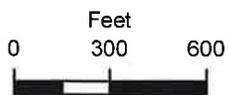


LEGEND

- Sand Springs Corporate Limits
- Tulsa Corporate Limits



CBOA-2824

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**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9206

CZM: 35

CASE NUMBER: CBOA-2824

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 07/21/2020 1:30 PM

APPLICANT: Richard Read

ACTION REQUESTED: Variance to permit a detached accessory building to exceed 750 sq. ft. in an RS District (Sec.240.2-E).

LOCATION: 518 N 72 AV W

ZONED: RS

FENCELINE: West Central Tulsa County

PRESENT USE: Residential

TRACT SIZE: 0.65 acres

LEGAL DESCRIPTION: N110 E256.75 BLK Q, FARM COLONY SUB

RELEVANT PREVIOUS ACTIONS:

Subject Property: None relevant

Surrounding Property:

CBOA-1064 March 1992: The Board **APPROVED** a *variance* of the maximum square footage of floor area for an accessory building from 750 sq. ft to 1500 sq. ft; and **APPROVED** a *variance* of the required 55' setback from the centerline of West Edison to 38'; and **WITHDREW** a *variance* to permit an accessory building in the side or front yard, on property located at 532 North 72nd West Avenue.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by RS zoning in a rural residential neighborhood.

STAFF COMMENTS:

The applicant is requesting a Variance to permit a detached accessory building to exceed 750 sq. ft. in an RS District (Sec.240.2-E).

Section 240.2.E permits accessory buildings in the RS district up to 750 sq. ft. of floor area regardless of the lot size. The provision of the Code attempts to establish and maintain development intensity of the district, preserve the openness of living areas and avoid overcrowding by limiting the bulk of structures.

The applicant provided the following statement, "We currently have 3 vehicles; 2 daily drivers and one antique that I inherited from an older brother. We would also like to release a storage building that we have rented for over 10 years, containing most of our yard equipment, to which we do not have easy access. A 24' wide garage is the maximum width we can build and be with the guidelines

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for an RS zone setback, and the limitations of our property. A 24 x 30 garage will not hold 3 cars, the contents of our storage unit and a workshop area.”

According to the site plan submitted with the application, the applicant is proposing to construct a 24' x 40' (960 sq. ft.) accessory building in the rear yard.

If inclined to approve, the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed accessory building is compatible with and non-injurious to the surrounding area.

Sample Motion:

“Move to _____(approve/deny) Variance to permit a detached accessory building to exceed 750 sq. ft. in an RS District (Sec.240.2-E).

Subject to the following conditions (if any) _____.

Finding the hardship to be _____.

In granting the Variances, the Board must find that by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstance do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan.”

Case No. 1064

Action Requested:

Variance of the maximum square footage of floor area for an accessory building from 750 sq ft to 1500 sq ft - **Section 240.2.E Permitted Yard Obstructions - Use Unit 6.**

Variance of the required 55' setback from the centerline of West Edison to 38' - **Section 241. EXISTING BUILDING ENCROACHMENT ON FRONT YARDS OR BUILDING SETBACKS - Use Unit 6.**

Variance to permit an accessory building in the side or front yard - **Section 420.2.A.2 Accessory Use Conditions - Use Unit 6, located 532 North 72nd West Avenue.**

Presentation:

The applicant, **Joe Damer**, 532 North 72nd West Avenue, Tulsa, Oklahoma, informed that he is proposing to construct a building on an existing slab, and that he will remove the other small storage buildings when the new structure is completed.

Comments and Questions:

Mr. Gardner advised that this application was continued from the last meeting because the building site for the 30' by 50' storage facility was on a separate lot from the residence. In regard to the variance of the setback requirement, Mr. Gardner stated that the section line to the north will not be widened, and the major issue in the application is the size of the structure.

Mr. Jones stated that the applicant has obtained a lot split, placing the storage building and the house on the same lot. He informed that Staff has viewed the property and found a large amount of outside storage, and added that the detached accessory building would be large enough to accommodate a business. Mr. Jones stated that the Board could limit the use to storage purposes only.

In response to Mr. Alberty, the applicant replied that the building will be used for storage only.

Mr. Alberty asked Mr. Damer if he is proposing to operate a business in the building, and he stated that the facility will not be used for business purposes, but only for the storage of fuel, cars, a tractor and other farm equipment.

Mr. Walker stated that he has site checked the property, and informed the applicant that he could support the request if the three portable buildings were removed, and the surrounding area was cleared.

Case No. 1064 (continued)

Mr. Damer stated that he is constructing the new building in order to have storage space for some of the materials that are currently stored outside.

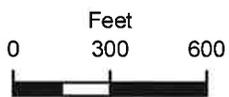
Protestants:

None.

Board Action:

On MOTION of TYNDALL, the Board voted 3-0-0 (Alberty, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller, Looney "absent") to **APPROVE** a Variance of the maximum square footage of floor area for an accessory building from 750 sq ft to 1500 sq ft - **Section 240.2.E Permitted Yard Obstructions** - Use Unit 6; and to **APPROVE** a Variance of the required 55' setback from the centerline of West Edison to 38' - **Section 241. EXISTING BUILDING ENCROACHMENT ON FRONT YARDS OR BUILDING SETBACKS** - Use Unit 6; and to **WITHDRAW** a Variance to permit an accessory building in the side or front yard - **Section 420.2.A.2 Accessory Use Conditions** - Use Unit 6; subject to a building permit, and subject to the building being used for personal storage only; subject to no commercial use of the proposed structure; and subject to all existing portable buildings being removed from the premises; finding that the variance to permit the building in the side or front yard is no longer needed because of the lot split; and finding that the property is located in a sparsely settled area, with surrounding agricultural uses, and the storage facility (no commercial use) will not be detrimental to the area, or violate the spirit, purposes and intent of the Code; on the following described property:

The north 157.5' east 264' of Block O less the east 10' thereof for road and all of Block O and north 81' Block P less north 81' east 264' of Block P and less the south 43' east 264' of Block O and less the east 10' north 157.5' of Block O and less the north 157.5 east 264' of Block O, Farm Colony Subdivision, Tulsa County, Oklahoma.



Subject Tract

CBOA-2824

19-12 06

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

Aerial Photo Date: February 2018

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W OLDNORTH RD

W CAMERON ST

N72 WAVE

WEASTON ST



Subject Tract

CBOA-2824

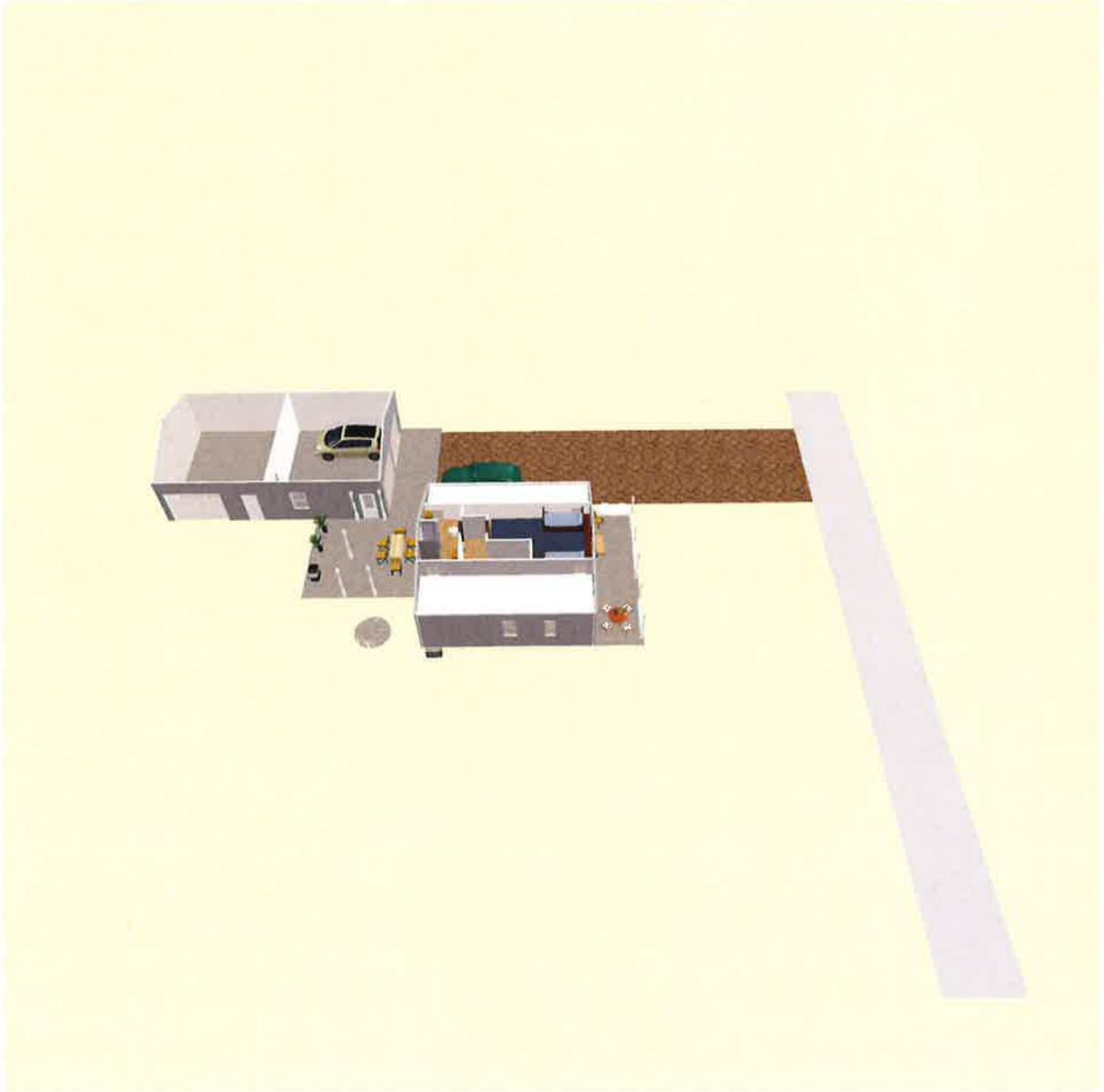
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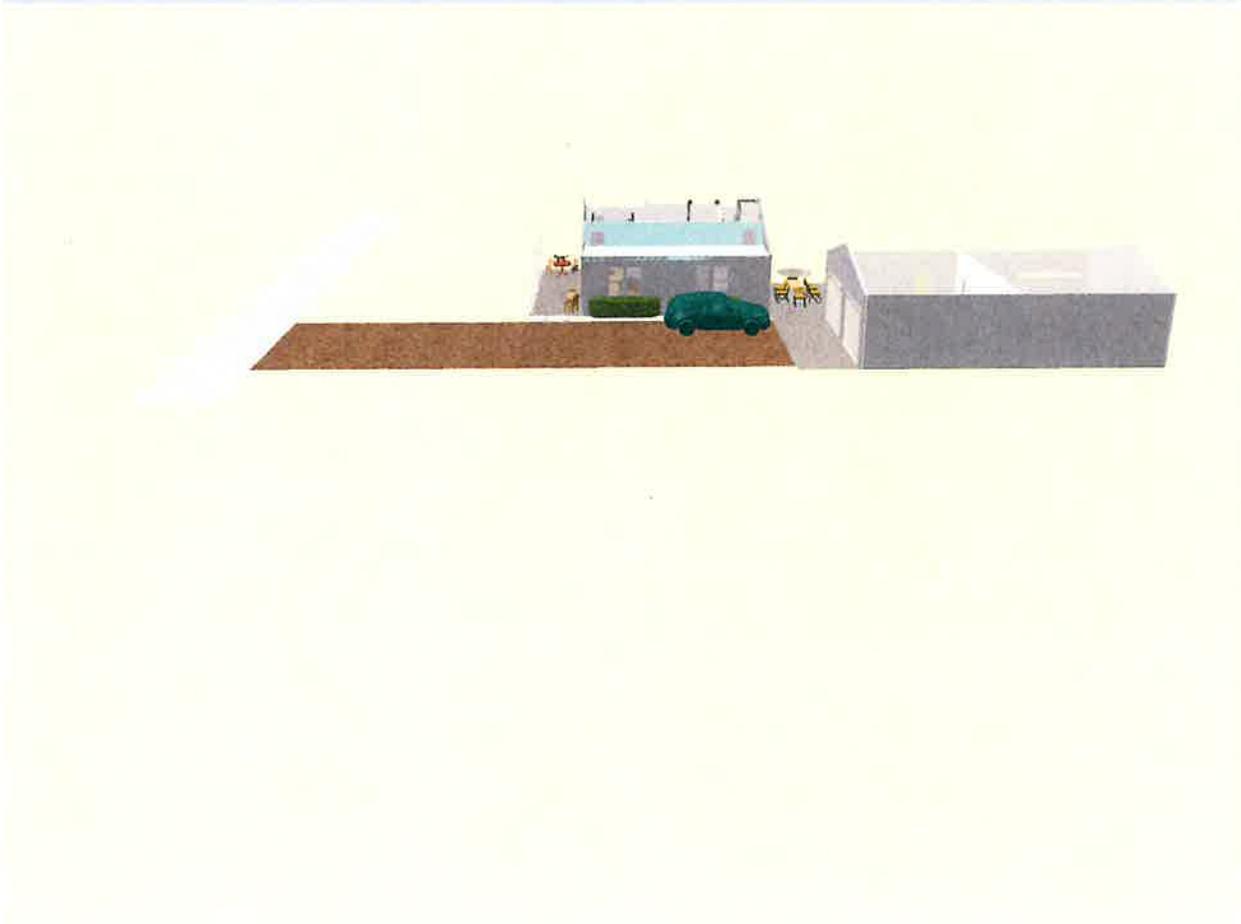
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

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Building stipulations

We are in a rural RS zoning.

The garage will be 24' x 40', with the 24' running north/south and the 40' running east/west. The garage also includes a partitioned workshop/storage area (960 sq. ft.)

There will be a 7-8' separation between the north side of the garage and the north fence property line.

There will be 8' between the back of the house and the start of the garage.

We currently have 3 vehicles; 2 daily drivers and one antique that we inherited from an older brother. We would also like to release a storage building that we have rented for over 10 years, containing most of our yard equipment to which we do not have easy access.

Current limitations:

750 sq. ft. limit on size

Conditions for variance:

A 24' wide garage is the maximum width we can build and be within the guidelines for an RS zone setback, and the limitations of our property. A 24 x 30 garage will not hold 3 cars, the contents of our storage unit and a workshop area.

We are requesting a size variance; from the current maximum of 750 sq. ft. (24 x 31.25) to 960 sq. ft. (24 x 40).

