



Board of Adjustment

**Staff Report
BOA-23769**

Hearing Date: September 24, 2024
Prepared by: Felicity Good
fgood@cityoftulsa.org
918-596-7602

Owner and Applicant Information

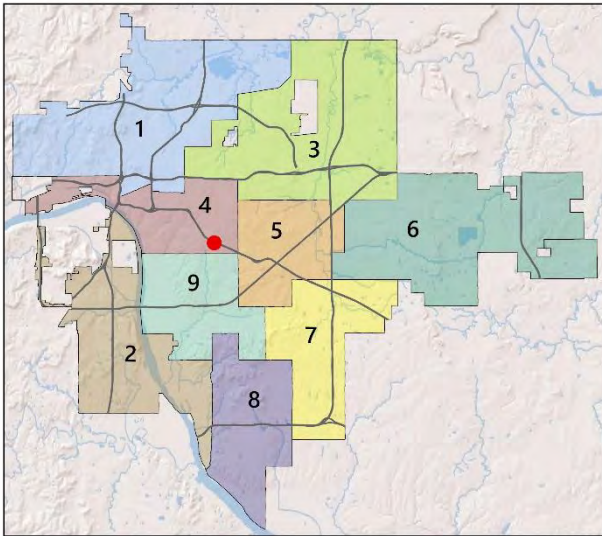
Applicant: Joe Kelley
Property Owner: All Three LLC

Property Location

3327 East 27th Street South
Tract Size: ±0.34 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

Public Notice Required

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

Request Summary

Variance of the required building setback in the CG district from abutting RS-zoned lots (Section 15.030-A, Table 15-3; Section 15.030-B, Table Note [5]).

Zoning

Zoning District: CG
Zoning Overlays: N/A

Comprehensive Plan Considerations

Land Use

Land Use Plan: Multiple Use
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: N/A
Planned Bike/Ped Facilities: N/A

Environment

Flood Area: N/A
Tree Canopy Coverage: 10-20%
Parks & Open Space: N/A

Staff Analysis

The applicant requests a variance of the required building setback in the CG district from abutting RS-zoned lots (Section 15.030-A, Table 15-3; Section 15.030-B, Table Note [5]). The applicant intends to construct a commercial building on the lot. In the CG district, the setback from abutting residential districts is 10 feet plus an additional 2 feet for each foot of building height above 15 feet. Because the property abuts RS-3-zoned lots on either side and the total proposed building height is 27'-4", the required setback would be 34'-8" on either side of the building. As shown on the plan, the building would have a setback of 18'-9" on the east side, which is 15'-11" less than the required setback. The building would have a setback of 11'-0" on the west side, which is 23'-8" less than the required setback.

Table 15-3: O, C and I District Lot and Building Regulations

Regulations	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH
Minimum Lot Area (sq. ft.)	-	-	-	10,000	-	-	-	-	-	-	-
Minimum Street Frontage (feet)	50	50	50	-	50	50	-	-	50	50	50
Maximum Floor Area Ratio (FAR)	0.40	0.50	2.00	8.00	0.50	0.75	-	-	-	-	-
Minimum Lot Area per Unit (sq. ft.)	[1]	[2]	[2]	[3]	[2]	[2]	-	-	[2]	[2]	[2]
Min. Open Space per Unit (sq. ft.)	[1]	[2]	[2]	[3]	[2]	[2]	-	-	[2]	[2]	[2]
Building Setbacks (feet)											
Street [4]	10	10	10	10	10	10	-	-	10	10	10
From AG, AG-R, or R district	10	10[5]	10[5]	10	10[5]	10[5]	-	-	75[6]	75[6]	75[6]
From O district	-	-	-	-	-	-	-	-	75[6]	75[6]	75[6]
Max. Building Coverage (% of lot)	-	-	-	-	-	-	-	-	-	-	-
Maximum Building Height (feet)	35	-	-	-	-	-	-	-	-	-	-

15.030-B Table Notes

The following notes refer to the bracketed numbers (e.g., "[1]") in

Table 15-3:

[1] Same as required in RT district.

[2] Same as required in RM-2 district.

[3] Same as required in RM-3 district.

[4] Garage doors must be set back at least 20 feet or 20 feet from the back of the sidewalk, whichever is greater.

[5] When abutting RE-, RS- or RD-zoned lot, 2 feet of additional building setback required for each foot of building height above 15 feet.

[6] Minimum building setback abutting freeway right-of-way or railroad right-of-way that is zoned AG, AG-R, R, or O is 10 feet.

Relevant Case History

- BOA-7777, February 1, 1973; The Board of Adjustment denied a special exception to establish off-street parking for Spraker Volkswagen in an RS-3 District.

Statement of Hardship

The applicant's hardship statement is included as a separate exhibit.

Comprehensive Plan Considerations

Land Use Plan

The subject property is designated as Multiple Use. Multiple Use areas are mostly commercial or retail uses, which include restaurants, shops, services, and smaller format employment uses. This land use designation is most common in areas of the city from earlier development patterns, with Local Centers being more commonplace in newer parts of

the city. For single properties that are commercial but surrounded by Neighborhood, Multiple Use is the preferred designation.

Surrounding Properties:

<u>Location</u>	<u>Existing Zoning/Overlay</u>	<u>Existing Land Use Designation</u>	<u>Existing Use</u>
North	CH	Multiple Use	Vehicle Repair
East	RS-3	Multiple Use	Vacant
South	RS-3	Multiple Use	Residential
West	RS-3	Multiple Use	Residential

Small Area Plans

The subject property is not included 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: N/A

Comprehensive Plan Street Designation: N/A

Transit: N/A

Existing Bike/Ped Facilities: N/A

Planned Bike/Ped Facilities: N/A

Arterial Traffic per Lane: N/A

Environmental Considerations

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

Tree Canopy Coverage: Tree canopy in the area is 10%. 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. The area would benefit from additional trees, which also capture and treat runoff before it enters the river.

Parks & Open Space: N/A

Sample Motion

I move to approve or deny a Variance of the required building setback in the CG district from abutting RS-zoned lots (Section 15.030-A, Table 15-3; Section 15.030-B, Table Note [5]), from 34 feet, 8 inches to 18 feet, 9 inches on the east side and from 34 feet, 8 inches to 11 feet on the west side,

- 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:

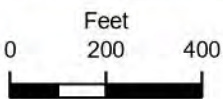
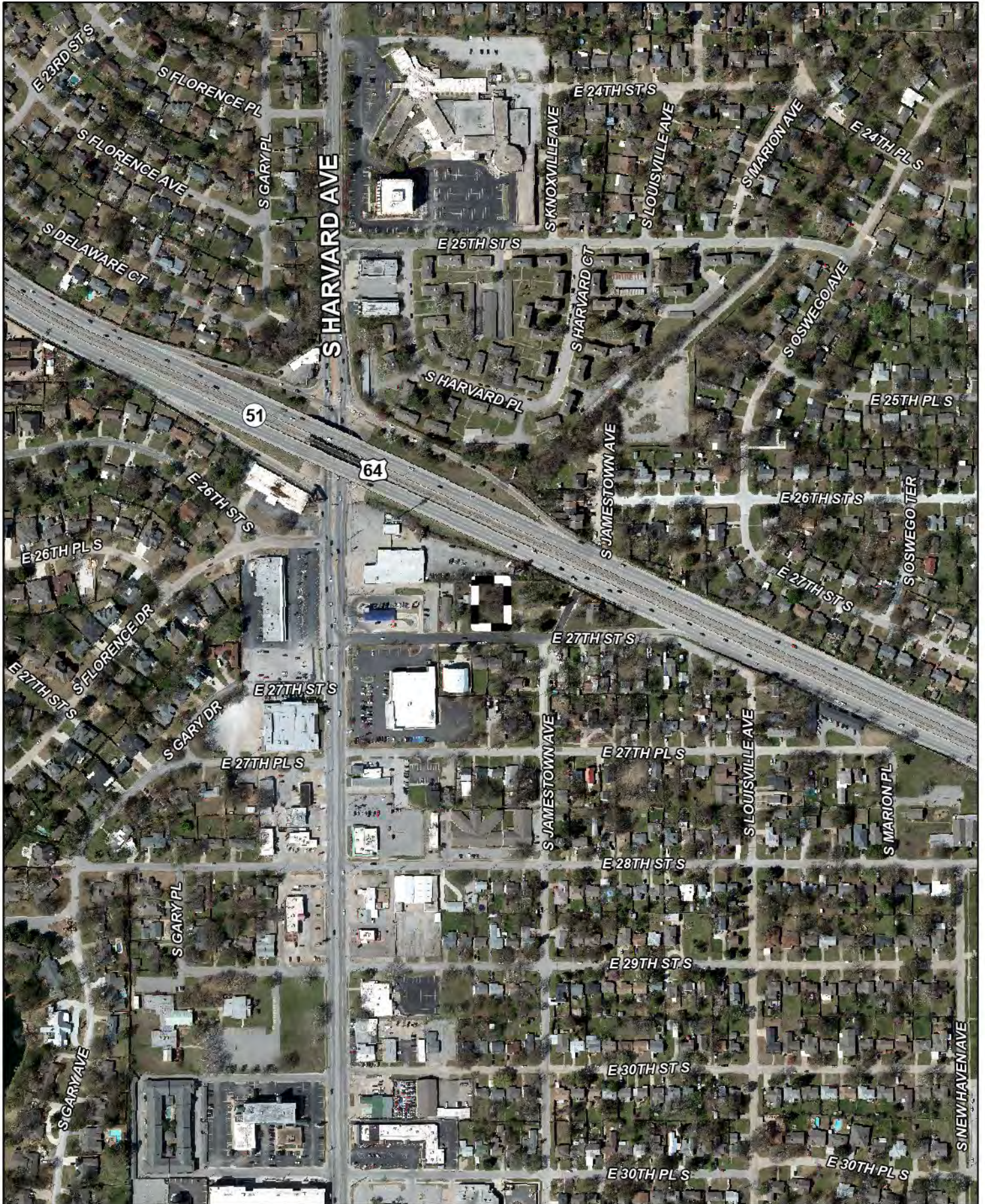
- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal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

Lots 4 and 5, Block 6, Kirkmoore Addition, Plat #821, City of Tulsa, Tulsa County, State of Oklahoma

Exhibits

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



Subject Tract

BOA-23769

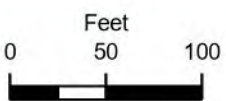
19-13 16

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

Aerial Photo Date: 2022



3.5



Subject
Tract

BOA-23769

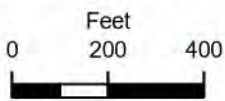
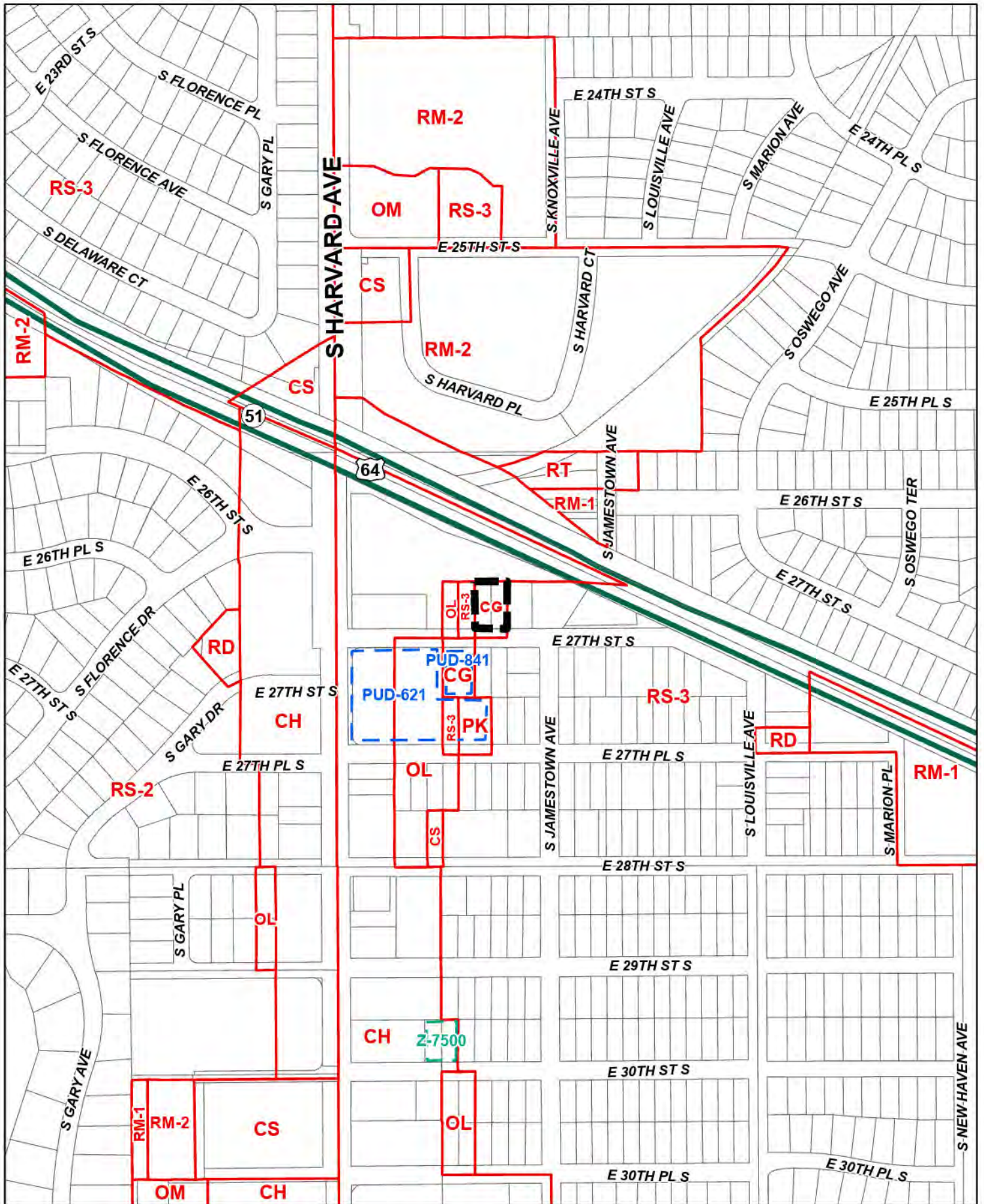
19-13 16

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

Aerial Photo Date: 2022



3.6



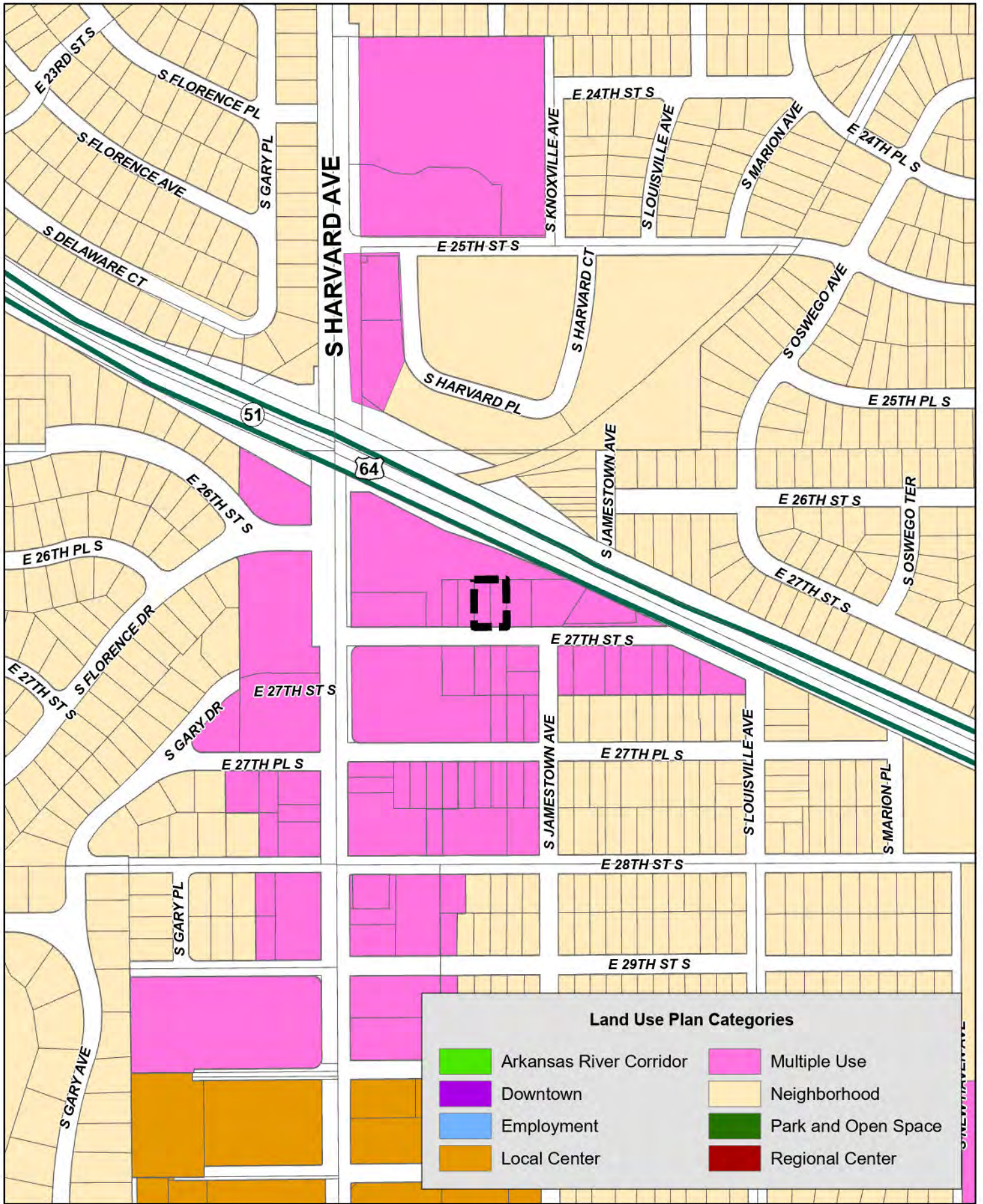
[Dashed Box] Subject Tract









BOA-23769

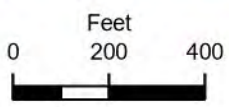
19-13 16



3.7



Land Use Plan Categories			
	Arkansas River Corridor		Multiple Use
	Downtown		Neighborhood
	Employment		Park and Open Space
	Local Center		Regional Center



 Subject Tract

BOA-23769

19-13 16



3.8



DEVELOPMENT SERVICES

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

CITY OF TULSA

PLAN CORRECTIONS SUMMARY



Subject: Zoning Review
Page Label: 1
Author: DWhiteman
Date: 8/7/2024 3:59:24 PM
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Unresolved from previous review:
Section 15.030-A, Table of Regulations.
The lot and building regulations of Table 15-3 apply to all principal uses and structures in office, commercial and industrial districts, except as otherwise expressly stated in this zoning code. General exceptions to lot and building regulations and rules for measuring compliance can be found in Chapter 90. Additional regulations governing accessory uses and structures can be found in Chapter 41. Footnote [5] When abutting RE-, RS- or RD-zoned lot, 2 feet of additional building setback required for each foot of building height above 15 feet. REVIEW COMMENT: Once combined, this lot will be bordered by RS (residential) zoned lots on the east and west. Per Table 15-3, this building is required to be set back from the east and west property lines by 10 feet plus 2 feet for every foot of building height above 15 feet. Since the building height is 27.33' (which is 12.33' over 15') the setback required on each side is 10' plus 19.33' (24.67' x 2), for a total of 34.67' on each side. Please revise the site plan to show the setback for this building from each side, and that it will be 34.67' minimum from the east and west property lines.

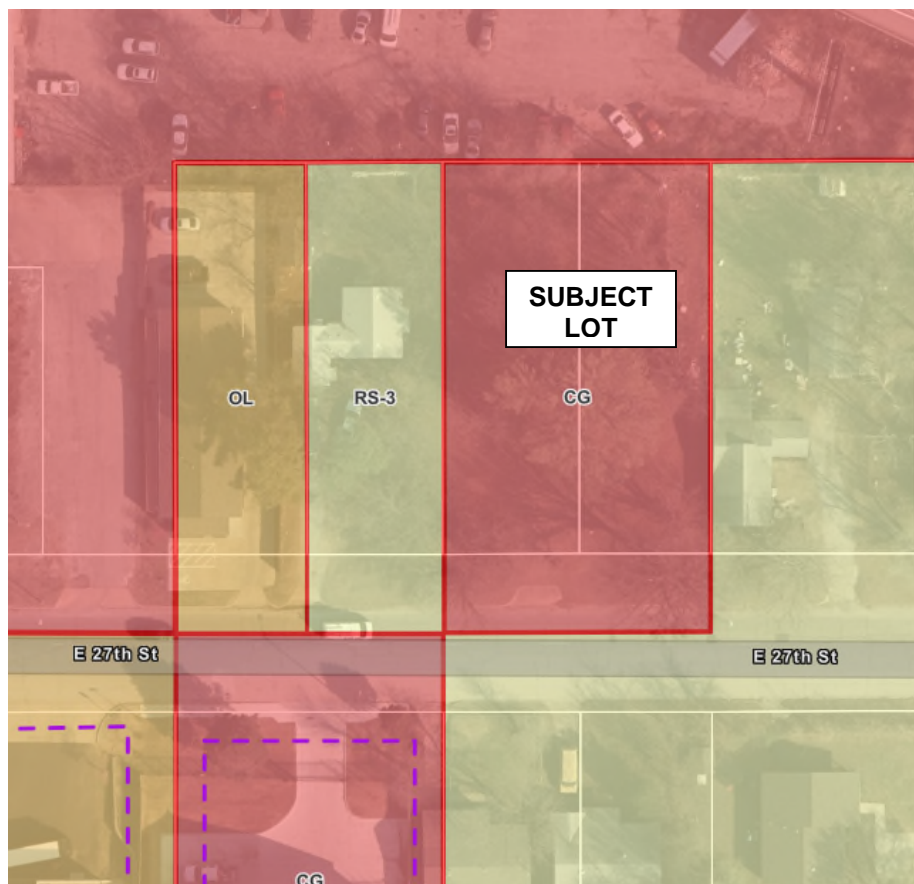
MEMORANDUM

By: Joe P. Kelley, P.E.

DATE: August 15, 2024
PROJECT: Flournoy Office, 3327 E. 27th St.
TOPIC: Proof of Hardship

The following Proof of Hardship is offered to support this Variance Request:

1. This 70'-wide commercial building is proposed on a 100'-wide CG zoned lot. RS-3 is the abutting zoning on each side. According to Tulsa Zoning Code Section 15.030, Table 15-3, Note 5 says that a CG zone abutting a residential zone is limited to a 15' building height unless the setback is increased by 2 feet per every foot of building height above 15'. The standard side yard setback is 10'. In this case, the building is 27'-4" high. Thus the side yard setbacks would have to be 34.66' from each side on a 100' wide lot. This would result in an allowable building width of 30.68' in the very middle of the lot. This is an impossible width, considering the allowable commercial use that is envisioned for this building, which is essentially an upscale office.
2. The intended purpose of this setback provision of commercial from residential is to provide for a commercial use that is not an imposition on the adjacent residential.



Zoning Atlas Excerpt



Keyed Notes:

- A. Subject Lot, 100' wide CG zone, currently vacant
- B. Tall red metal barn built on two lots similar to the current request, used for a personal vintage car hobby shop
- C. Aldi
- D. Car Wash
- E. Hourglass Auto Body extends to the east behind subject lot
- F. 50' wide lot OL zoned, different uses over recent years, all commercial
- G. 50'-wide residential lot with vacant house
- H. Two residential lots to the east are junked out and it is rumored the owner lives out of state.

Based on the above, the proposed commercial building will not negatively impact the adjacent residential any more than it is already. In fact, it will actually improve the area.

- 3. This problem is very specific to this CG zone, and is not faced by all CG zones.
- 4. The property owner recently purchased this lot, believing that the proposed use conformed to the CG zone, and that he could develop it in accordance with his

vision that was commensurate with what he saw across the street (i.e., the red barn—except his will look better than the red barn.

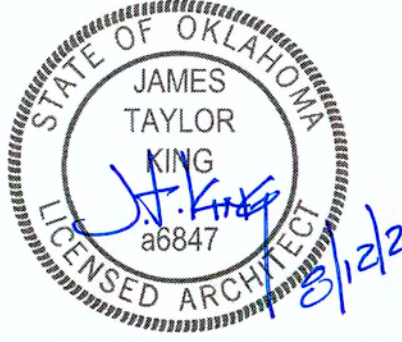
5. It is believed that this variance request is the minimum needed to afford the relief.
6. This variance will not alter the character of this neighborhood in a negative way. 27th Street is an on-ramp for the Broken Arrow expressway that has been converting from residential to commercial for a long time. This will be an upgrade to the appearance of the neighborhood.
7. The variance will not cause substantial detriment of the public good or impair the purposes, spirit and intent of the zoning code or the comprehensive plan.

EXTERIOR FINISH SCHEDULE

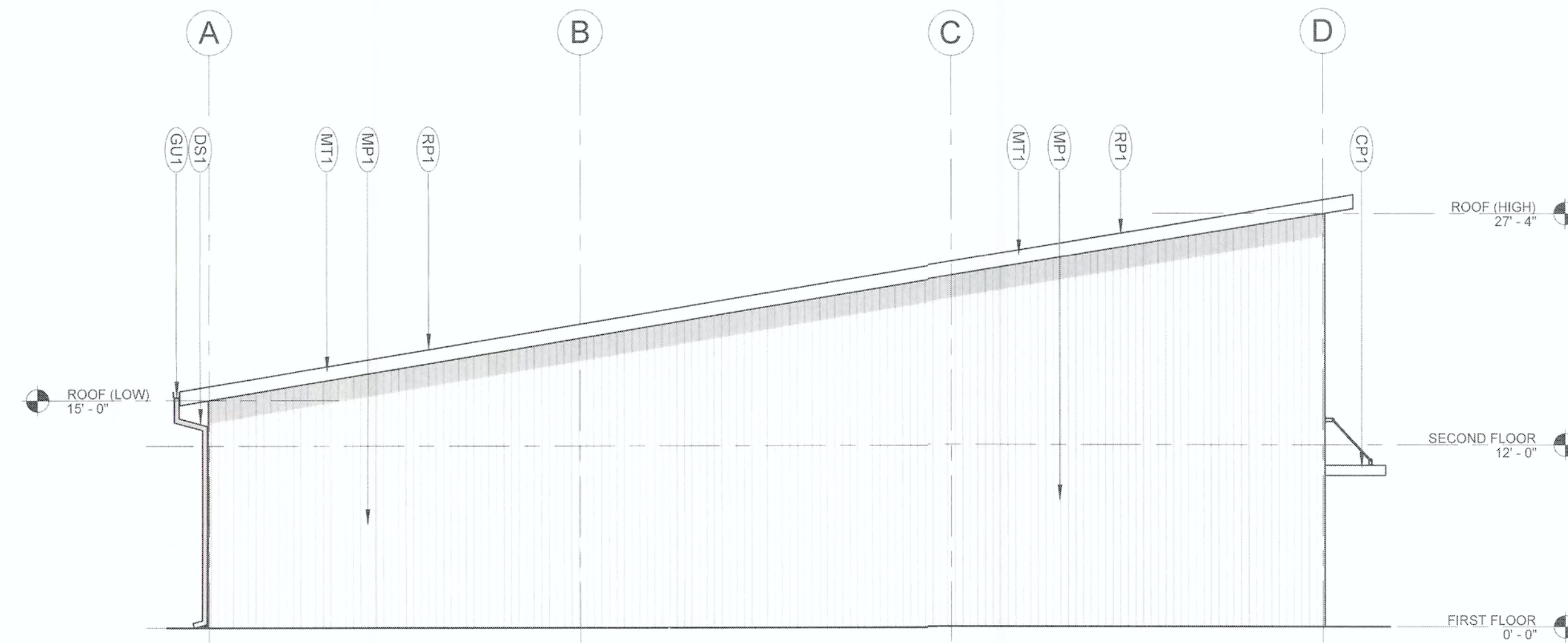
MARK	DESCRIPTION	COMMENT
CP1	PRE-FINISHED ALUMINUM CANOPY	
DS1	PRE-FINISHED METAL DOWNSPOUT, COLOR TO MATCH MP2	
GU1	PRE-FINISHED METAL GUTTER, COLOR TO MATCH MP2	
MP1	PRE-FINISHED METAL PANEL, COLOR: ASH GRAY, ALLIANCE BUILDING STANDARD COLORS	
MT1	PRE-FINISHED METAL TRIM, COLOR TO MATCH MP2	
RP1	PRE-FINISHED METAL ROOF PANEL, COLOR TO MATCH MP1	

GENERAL NOTE:
ALL EXTERIOR DOORS AND FRAMES TO BE PAINTED TO MATCH ADJACENT METAL PANEL FINISH

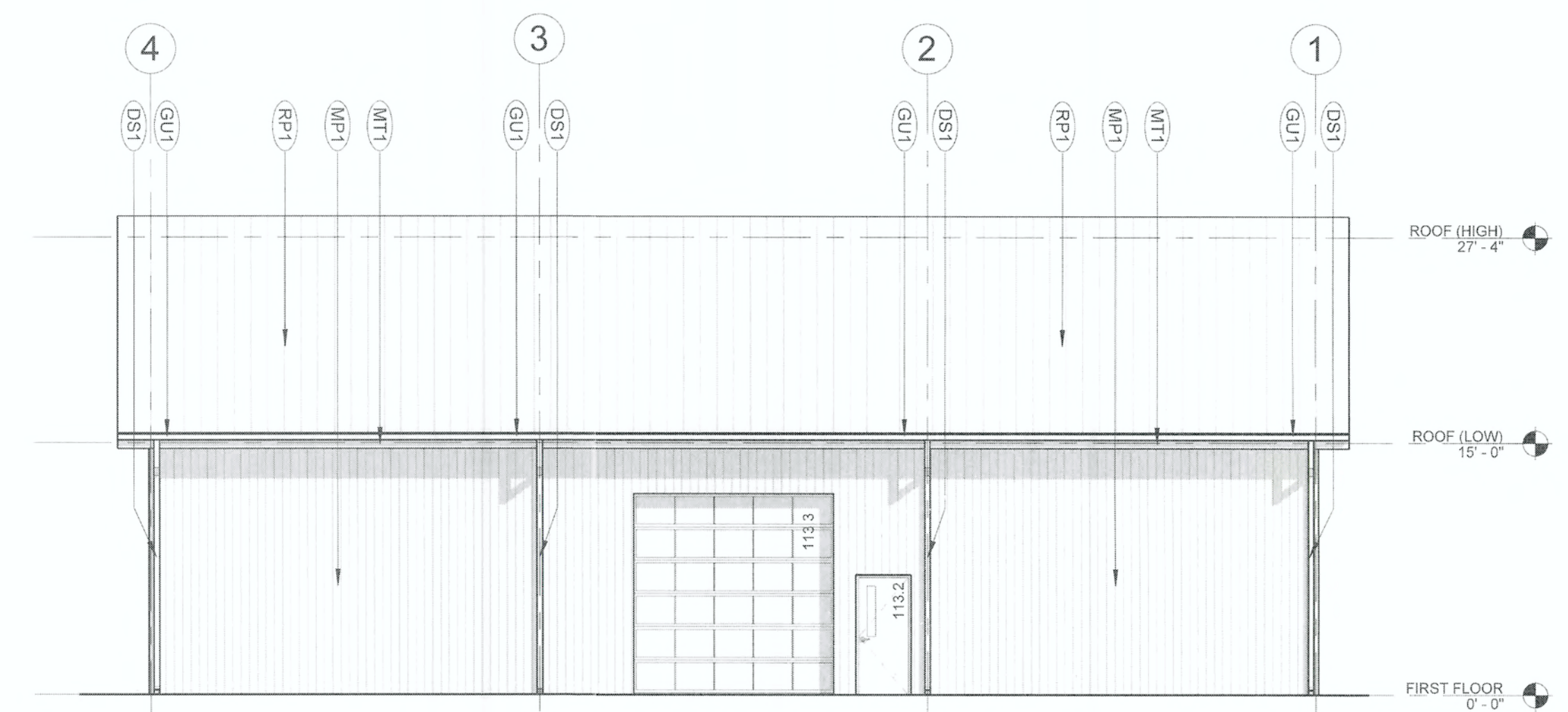
J. Taylor King
Architects, Planners, Interiors &
Construction Administration
Taylor King, AIA, NCARB
20342 S. 4100 RD
Claremore, OK 74019
Phone: 918.636.4899
Email: taylorarch2016@gmail.com



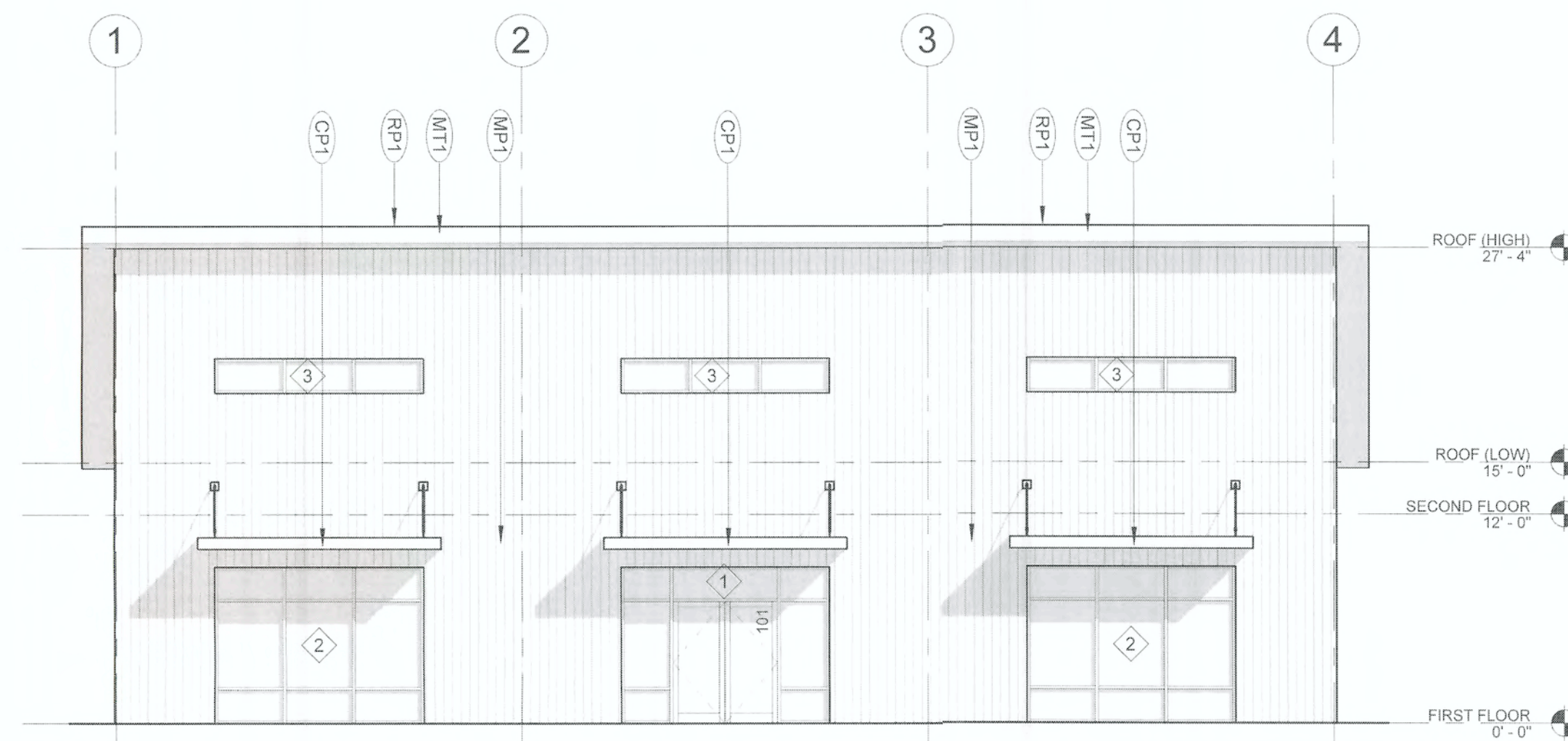
CONSTRUCTION COMPANY
OF EASTERN OKLAHOMA
PO Box 967
Chouteau, Oklahoma 74337
Phone: 918-476-5811
Fax: 918-476-6876



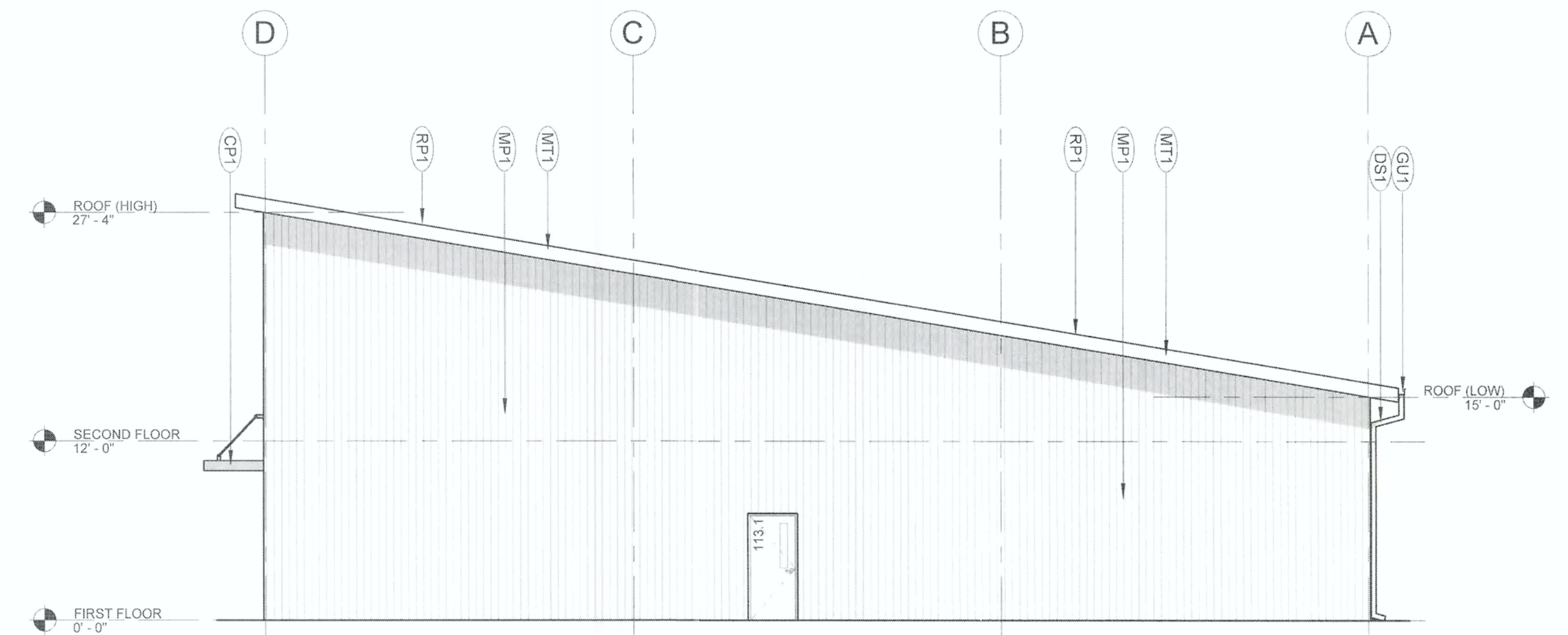
4 EXTERIOR ELEVATION
1/8" = 1'-0"



3 EXTERIOR ELEVATION
1/8" = 1'-0"



2 EXTERIOR ELEVATION
1/8" = 1'-0"



1 EXTERIOR ELEVATION
1/8" = 1'-0"

Brian Flournoy
Brian Flournoy Office
TULSA, OK

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ISSUE DATE: 2024.08.12

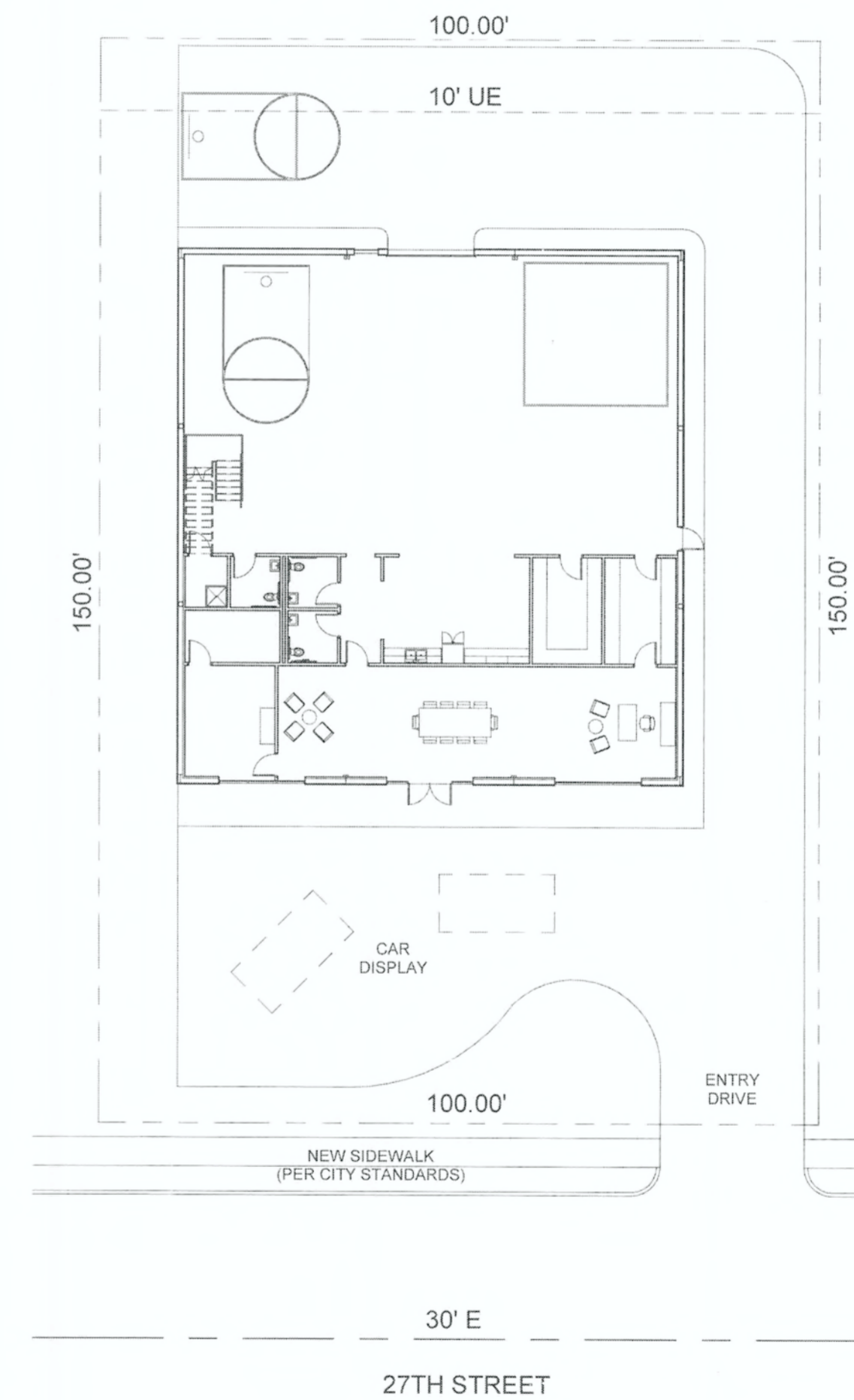
REVISIONS:

ELEVATIONS

A201

Brian Flournoy

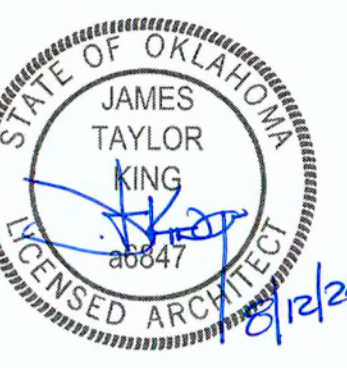
Brian Flournoy Office



2 SITE PLAN
1" = 20'-0"

SHEET INDEX	
GENERAL	
G001	COVER SHEET
G002	GENERAL
CIVIL	
C001	GENERAL NOTES
STRUCTURAL	
S001	GENERAL NOTES
ARCHITECTURAL	
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A102	SECOND FLOOR
A103	ROOF PLAN
A111	FLOOR FINISH PLAN
A112	SECOND FLOOR FINISH PLAN
A121	FIRST FLOOR REFLECTED CEILING PLAN
A122	SECOND FLOOR REFLECTED CEILING PLAN
A301	ELEVATIONS
A301	BUILDING SECTIONS
A311	WALL SECTIONS
A401	ENLARGED STAIR PLANS, SECTIONS AND DETAILS
A601	INTERIOR ELEVATIONS AND MILLWORK SECTIONS
A701	WALL TYPES AND SCHEDULES
A702	DOOR AND WINDOW SCHEDULE
PLUMBING	
P001	GENERAL NOTES
MECHANICAL	
M001	GENERAL NOTES
ELECTRICAL	
E001	GENERAL NOTES

Taylor King
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20342 S. 4100 RD.
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ISSUE DATE: 2024.08.12

REVISIONS:

COVER SHEET

G001

PROJECT TEAM		
 RICHARDS & ASSOCIATES, INC. RICHARDS AND ASSOCIATES 424 EAST MAIN STREET JENKS, OKLAHOMA 74037 (918) 518-5834 (918) 299-7257 (F)	 BREWER Since 1967 CONSTRUCTION COMPANY OF EASTERN OKLAHOMA CONSTRUCTION MANAGER BREWER CONSTRUCTION PO BOX 967 CHOUTEAU, OKLAHOMA 74337 (918) 476-5811 (918) 476-6876 (F)	 ARCHITECT TAYLOR KING, AIA, NCARB 20342 S. 4100 RD. CLAREMORE, OK 74019 PHONE: 918.636.4866