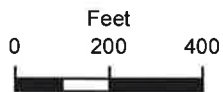


SUBJECT TRACT

BOA-23056

6.1



19-12 03



**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9203
CZM: 36
CD: 4

Case Number: **BOA-23056**

HEARING DATE: 01/12/2021 1:00 PM

APPLICANT: Tom Neal

ACTION REQUESTED: Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D) Variance of the required 3' setback for a Detached Accessory Building located in a rear setback (Sec. 90.090-C2)

LOCATION: 1723 W RECONCILIATION WY N

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 7000.12 SQ FT

LEGAL DESCRIPTION: LT 7 BLK 17, IRVING PLACE

RELEVANT PREVIOUS ACTIONS: 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".

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.

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 located at the NE/c of W. Reconciliation Way and N. Vancouver Ave.

STAFF COMMENTS: The applicant is requesting **Special Exception** to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D) **Variance** of the required 3' setback for a Detached Accessory Building located in a rear setback (Sec. 90.090-C2)

6.2

Section 45.031-D Regulations

1. **Where Allowed**

Accessory dwelling units are allowed by special exception in RE, RS, AG, and AG-R districts on lots occupied by a detached house. Accessory dwelling units are allowed by right in RD, RT, RM and RMH districts on lots occupied by a detached house.

- b. Detached accessory buildings, including accessory dwelling units, in the rear setbacks must be **set back at least 3 feet from all interior lot lines.** For lot lines abutting street right-of-way, detached accessory buildings, including accessory dwelling units, must comply with the same setback requirements that apply to principal buildings.

Applicant is seeking to convert an existing detached accessory structure into an accessory dwelling unit.

STATEMENT OF HARDSHIP: The existing structure was built in 1910 with a is 2' 6" from the rear lotline and the property owner would like to maintain that setback line in the future.

SAMPLE MOTION:

Special Exception:

Move to _____ (approve/deny) a **Special Exception** to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D)

- 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 that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Variance:

Move to _____ (approve/deny) a **Variance** of the required 3' setback for a Detached Accessory Building located in a rear setback (Sec. 90.090-C2)

- 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:

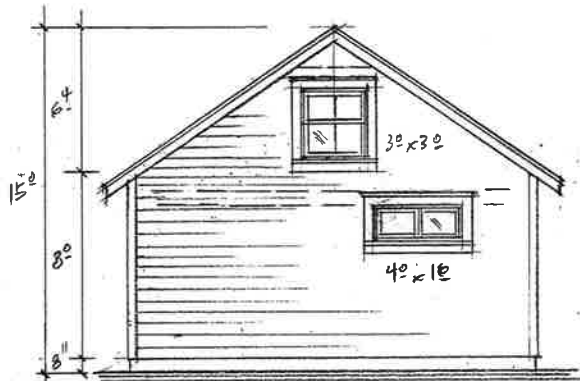
- a. *That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*
- b. *That literal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



Subject property



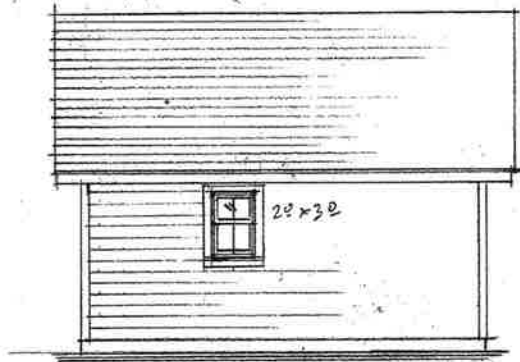
View of property from Vancouver Ave.



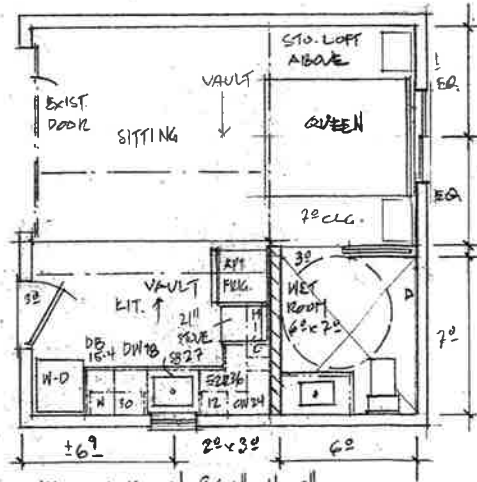
EAST ELEV.



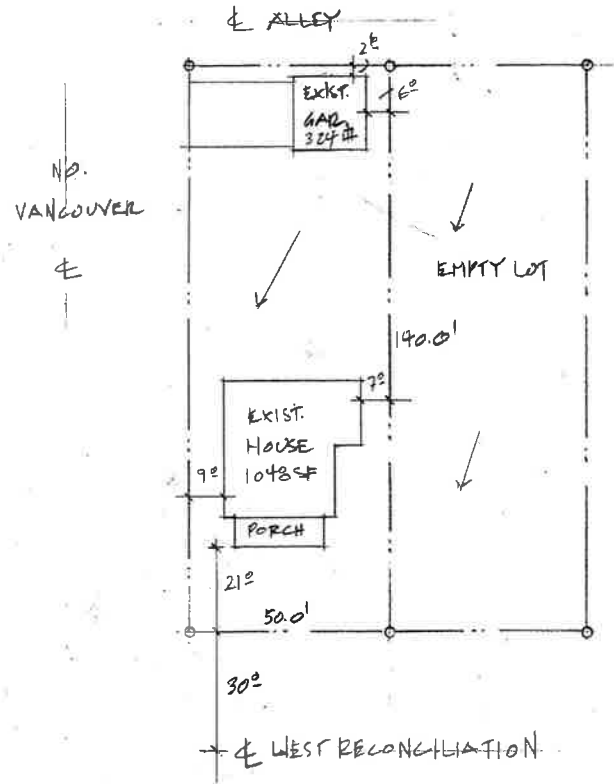
WEST ELEV.



S.O. ELEV.



FLOOR PLAN 5/16" = 1'-0"

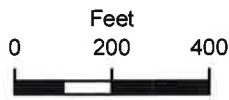


SITE DRAINAGE PLAN
1" = 30' NORTH

DEZEY GAR. CONVERSION
1723 W. RECONCILIATION
TULSA - OKLA 11.2020

TOM NEAL
DESIGN
Associate member, American Institute of Architects
918.231.7372

6.6



Subject Tract

BOA-23056

19-12 03

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

Aerial Photo Date: February 2018

6.7





W CAMERON ST

W CAMERON ST

N VANCOUVER AVE

W RECONCILIATION WAY

N UNION AVE

64

51



Subject Tract

BOA-23056

19-12 03

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

Aerial Photo Date: February 2018

6.8

