

BOARD OF ADJUSTMENT CASE REPORT

STR: 8210 Case Number: **BOA-22776**

CZM: 51 **CD**: 2

HEARING DATE: 11/12/2019 1:00 PM

APPLICANT: Donnie Volkl

<u>ACTION REQUESTED</u>: Variance of the allowable square footage for detached accessory buildings in the RS-3 district. (Section 45.030-A.2); and a Variance to allow a detached accessory building to exceed one story or 18 feet in height (Sec. 90.090-C.2)

LOCATION: 2626 W 79 ST S **ZONED**: RS-3

PRESENT USE: Residential TRACT SIZE: 93218.78 SQ FT

LEGAL DESCRIPTION: SE NW SE SW LESS N25 & W25 THEREOF FOR RD SEC 10 18 12

2.14ACS,

RELEVANT PREVIOUS ACTIONS:

Subject property: None

Surrounding Properties:

BOA-16885; On 12/27/94 the Board **approved** a Variance of the maximum 750 sq ft for detached accessory building- Section 402.B.1.d. Accessory Use Conditions- Use Unit 6- per plan submitted, subject to a maximum of two accessory buildings on the property containing a total of 1999 sq ft, subject to no bathing or cooking facilities being installed and no commercial use. Property Located 2627 West 79th Street.

BOA-16223; On 12/22/92 the Board *approved* a *Variance* of the maximum square footage allowed for a detached accessory building from 750 sq ft to 2281 sq ft- Section 402.B.1.d. Accessory Use Conditions- Use Unit 6- and to continue the remainder of the application to January 12,1993. Property Located 2605 West 79th Street.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Existing Neighborhood" and an "Area of Stability".

An **Existing Neighborhood** is intended to preserve and enhance Tulsa's existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code.

The **Areas of Stability** include approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique

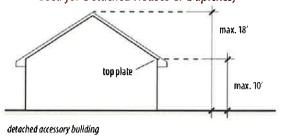
qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

ANALYSIS OF SURROUNDING AREA: The subject tract is 2.14 acres RS-3 zoned lot located at the SE/c of W. 79th E. St. S. and S. 28th W. Ave.

STAFF COMMENT: The applicant is requesting **Variance** of the allowable square footage for detached accessory buildings in the RS-3 district. (Section 45.030-A.2); and a **Variance** to allow a detached accessory building to exceed one story or 18 feet in height (Sec. 90.090-C.2)

- 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 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 located within rear setbacks see §90.090-C2.
 - 2. Detached Accessory Buildings in RE, RS, RD Districts and RM Zoned Lots Used for Detached Houses or Duplexes.
 - **a.** Detached accessory buildings may be located in rear setbacks provided that:
 - (1) The building does not exceed one story or 18 feet in height and is not more than 10 feet in height to the top of the top plate; and

Figure 90-9: Maximum Height of Accessory Buildings In Rear Setbacks (RE, RS and RD Districts or RM Zoned Lots Used for Detached Houses or Duplexes)



STATEMENT OF HARDSHIP:

The South West corner of the property is the only place that the barn can be placed. The land is flat, and doesn't flood in that area. The barn can not be put behind the home due to Lateral lines all through the back yard. It can't be place west side of the home due to a large pond. The South West corner is the perfect spot, and will cause no issues for any of the surrounding neighbors. Most of our neighbors have larger barns than we are requesting, and building the barn will not alter the essential character of the neighborhood.

SAMPLE MOTION:

	Move to (approve/deny) a Variance of the allowable square footage for detached accessory buildings in the RS-3 district. (Section 45.030-A.2); and a Variance to allow a detached accessory building to exceed one story or 18 feet in height (Sec. 90.090-C.2)
•	Finding the hardship(s) to be
•	Per the Conceptual Plan(s) shown on page(s) of the agenda packet.
•	Subject to the following conditions

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."

I had word

Case No. 16875 (continued)

Lots 1-3, Block 1, Kendall Addition, Lots 5-9, Block 2, less north 6.75' of Lot 5, Block 2, Kendall Addition, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 16916

Action Requested:

Amended site plan approval - Use Unit 14, located northwest corner of East 42nd Street and South Memorial Drive.

Presentation:

The applicant, **Harrison French**, 502 Southwest A, Bentonville, Arkansas, submitted an amended site plan (Exhibit B-1) and requested that the store at this location (Wal-Mart) be permitted to connect a drive-though canopy to the existing building. He informed that the canopy will serve as protection for customers using the pharmacy.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the amended site plan, as presented.

Lot 1, Block 2, Industrial Equipment Center, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 16885

Action Requested:

Variance of the maximum 750 sq ft for a detached accessory building - SECTION 402.B.1.d. Accessory Use Conditions - Use Unit 6, located 2627 West 79th Street.

Presentation:

The applicant, **Sara Hobbie**, 2627 West 79th Street, was represented by **Gary Hobbie** of the same address. He submitted a plot plan (Exhibit C-1) and explained that an existing 26' by 24' accessory building will be removed and replaced by a 30' by 45' structure. Mr. Hobbie submitted photographs (Exhibit C-2) and noted that the 2½-acre is large enough to support the proposed building.

Case No. 16885 (continued)

Comments and Questions:

Ms. Russell informed that the applicant has an existing 649 sq ft accessory building and the new structure will contain 1350 sq ft (approximately 2000 sq ft total).

Mr. Bolzle inquired as to the use of the building, and Mr. Hobbie stated that he restores cars and does woodworking.

In reply to Mr. Bolzie, the applicant stated that there will be no cooking or bathing facilities in the accessory building.

Protestants:

None.

Board Action:

On MOTION of BOLZLE, the Board voted 4-0-0 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Variance of the maximum 750 sq ft for a detached accessory building - SECTION 402.B.1.d. Accessory Use Conditions - Use Unit 6; per plan submitted; subject to a maximum of two accessory buildings on the property containing a total of 1999 sq ft; subject to no bathing or cooking facilities being installed and no commercial use; finding that the tract is large and approval of the request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

NE/4, NW/4, SE/4, SW/4, Section 10, T-18-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16886

Comments and Questions:

Ms. Russell advised that the case was originally scheduled for hearing on January 24, 1995; however, some notices to property owners stated that the case would be heard at this meeting. She stated that the application will be heard on January 24th as scheduled.

Case No. 16887

Action Requested:

Variance of the all-weather requirement for off-street parking and a variance of the screening requirement - SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS and SECTION 1302.A. SETBACKS - Use Unit 15, located 9721 East 61st Street.

12:27:94:671:(4)

Case No. 16223

Action Requested:

Variance of the maximum square footage allowed for a detached accessory building from 750 sq ft to 2281 sq ft - Section 402.B.1.d. Accessory Use Conditions - Use Unit 6, located 2605 West 79th Street.

Presentation:

The applicant, **Michael Yates**, 2605 West 79th Street, submitted a plot plan (Exhibit E-1) and requested permission to construct a three-car garage (912 sq ft) on his property. He informed that there is an existing 1369 sq ft tin building on the lot, which was constructed along with the dwelling. Mr. Yates pointed out that his $2\frac{1}{2}$ -acre tract can adequately support the proposed structure, and that there are buildings of similar size throughout the neighborhood.

Comments and Questions:

Mr. Jackere inquired as to the use of the existing tin building, and the applicant replied that he stores lawn mowers and supplies to repair his rental properties. He added that the previous owner of the property is storing some furniture in the building.

There was discussion concerning additional relief that might be required.

Board Action:

On MOTION of S. WHITE, the Board voted 4-0-0 (Bolzle, Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to APPROVE a Variance of the maximum square footage allowed for a detached accessory building from 750 sq ft to 2281 sq ft - Section 402.B.1.d. Accessory Use Conditions - Use Unit 6; and to CONTINUE the remainder of the application to January 12, 1993; per plan submitted; subject to no commercial use of the building; finding that the tract is large enough to accommodate the proposed structure; and finding that there are other buildings in the residential area that are similar in size; on the following described property:

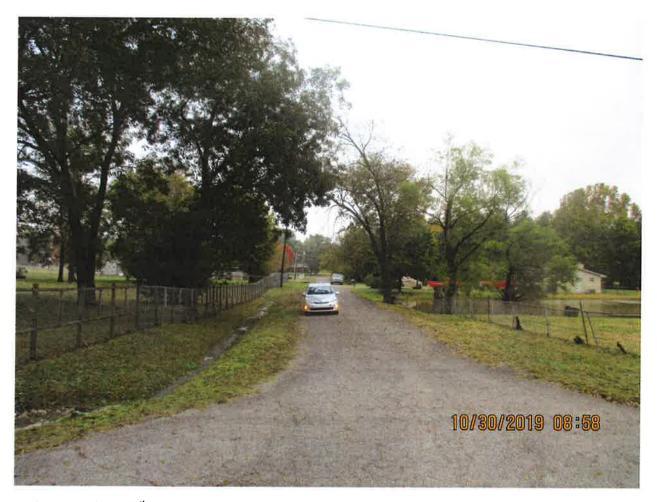
NW/4, NE/4, SE/4, SW/4, Section 10, T-18-N, R-12-E, less the east and the south 25' to center of road, City of Tulsa, Tulsa County, Oklahoma.



Facing South along 28th W. Ave.



Subject property



Facing East along 79th St

Good, Felicity

From:

Mathis, Helen S. < Helen. Mathis@va.gov>

Sent:

Monday, October 7, 2019 8:48 AM

To:

Good, Felicity

Subject:

Hardship for Donnie Volkl Pole Barn

To Whom it May Concern,

The South West corner of the property is the only place that the barn can be placed. The land is flat, and doesn't flood in that area. The barn can not be put behind the home due to Lateral lines all through the back yard. It can't be place west side of the home due to a large pond. The South West corner is the perfect spot, and will cause no issues for any of the surrounding neighbors. Most of our neighbors have larger barns than we are requesting, and building the barn will not alter the essential character of the neighborhood.

Helen Shontelle Mathis, MSA
Department of Veterans Affairs
10159 East 11th Street
5th Floor
Tulsa, OK 74128





SITE PLAN

2626 W. 79TH STREET

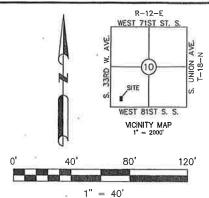
TULSA COUNTY, STATE OF OKLAHOMA

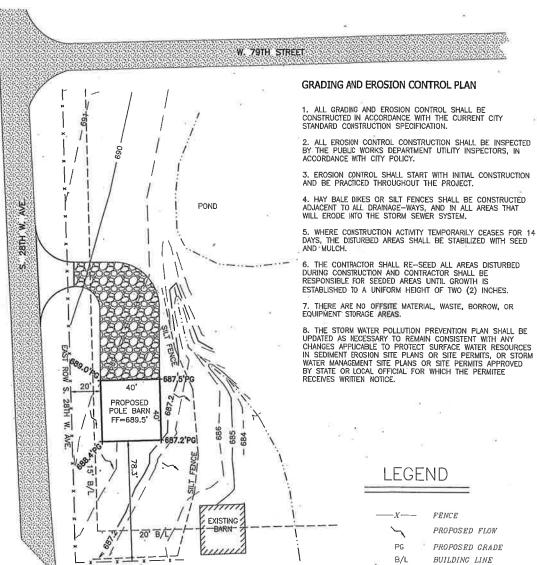
BENCHMARK (



3" ALUMINUM CAP, STAMPED 2016-1, SET CONCRETE POST, APPROX. 33' E. AND 33' N, OF INTERSECTION OF S. 30TH W. AVE AND W. 81ST ST. S.

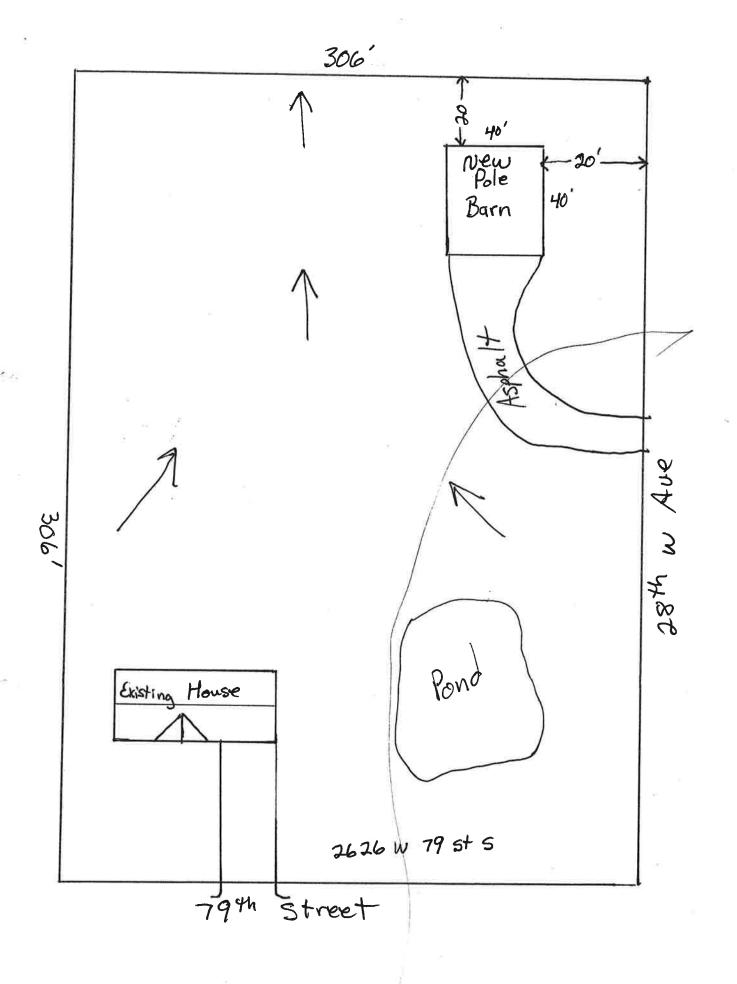
ELEV. = 697.92' (NAVD '88





PROPERTY IS SUBJECT TO THE TULSA REGULATORY FLOODPLAIN AT AN ELEVATION OF 687.2° NAVD $^{\circ}88.$

TULSA LAND SURVEYING LLC 1501 EAST 6TH STREET TULSA, OK 74120 (918) 794-6777 CA 6038 EXPIRES 6/30/2019



V N 10.12



Q Search mail

FW: BLDR-5763-2018, 2626 W 79th st s

Inbox x

Donnie Volkl

to me

Sent from Yahoo Mail on Android

Forwarded Message —

From: "Fothergill, Keri" < KFOTHERGILL@cityoftulsa.org>
To: "donnievolkl@yahoo.com" < donnievolkl@yahoo.com>

Cc: "Taylor, Jeff" < JSTaylor@cityoftulsa.org>

Sent: Thu, Aug 8, 2019 at 10:20 AM

Subject: FW: BLDR-5763-2018, 2626 W 79th st s

Donnie.

I contacted Jeff Taylor, copied on this email, and requested the current LODs to be addressed. Mr. Taylor sent me

Please review and respond accordingly, if you have any questions do not hesitate Mr. Taylor at 918-596-7637 or I

Sincerely,

Keri

Keri Fothergili | Development Services Liaison

Mayor's Office of Economic Development

City of Tulsa

175 E. 2nd Street, Tulsa, OK 74103

T: 918-576-5527

C: 918-694-4196

E: kfothergill@cityoftulsa.org



Q Search mail

From: Taylor, Jeff

Sent: Thursday, August 8, 2019 9:10 AM

To: Fothergill, Keri < KFOTHERGILL@cityoftulsa.org > Subject: BLDR-5763-2018, 2626 W 79th st s

1. Site plan: A site plan is required for this application.

Review Comments: Provide a site plan showing location of house and any existing structures. Also indicate locati

2. 45.030-B RS-2, RS-3, RS-4, RS-5 or RM Districts

In RS-3 districts, the total aggregate floor area of all detached accessory buildings and accessory buildings not er

Review comments: You are proposing 1600 sq ft of detached accessory structure floor area. The proposed detach your lot. Reduce the size of your proposed detached accessory structure to be less than 806 sq ft of total floor are

3. 90.90.C: Detached Accessory Buildings

a. Detached accessory buildings may be located in rear setbacks in RE, RS and RD districts, provided that:

(1) The building does not exceed one story or 18 feet in height and is not more than 10 feet in height to the top of t

Review Comments: Revise plans to indicate that the detached accessory building will not exceed one story or 181

Mathis, Helen S.

to me

From: Taylor, Jeff < JSTaylor@cityoftulsa.org >

BLDR-5763-2018 Pole Barn 2626 W. 79th St

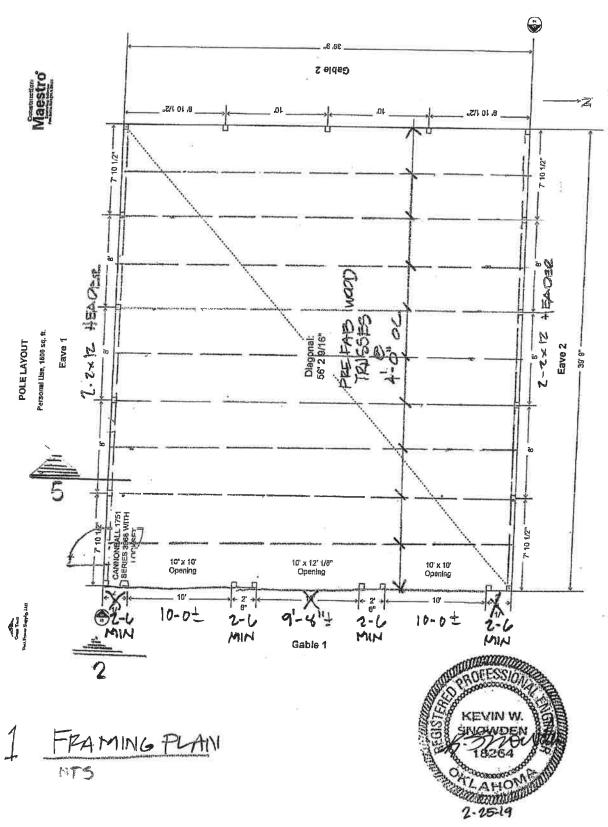


POLE BARN DRAWINGS

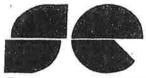
Donnie Volkl 2626 W 79th St S Tulsa, OK App No. BLDR-005763-2018

By

Snowden Engineering, Inc. CA# 313 Exp 6/30/19



Michael Grank Estimate Number: 16485 6739/2018



SNOWDEN ENGINEERING INC.

STRUCTURAL CONSULTANTS 918/252-4557 8128 EAST 63RD TULSA, OKLA 74133

Date		Sheet No.	6	Of	17
Job	~	*1			

LOCATION EAST SIDE GOBLE END.

NOTE - OUT TO OUT OF COL 19 29'-9"

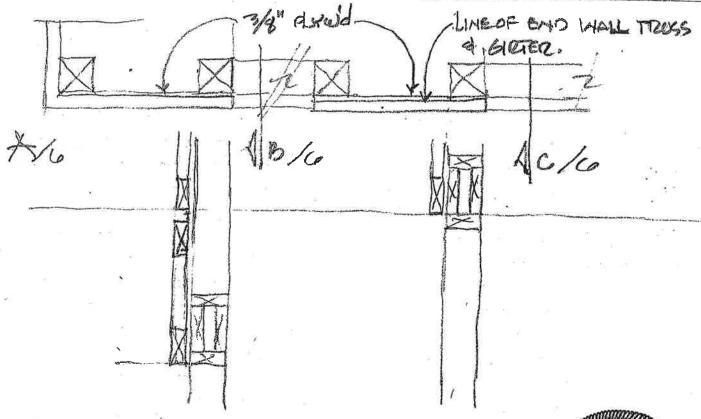
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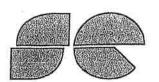


13/c

CK



34"=1-0" 10.18



SNOWDEN ENGINEERING INC.

STRUCTURAL CONSULTANTS 8128 EAST 63RD TUL

918/252-4557 TULSA, OKLA 74133 Date Sheet No.

A- Of

Job

Location 40 x dox 13

LONG CRITERIA:

7015 IBC 4/02 ASCET-2010-RISK COTEGORY I

TROWS LONG TCLL= 20 psf, TCOL= 4px, BCLL=0

BCOL=3 psf

GNOW LONG P3=P4=10 psf Ce=1.0 Is=.8 C+=1.2

HIMO LONG VILT=105 psf

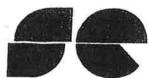
EXPOSURE C

OCPC = 0.18

Q fo COMPENIENTS & CLASSING = 16.8 PSF

EXPOSURE - NOT APPLIABLE - WIND GOVERNS





SNOWDEN ENGINEERING INC.

STRUCTURAL CONSULTANTS 8128 EAST 63RD

918/252-4557 TULSA, OKLA 74133

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Location do x 50 x 13

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CARRIER

22412 GP. Z

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PANEL LOCK- PLOS ZOLGE
WY #12 THE CONNECTORS TO PLYCH
& GIVE UP & NECTUSS ZO"SHERT
& SIDE UP & 18" OC.

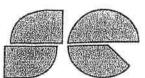
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XIZ E.W.

6

5 SECTION NTS





Sheet No. Date

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DEN ENGINEERING INC.

STRUCTURAL CONSULTANTS 918/252-4557 TULSA, OKLA 74133 8128 EAST 63RD

> LODO CRITERIA: 2015 IBC \$102 ASCET-2010-RISK COTEGORY I Travers booms TCLL= 20 psf, TCOL = 4px, BCLL=0 GNOW LOSO PG=Pf=10 PSF CE=10 Tg=18 C+=12 HIMO LODO VILTE 105 PSF EXPOSURE C GGE = 0.16 a to Composition a cenount = 16.5 PSF ENOTH QUALE - NOT APPLICABLE - WIND GOVERNS



GABLE1 CROSS SECTION

ROOF LAYER 1: CHARCOAL PANEL LOC PLUS 29 STEEL CHARCOAL FASCIA 10 FT 2 IN

4.75/12 PITCH TRUSS SYSTEM WITH A NON-STANDARD

(HEEL HEIGHT: 0-6-8 OR 6 1/2 IN.)

BRACE PER TRUSS MANUFACTURER'S RECOMMENDATIONS

TOTAL TRUSS LOADING = 27 P.S.F. TRUSS LOADING INFORMATION: TOLL/TOL/BOL/BODL 20-4-0-3 TRUSS SPACING: 48 IN. O.C.

> PURLINS: 2 X 6 SOUTHERN YELLOW PINE FASTENED LAYING FLAT

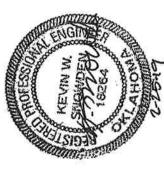
PINE 6 X 6 SPACING 8 FT O.C.
EXTERIOR CARRIER: SOUTHERN YELLOW PINE 2 X 10
INTERIOR CARRIER: SOUTHERN YELLOW PINE 2 X 10
EXTERIOR WALL GIRTS: SOUTHERN YELLOW PINE 2 X CORNER POSTS: TREATED SOUTHERN YELLOW PINE 6 INTERMEDIATE POSTS: TREATED SOUTHERN YELLOW WALL LAYER 1: ALAMO WHITE PANEL LOC PLUS 29 STEEL PANEL

EXTERIOR SKIRT BOARD: TREATED SOUTHERN YELLOW PINE 2 X 6

SIDING BEGINS 4 IN. BELOW THE TOP OF SKIRT BOARD EARTH GRADE BEGINS 5 1/4 IN. BELOW THE TOP OF SKIRT BOARD

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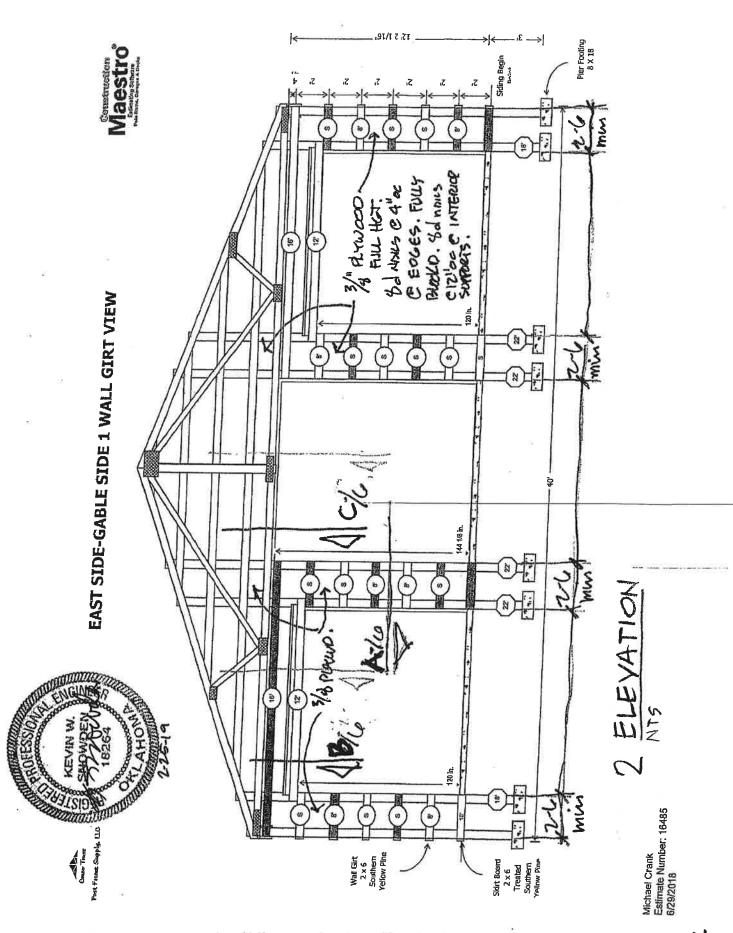
₹ 18 in. ➤

₹.5 .5

Topos suspension

TOP OF SHIET BAND.

Estimate Number: 16485 Michael Crank 6/29/2018 10.23



GABLE1 CROSS SECTION

ROOF LAYER 1: CHARCOAL PANEL LOC PLUS 29 STEEL CHARCOAL FASCIA 10 FT 2 IN

4.75/12 PITCH TRUSS SYSTEM WITH A NON-STANDARD

HEEL (HEEL HEIGHT: 0-6-8 OR 6 1/2 IN.)

TRUSS LOADING INFORMATION: TCL/TCD//8CL//8CDL 20-4-0-3 TRUSS SPACING: 48 IN. O.C.

TOTAL TRUSS LOADING = 27 P.S.F. BRACE PER TRUSS MANUFACTURER'S RECOMMENDATIONS

PURLINS: 2 X & SOUTHERN YELLOW PINE FASTENED LAYING FLAT

PINE 6 X 6 SPACING 8 FT O.C.
EXTERIOR CARRIER: SOUTHERN YELLOW PINE 2 X 10
INTERIOR CARRIER: SOUTHERN YELLOW PINE 2 X 10
EXTERIOR WALL GIRTS: SOUTHERN YELLOW PINE 2 X CORNER POSTS; TREATED SOUTHERN YELLOW PINE 6 INTERMEDIATE POSTS: TREATED SOUTHERN YELLOW 6 WALL LAYER 1: ALAMO WHITE PANEL LOC PLUS 29

EXTERIOR SKIRT BOARD: TREATED SOUTHERN YELLOW PINE 2 X 6 SIDING BEGINS 4 I'N. BELOW THE TOP OF SKIRT

EARTH GRADE BEGINS 5 1/4 IN. BELOW THE TOP OF SKIRT BOARD

146 1/16 in. 44 13/18 in. 26 3/16 11 22 11/16 24 ln. 24 in. 24 in. 24 in. 156 9/16 ln 121 <u>‡</u> 3.5

INTERIOR FINISHED FLOOR HT, WILL BE 1 1/4 In. BELOW THE TOP OF THE SKIRT BOARD 4 IN. CONCRETE FLOOR W/STRUCTURAL STRENGTH -

BACKFILL 18 IN, HOLE WITH SAND/GRAVEL FILL & COMPACT UNDISTURBED SOIL OR COMPACTED SAND FILL

CONCRETE PIER FOOTING: MINIMUM OF 2500 P.S.I. STRENGTH MIX



Topo suspect.
Is It reload

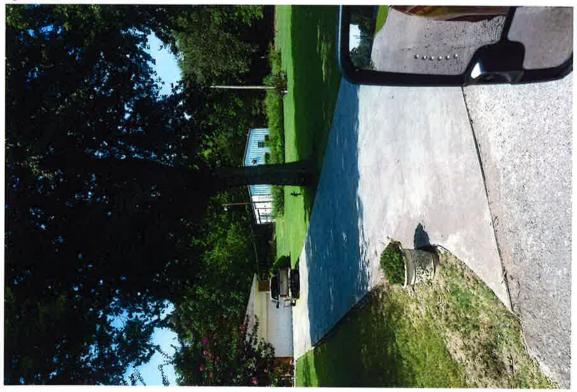
SEE STEEL TO

< 18 in. >

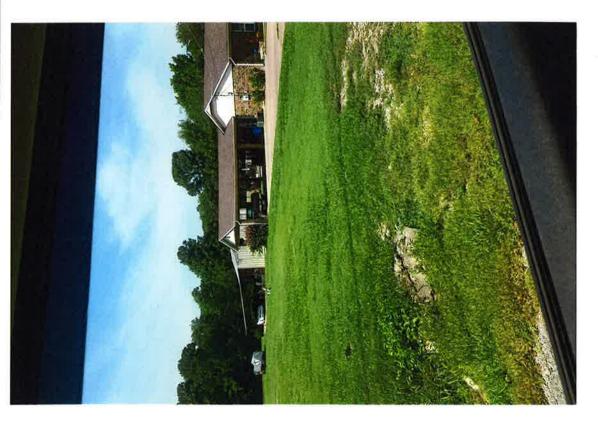
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Estimate Number: 16485 Michael Crank 6/29/2018 k



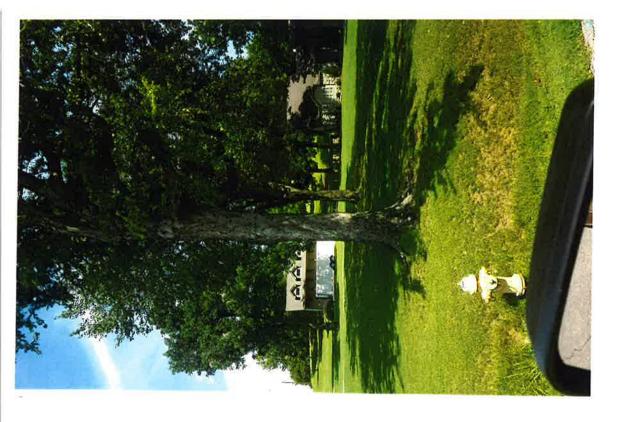






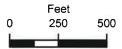














BOA-22776

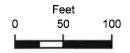
18-12 10

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

Aerial Photo Date: February 2018









BOA-22776

18-12 10

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

Aerial Photo Date: February 2018



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