

BOARD OF ADJUSTMENT CASE REPORT

STR: 8212

Case Number: BOA-22786

CZM: 51 **CD**: 2

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

APPLICANT: Erik Enyart

ACTION REQUESTED: Variance of the dustless, all-weather surfacing requirement to permit a

gravel driveway in the AG district (Section 55.090-F)

LOCATION: 7323 S. ELWOOD AVE

ZONED: AG

PRESENT USE: Vacant

TRACT SIZE: 193171.97 SQ FT

LEGAL DESCRIPTION: S235 NW NW LESS N200 W550 & LESS W50 S35 THEREOF SEC 12 18

12 4.430ACS,

RELEVANT PREVIOUS ACTIONS:

Subject property: None

Surrounding Properties: None

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 smallscale 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 an AG zoned property located South of the SE/c of S. Elwood and W. 71st St S.

STAFF COMMENTS: The applicant is requesting a **Variance** of the dustless, all-weather surfacing requirement to permit a gravel driveway in the AG district (Section 55.090-F)

55.090-F Surfacing

- 1. All off-street parking areas must be surfaced with a dustless, all-weather surface unless otherwise expressly stated in this zoning code. Pervious pavement or pervious pavement systems are allowed subject to the supplemental regulations of <u>Section 55.090-F.4</u>. Parking area surfacing must be completed prior to initiation of the use to be served by the parking.
- 2. All motorized vehicles designed for travel upon public streets and that are being parked, stored or displayed for sale must be parked, stored or displayed on dustless, all-weather surface. This surfacing requirement does not apply to junk or salvage yards. The board of adjustment is authorized to grant a special exception permitting the storage or display of motorized vehicles on a surface other than one consisting of a dustless, all-weather surface if the location complies with all applicable minimum building setbacks.
- 3. In RE and RS zoning districts, driveways serving residential dwelling units may not exceed 50% of the lot frontage or the following maximum widths, whichever is less, unless a greater width is approved in accordance with the special exception procedures of <u>Section 70.120</u>, or, if in a PUD, in accordance with the amendment procedures of <u>Section 30.010-1.2</u>. (Refer to the City of Tulsa Standard Specifications and Details for Residential Driveways #701-704).

STATEMENT OF HARDSHIP: The applicant provided a statement justifying the requested relief that is included with your packet.

SAMPLE MOTION:

Move permi	t a gravel driveway in the AG district (Section 55.090-F)
	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."



Subject Tract



Facing North on Elwood

Exhibit A

19118 Board of Adjustment Application Property Description

Description

The South Two hundred thirty-five (235.0) feet of the Northwest Quarter of the Northwest Quarter (NW/4 NW/4) of Section 12, Township 18 North, Range 12 East of the Indian Base and Meridian, LESS AND EXCEPT the North Two hundred (200) feet of the West Five hundred fifty (550) feet, and LESS AND EXCEPT the West Fifty (50) feet of the South Thirty-five (35) feet thereof, all situated in the County of Tulsa, State of Oklahoma, according to the U.S. Government Survey thereof.

7323 S. Elwood Ave.

Tulsa, Oklahoma BOA-___



October 2019

OWNER:

Precision Project Management, Inc.

9128 S. Braden Ave., Ste. 201 Tulsa, OK 74137 Phone: (918)970-6102 **CONSULTANT:**

Tanner Consulting, L.L.C.

5323 South Lewis Avenue Tulsa, Oklahoma 74105 Phone: (918)745-9929

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I. PROPERTY DESCRIPTION

The subject property consists of 4.43 acres addressed 7323 South Elwood Avenue, in the City of Tulsa, Oklahoma, and is more particularly described within the following statement:

The South Two hundred thirty-five (235.0) feet of the Northwest Quarter of the Northwest Quarter (NW/4 NW/4) of Section 12, Township 18 North, Range 12 East of the Indian Base and Meridian, LESS AND EXCEPT the North Two hundred (200) feet of the West Five hundred fifty (550) feet, and LESS AND EXCEPT the West Fifty (50) feet of the South Thirty-five (35) feet thereof, all situated in the County of Tulsa, State of Oklahoma, according to the U.S. Government Survey thereof.

The above described property will hereinafter be referred to as the "Site" or "Subject Property" and is depicted on Exhibit A, "Aerial Photography & Boundary Depiction."

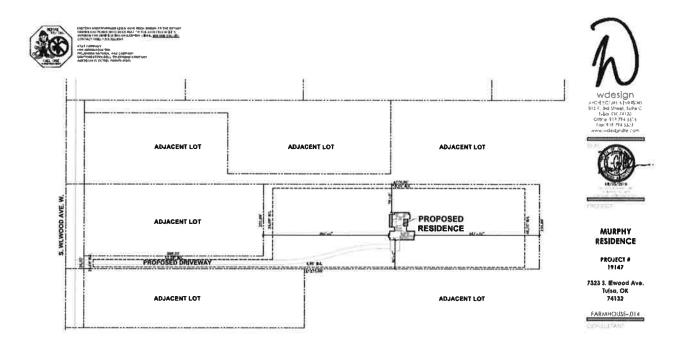
II. PROJECT CONCEPT

The subject property is a vacant, wooded tract of 4.43 acres zoned AG Agricultural District. The subject property has a flag lot configuration and has been in existence since 2000, if not earlier. The subject property was acquired by Precision Project Management, Inc. in early 2018, who filed an application for building permit (BLDR-039648-2019) for a single-family dwelling in 2019.

EXHIBIT AAerial Photography & Boundary Depiction



EXHIBIT B Conceptual Site Plan



III. VARIANCE REQUEST AND JUSTIFICATION

The subject property is in a unique area of the City of Tulsa, perched on a bluff overlooking the Arkansas River. The rural residential tracts along the east side of Elwood Avenue apparently were created at a depth of ¼ mile, and many have since been split into "front" lots and "back" flag lots. Exhibit A is an aerial depiction showing the subject property and the neighborhood context and Exhibit B is a the Architectural Site Plan submitted with the building permit application.

Tulsa Zoning Code Section 50.090-F.1. requires, in relevant part,

"All off-street parking areas must be surfaced with a dustless, all-weather surface unless otherwise expressly stated in this zoning code."

Per the Architect's building plan set, the proposed dwelling will have a three (3) car garage with a paved parking pad in front providing additional off-street parking. Further, the apron (defined herein as that portion of the driveway within the Elwood Ave. right-of-way) will be paved to prevent gravel from being dragged onto the street. Between the parking pad and the apron, the drive itself is proposed to be gravel.

The driveways serving the rural residential lots in this area are almost all gravel, especially when the flaglot configuration dictates a long driveway length. This application request a variance from the paving requirement of Zoning Code Section 50.090-F.1. for the driveway between the parking pad and the apron.

At 500 feet in length, the "handle" portion of the subject property flag lot is exceptionally long, owing to the original configuration of the area with ¼-mile deep tracts. This unique configuration dictates the exceptionally long driveway. The requirement to pave the entire length would constitute an unnecessary hardship on the owner, as the owner does not need paving for access, will meet the purpose and intent of the Zoning Code and Comprehensive Plan, and as further outlined in the following paragraphs.

The Zoning Code's paving requirement expresses intent to ensure cars are parked on a paved surface. This will be achieved by the 3-car garage and parking pad. The Zoning Code's requirement is evidently generally intended to apply to dense, "City lots," where the driveway is typically in the range of 25', and where paving is thus expected along the entire length.

The variance requested is the minimum necessary, only that part between the parking pad and the apron.

The variance, if granted, will allow the proposed dwelling to maintain the rural residential character of this established neighborhood.

For all the reasons above, we believe that the variance requested (1) if the strict letter of the regulations were carried out, the physical surroundings, shape, and other inherent physical conditions of the subject property would result in unnecessary hardship and/or practical difficulties for the property owner, as distinguished from a mere inconvenience, (2) that the literal enforcement of the subject Zoning Code provisions is not necessary to achieve the provisions' intended purposes, (3) that the conditions giving rise to the requested variance are unique to the subject property and not applicable, generally, to other properties within the same zoning classification, (4) that the practical difficulty and unnecessary hardship was not created or self-imposed by the current property owner, (5) that the variance requested is the minimum variance that will afford relief, (6) that the variance to be granted will preserve the essential character of the neighborhood in which the subject property is located and will not substantially or permanently impair use or development of adjacent property, and (7) that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, or intent of the Zoning Code or the Comprehensive Plan.



Murphy Residence

Tulsa County

7323 S. Elwood Ave., Tulsa, OK 74132

Job # 19147

CONTRACTOR DIRECTIVES

- 1. ALL WORK SHALL CONFORM TO THE INTERNATIONAL RESIDENTIAL CODE OF REGULATIONS (IRC 2015).
- PRIOR TO BIDDING, THE GENERAL CONTRACTORS SAULL VISIT AND INVESTIGATED THE DESTINATION OF THE PRINCE THE PRINCE THE PRINCE THE CENTRAL CONTRACTOR SAULL TO SAULL ON SAULE OF THE CENTRAL SAW THE RESIDENCE THE SAW THE CENTRAL SAW THE SAME THE CENTRAL SAME THE CENTRAL SAME THE SAME THE
- FIELD VERIFY MEANS THE CONTRACTOR IS REQUIRED TO FIELD SURV THE NOTED CONDITION WINDOR DIMENSION PRIOR TO CONSTRUCTION OR PREPARATION OF SUBMITTAL SHOP DRAWNINGS AND INTEGRATE FIELD SURVEY INFORMATION INTO THE CONSTRUCTION.
- THE ORGANIZATION OF THE DRAWINGS AND SPECIFICATIONS SHALL NOT CONTROL, THE WORK AMONG SUBCONTRACTOR IN DIVIDING THE WORK TO BE PERFORMED THAT THATE.

7323 S. Elwood Ave. Tulsa, OK 74132

PROJECT #

- CHANGES TO THE CITY APPROVED DRAWINGS AND SPECIFICATIONS SHALL BE MADE BY NA ADDENION COR A CHANGE ORDER ANDENION OF CHANGE ORDERS ANDENION OF CHANGE ORDERS MUST BE APPROVED BY THE ARCHITECT OF RECOFAND THE CITY HOLDING JURISDICTION.

W DESIGN, LLC.

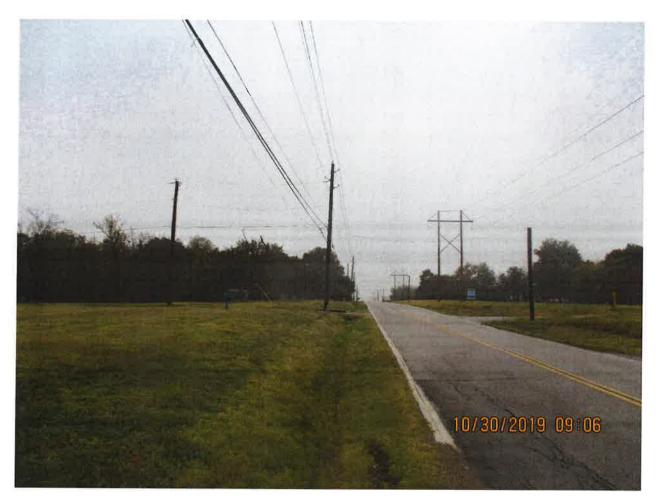


- FLOOR PLAN SECOND FLOOR FLOOR PLAN - FIRST FLOOR
- ELEVATIONS
 - ELEVATIONS
- WALL SECTIONS / EAVE DETAILS FINISH PLAN - FIRST FLOOR
- FINISH PLAN -SECOND FLOOR

W DESIGN LLC
815 EAST 280 STREET STE C
10LAA, OK 74120
918 794, 66116
WELDON J. BOWMAN AM, NCAR8

GENERAL CONTRACTOR RUHL CONSTRUCTION 9728 S. BRADEN AVE, SUITE 201 TULSA, OK 74137





Facing South on Elwood



Feet 0 200 400



BOA-22786

18-12 12

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

Aerial Photo Date: February 2018



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