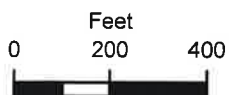


SUBJECT TRACT



BOA-22780

20-13 31

14.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 0331

Case Number: BOA-22780

CZM: 29

CD: 1

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

APPLICANT: Tulsa Habitat for Humanity

ACTION REQUESTED: Variance to reduce the side building setback on a corner lot from 40 feet to 30 feet from the centerline of an abutting street in an RM-1 district (Table 5-3; Section 90.090-A) and Variance to reduce the building setback from 50 feet to 40 feet from the centerline of an abutting street in an RM-1 District (Table 5-3; Section 90.090-A)

LOCATION: 1235 N TRENTON AV E

ZONED: RM-1

PRESENT USE: Vacant

TRACT SIZE: 7000.12 SQ FT

LEGAL DESCRIPTION: LT 10 BLK 2, UTICA HGTS ADDN

RELEVANT PREVIOUS ACTIONS:

Subject property: None

Surrounding Properties:

BOA-07313; On 02.17.1972 the Board **approved** a *Variance* (Section 430- Bulk and Area Requirements in Residential Districts- Under the Provisions of Section 1470) to waive the setback requirements in an RM-1 District to permit lining up with other houses in the block. Property located 1304 North Trenton Avenue.

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

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 purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

14.2

ANALYSIS OF SURROUNDING AREA: The subject tract is an RM-1 zoned tract located at the SW/c of E. Newton Street and N. Trenton Ave.

STAFF COMMENTS: The applicant is requesting **Variance** to reduce the side building setback on a corner lot from 40 feet to 30 feet from the centerline of an abutting street in an RM-1 district (Table 5-3; Section 90.090-A) and **Variance** to reduce the building setback from 50 feet to 40 feet from the centerline of an abutting street in an RM-1 District (Table 5-3; Section 90.090-A)

Table 5-3: R District Lot and Building Regulations

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
Min. Building Setbacks (ft.)													
Street [3]													
Arterial or fwy service rd.	35	35	35	35	35	35	35	35	35	35	35	35	35
Other streets	35	35	30	25	20	20	25	10	25	25	10	25	25
Side (interior) [4]	15	5	5	5	5	5	5	5[5]	5[6]	5[6]	5[6]	5[7]	10
Rear [4]	25	25	25	20	20	20	20	20	20	20	10	20	15
Min. Open Sp./Unit (sq. ft.)	12,000	7,000	5,000	4,000[8]	2,500	600	2,000	1,200	1,200	600	200	-	2,500
Max. Building Height (feet)	35	35	35	35	35	35	35	35	35	35	35	-	35

5,030-B Table Notes

The following notes refer to the bracketed numbers (e.g., " [1]") in [Table 5-3](#):

- [1] See [Section 40.240](#) for detailed regulations governing mobile home parks.
- [2] Minimum street frontage requirements apply to townhouse developments, not to individual townhouse units. Cottage house developments require minimum street frontage of 75 feet. Minimum street frontage requirements do not apply to nonresidential uses.
- [3] For detached houses and duplexes on corner lots, the minimum side street setback along a non-arterial street may be reduced to 15 feet, provided that the minimum setback for street-facing garage doors is 20 feet or 20 feet from the back of the sidewalk, whichever is greater. The street setback specified in [Table 5-3](#) applies along the other street.

Section 90.090

Setbacks

90.090-A Measurement

Required setbacks are measured from the applicable lot line, right-of-way, planned right-of-way or location referred to below. Building setbacks are measured to the nearest exterior building wall. Minimum setbacks that apply to other features (parking areas, fences, storage areas) are measured from the nearest point of the area or feature for which a setback is required. See §90.090-C for information on structures and building features that are allowed to occupy setback and yard areas in R zoning districts. **Unless otherwise expressly stated, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan.** If a variance of the prohibition against location of a structure within the right of way or planned right of way is granted by the Board of Adjustment, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan, unless a license has been granted by the city, in the case of the right-of-way, or a removal agreement has been entered into, in the case of the planned right-of-way.

STATEMENT OF HARDSHIP PROVIDED BY THE APPLICANT:

THE UTICA HEIGHTS ADDN WAS PLATTED IN 1923, PRIOR TO THE ADOPTION OF THE ZONING CODE AND MAJOR STREET AND HIGHWAY PLAN. DUE TO THIS FACT, EAST NEWTON STREET & NORTH TRENTON AVENUE WERE PLATTED WITH LESS THAN THE MINIMUM RIGHT-OF-WAY WIDTH REQUIRED FOR A RESIDENTIAL STREET. WITH THIS APPLICATION, WE REQUEST A VARIANCE OF THE BUILDING SETBACK FROM THE CENTER LINE OF BOTH NEWTON AND TRENTON IN ORDER TO ALLOW FOR THE CONSTRUCTION OF A HOUSE ON THE SUBJECT LOT.

Applicant Signature: _____



SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** to reduce the side building setback on a corner lot from 40 feet to 30 feet from the centerline of an abutting street in an RM-1 district (Table 5-3; Section 90.090-A) and **Variance** to reduce the building setback from 50 feet to 40 feet from the centerline of an abutting street in an RM-1 District (Table 5-3; Section 90.090-A)

- 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."*

The East 605' of Lot 1, Block 1, Gilbert Plaza Addition to the City of Tulsa, Okla.

NEW APPLICATIONS:

7313

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1470) to waive the setback requirements in an RM-1 District to permit lining up with other houses in the block on a tract located at 1304 North Trenton Avenue.

Presentation:

J. A. Davis, applicant, advised the Board that the structure is in place and that the request represents a variance of 6 1/2 feet.

Protests:

None.

Board Action:

On MOTION of Mrs. BLANKENSHIP, the Board (3-0) approved a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1470) to waive the setback requirements in an RM-1 District to permit lining up with other houses in the block on the following described tract:

Lot 6, Block 10, Utica Addition to the City of Tulsa, Oklahoma.

7314

Action Requested:

Variance (Section 206 - Number of Dwelling Units on a Lot - Under the Provisions of Section 1470) to permit erecting more than 40 units on one lot (384 units proposed), and

Variance (Section 1129 (b) - General Requirements - Under the Provisions of Section 1470) to permit parking more than one vehicle for each 600 sq. ft. of area in front and side yards, and

Variance (Section 1130 - Setbacks - Under the Provisions of Section 1470) to modify the setback requirements along I-44 access road, all on a tract located west of Yale and south of Skelly Drive..

Presentation:

Clarke Ford, applicant, presented a plot plan to the Board (Exhibit "C-1"), and explained the proposal and described the surrounding zoning and land use.

Protests:

None.



Subject property from the intersection E. Newton and N. Trenton Ave.

Jeff S. Taylor
Zoning Official
Plans Examiner II

TEL(918) 596-7637
jstaylor@cityoftulsa.org



DEVELOPMENT SERVICES

175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103

ZONING CLEARANCE PLAN REVIEW

Jessica Shelton
Tulsa Habitat for Humanity

9/12/2019

APPLICATION NO: BLDR-041069-2019 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 1235 N Trenton Ave E

Description: New House

INFORMATION ABOUT SUBMITTING REVISIONS

OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

REVISIONS NEED TO INCLUDE THE FOLLOWING:

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.

IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
3. A COPY OF A "RECORD SEARCH" ☐ **IS** ☒ **IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT
WWW.CITYOFTULSA-BOA.ORG

Application No. **BLDR-041069-2019**

Note: As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

Section 90.090 Setbacks

90.090-A Measurement

Required setbacks are measured from the applicable lot line, right-of-way, planned right-of-way or location referred to below. Building setbacks are measured to the nearest exterior building wall. Minimum setbacks that apply to other features (parking areas, fences, storage areas) are measured from the nearest point of the area or feature for which a setback is required. See §90.090-C for information on structures and building features that are allowed to occupy setback and yard areas in R zoning districts. Unless otherwise expressly stated, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan.

1. Street setbacks are measured from the actual right-of-way line of the street (other than an alley), provided that if the following measurement results in a greater set-back, the greater setback applies:
 - a. For streets shown on the major street and highway plan, if the width of the planned right-of-way exceeds the width of the actual right-of-way, the measurement must be taken from the planned right-of-way; and
 - b. For streets not shown on the major street and highway plan, if the width of the right-of-way is 50 feet or less, the measurement must be taken from a point that is 25 feet from the centerline of the actual right-of-way.

Review Comments #1: On RM-1 zoned lots the required front street setback is 25' plus half the required right-of-way width which is 25' for a total of 50' from center of street. You are proposing a setback of less than 50' from the center of the street to the proposed building. Provide a 50' front setback from the center of the street or apply to INCOG for a variance to allow less than a 50' front setback from the center of the street.

Review Comments #2: The ROW width indicated on the major street and highway plan for this lot is 25' to the center of Newton street. ~~R-4~~ ^{RM-1} zoned lots require a side street setback of 15' plus half the right-of-way width which is 25' for a total of 40' from center of street. You are proposing a setback of less than 40' from the center of Newton street to the proposed building. Provide a 40' side setback from the center of Newton street or apply to INCOG for a variance to allow less than a 40' setback from the center of ~~Archer~~ ^{Newton} street.

This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter. A hard copy of this letter is available upon request by the applicant.

Please Notify Plans Examiner By Email When You Have Submitted A Revision. If you originally submit paper plans, revisions must be submitted as paper plans. If you submit online, revisions must be submitted online

END -ZONING CODE REVIEW

NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.



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Subject
Tract

BOA-22780

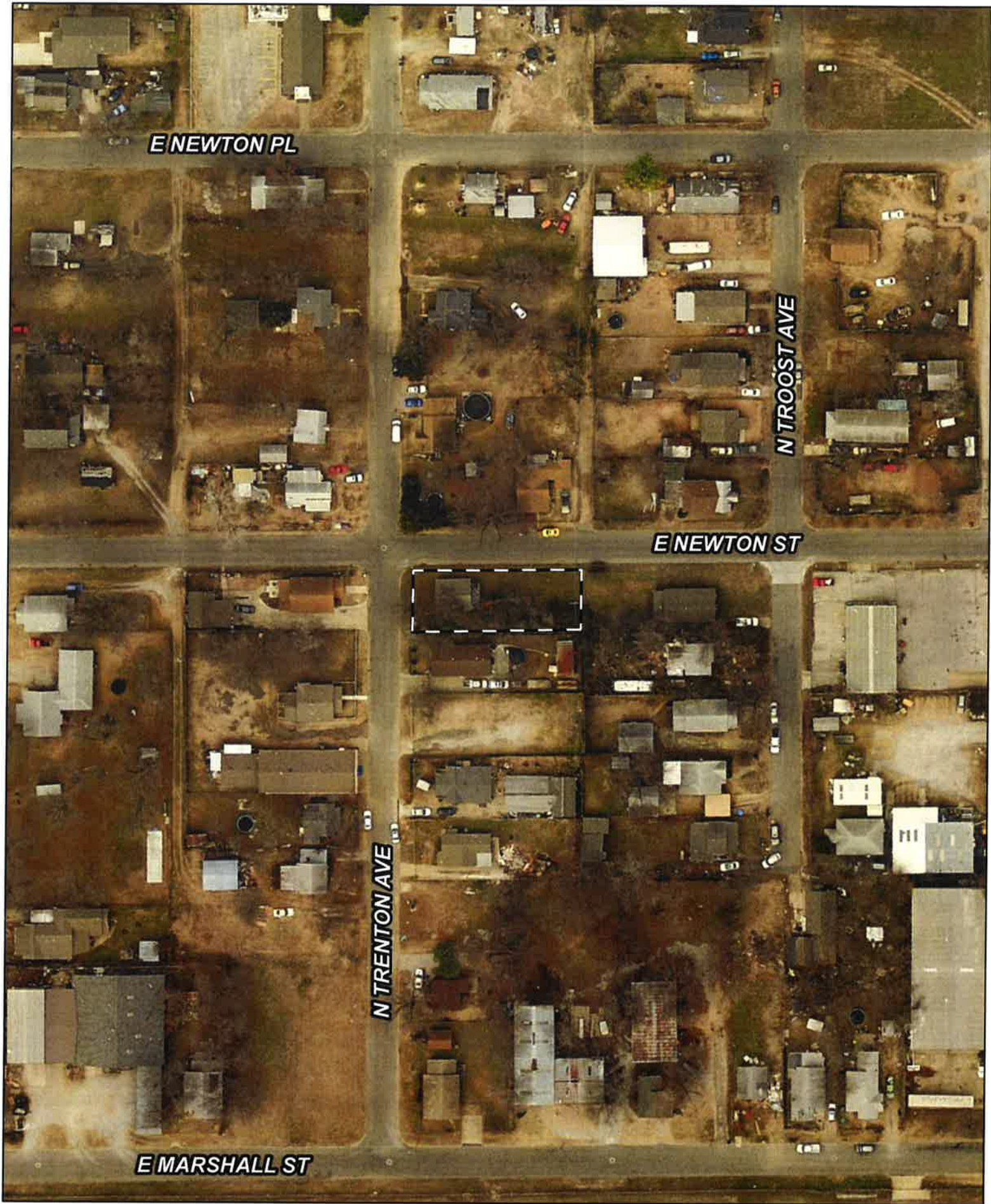
20-13 31

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

Aerial Photo Date: February 2018



14.12



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Subject
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BOA-22780

20-13 31

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

Aerial Photo Date: February 2018



14.13

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