distribution (fire, police, transit, etc.) and lack utility infrastructure (water, sewer, broadband, etc.) Some areas also include exposed bedrock and/or extreme slopes. Priorities in these areas include ensuring the ability to provide adequate public services, the implementation of planned streets in the Major Street and Highway Plan, land use planning to establish frameworks for decision making, and conservation of natural areas.

Transportation

Major Street & Highway Plan: 161st St is designated as a Secondary Arterial.

Comprehensive Plan Street Designation: N/A

Transit: N/A

Existing Bike/Ped Facilities: None

Planned Bike/Ped Facilities: Tulsa GO Plan recommends a signed bike route on E 11th St.

Arterial Traffic per Lane: 1,271 vehicles per lane per day on S 161st E Ave.

Environmental Considerations

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

Tree Canopy Coverage: Tree canopy in the area is 33%. 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: The surrounding area is mostly undeveloped and natural.

Sample Motion

I move to approve or deny a Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A),

- 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:

- 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;
- That literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose;
- 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;
- That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- That the variance to be granted is the minimum variance that will afford relief;
- 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
- 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 N/2 SW BEG 451N SWC N/2 SW TH N146.30 E744.60 S146.30 W744.39 POB SEC 02 19 14 2.50ACS, City of Tulsa, Tulsa County, State of Oklahoma

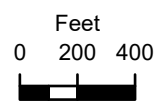
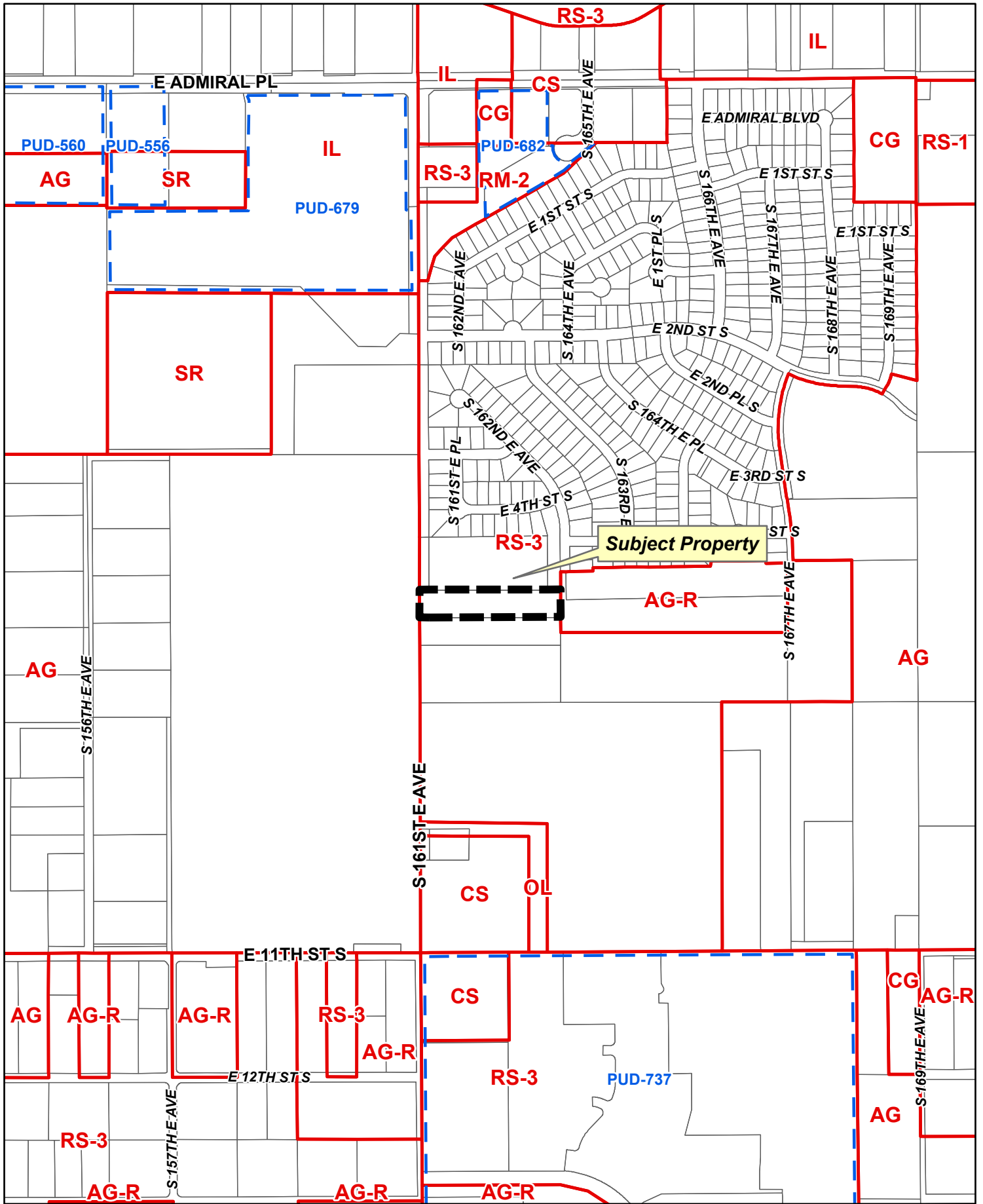
Exhibits

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

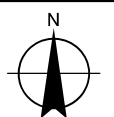
My previous house had a 24'x38' work shop where I did woodwork and metal work. I have a band saw, scroll saw, drill press, wood lathe, work bench, and an assortment of hand tools in a large tool box. I also have a metal lathe, milling machine, sand blaster, table saw, radial arm saw, TIG welder, band saw, stick welder, router table, planer, and hand tools in my dad's shop. My mom and dad have passed away, and I am selling their house along with my previous house. I need a work shop to move all of this equipment and continue my hobbies.



(Subject property – image taken from Google street-view)



BOA-23728





E ADMIRAL PL

E ADMIRAL BLVD

E 1ST ST S

E 1ST ST S

E 1ST ST S

S 162ND EAVE

S 164TH EAVE

E 1ST PL S

S 166TH EAVE

S 167TH EAVE

S 168TH EAVE

S 169TH EAVE

E 2ND ST S

E 3RD ST S

S 162ND EAVE

S 163RD EAVE

S 164TH EAVE

E 2ND PL S

E 4TH ST S

E 4TH PL S

E 4TH ST S

S 161ST EAVE

S 167TH EAVE

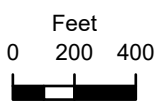
S 156TH EAVE

E 11TH ST S

S 157TH EAVE

E 12TH ST S

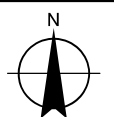
S 169TH EAVE



BOA-23728

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

Aerial Photo Date: 2021



4.8

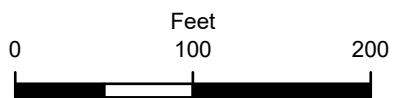


S 161ST E AVE

S 162ND E AVE

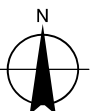
BOA-23728

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

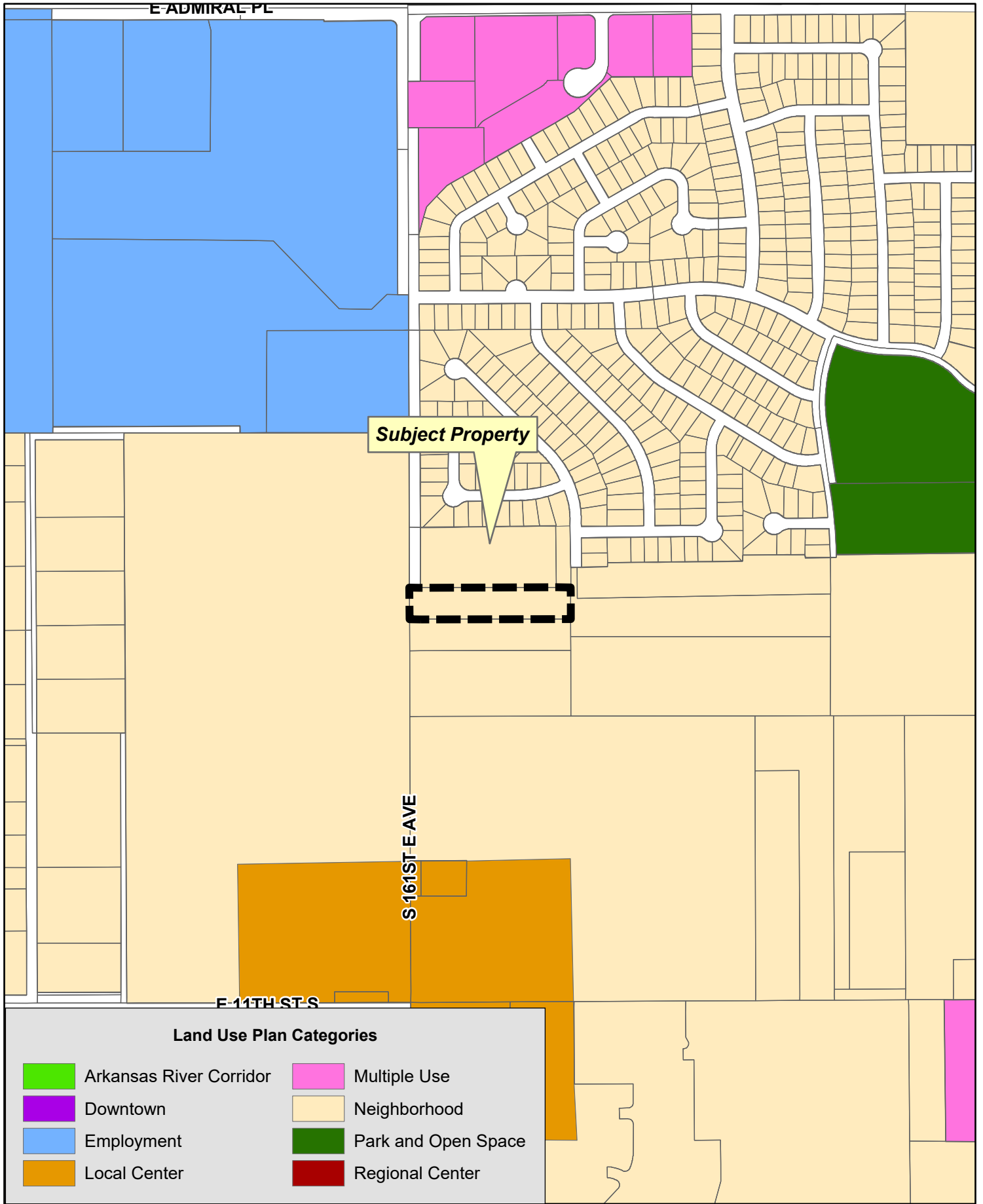


Subject Tract

Aerial Photo Date: 2021

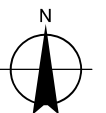
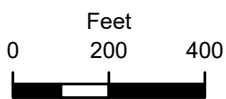


4.9



BOA-23728

19-14 04



4.10

