ACTION REQUESTED: Special Exception to allow an Accessory Dwelling Unit in the RS-2 district (Section 45.031-D); Variance to permit the aggregate floor area of accessory buildings/ dwelling units on a lot in an RS-2 district to exceed 40% the floor area of the primary residential structure (Sec. 45.030-A, 45.031-D); Variance to permit a detached accessory building/ dwelling unit to exceed 1 story or 18 feet in height and 10 feet to the top of the top plate (Sec. 90.090.C); Variance to allow a detached accessory building/ dwelling unit located in the rear setback to be less than 3’ from an interior lot line and located in the side setback (Sec. 90.090-C)

LOCATION: 1120 E WOODWARD BV S
ZONED: RS-2

PRESENT USE: Residential
TRACT SIZE: 16500.6 SQ FT

LEGAL DESCRIPTION: LOT 2 BLK 10, SUNSET PARK AMD

RELEVANT PREVIOUS ACTIONS:

Subject Property: None.

BOA-22973: On 08.11.2020 the Board approved a Variance to allow a pool in the 30-foot front street setback and the 15-foot side street setback and a Special Exception to allow a fence or wall to exceed 4-feet in height in the street setback. Property located 1128 Woodward Boulevard.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an "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 located on the West side of Woodward Boulevard in between E. 24 Pl. S. and S. Norfolk Ave. the property is located in a triangle shaped block in the Sunset Park Amended Addition.
STATEMENT OF HARDSHIP:

Original garage is only good for Model T or A size cars. Owners want to model larger, modern size garage as well as creating a mother-in-law ADU above. Original garage is closer to to property then is allowed under current standard.

STAFF COMMENTS: The applicant is requesting Special Exception to allow an Accessory Dwelling Unit in the RS-2 district (Section 45.031-D); Variance to permit the aggregate floor area of accessory buildings/dwelling units on a lot in an RS-2 district to exceed 40% the floor area of the primary residential structure (Sec. 45.030-A, 45.031-D); Variance to permit a detached accessory building/ dwelling unit to exceed 1 story or 18 feet in height and 10 feet to the top of the top plate (Sec. 90.090.C); Variance to allow a detached accessory building/ dwelling unit located in the rear setback to be less than 3’ from an interior lot line and located in the side setback (Sec. 90.090-C)

Included in your packet are Sections 45.030 and 45.031 relating to regulations for Accessory Buildings and Accessory Dwelling Units.

### Table 90-1: Permitted Setback Obstructions in R Zoning Districts

<table>
<thead>
<tr>
<th>Obstruction</th>
<th>Street</th>
<th>Side</th>
<th>Rear</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory buildings (see also 90.090.C)</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
</tbody>
</table>

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

2. Building coverage in the rear setback does not exceed the maximum limits established in Table 90-2:

### Table 90-2: Accessory Building, Including Accessory Dwelling Units, Coverage Limits in Rear Setback

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Maximum Coverage of Rear Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>RS-1 and RE Districts</td>
<td>20%</td>
</tr>
<tr>
<td>RS-2 District</td>
<td>25%</td>
</tr>
<tr>
<td>RS-3, RS-4, RS-5 and RD Districts</td>
<td>30%</td>
</tr>
<tr>
<td>RM zoned Lots Used for Detached Houses or Duplexes</td>
<td>30%</td>
</tr>
</tbody>
</table>

**Figure 90-8: Maximum Height of Accessory Buildings, Including Accessory Dwelling Units in Rear Setbacks (RE, RS and RD Districts and RM Zoned Lots Used for Detached Houses or Duplexes)**

**Figure 90-9: Required Setbacks for Accessory Buildings, Including Accessory Dwelling Units, in Rear Setbacks (RE, RS and RD Districts and RM Zoned Lots Used for Detached Houses and Duplexes)**
The applicant is proposing a two story ADU with a top height of 23 feet 3 inches and 18 feet to the top plate. Per code the property is allowed 1,324 square feet for the detached accessory building and the applicant is requesting 1,966 square feet. The structure is 2 feet 11 inches from the West property line.

The stated hardship is a personal inconvenience related to car size. In accommodating the Accessory Dwelling Unit the applicant should detail what practical difficulties there would be to adding a small addition horizontally to the South.

**SAMPLE MOTION:**

**Special Exception:**
Move to _________ (approve/deny) a Special Exception to allow an Accessory Dwelling Unit in the RS-2 district (Section 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.

**Variances:**
Move to _________ (approve/deny) a Variance to permit the aggregate floor area of accessory buildings/dwelling units on a lot in an RS-2 district to exceed 40% the floor area of the primary residential structure (Sec. 45.030-A, 45.031-D); Variance to permit a detached accessory building/dwelling unit to exceed 1 story or 18 feet in height and 10 feet to the top of the top plate (Sec. 90.090.C); Variance to allow a detached accessory building/dwelling unit located in the rear setback to be less than 3’ from an interior lot line and located in the side setback (Sec. 90.090-C)

- 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
Board Action:
On MOTION of BOND, the Board voted 5-0-0 (Bond, Radney, Ross, Shelton, Van De Wiele "aye", "nays"; no "abstentions"; none absent) to APPROVE the request for a Special Exception to allow a law office in a RM-2 District (Section 5.050, Table 5-2); Variance of the minimum lot size and lot width requirement for a Special Exception use in a RM-2 District (Section 50.050, Table 5-3); Variance of the 25-foot building setback for Special Exception use from a R District in a RM-2 District (Section 5.030-B, Table Note 4); Variance of the minimum building setback from an R District for an office use in an RM-2 District (Section 40.260-B, Table 15-3 & Section 15.030-B, Table Note 5), subject to conceptual plan 2.17 of the agenda packet. The existing principal structure is to remain the same except for the ADA compliance. The Board finds the hardship to be that the structure predates the Comprehensive Zoning Code, the historic nature of the house, as well as the changing nature of the surrounding structures. 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. 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; for the following property:

S.25 LT 3 N.35 LT 4 BK 5, STONEBRAKER HGTS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22973—John and Elaine Burkhardt

Action Requested:
Variance to reduce the 30-foot front street setback and the 15-foot side street setback in an RS-2 District to permit a swimming pool (Section 5.030, Table 5-3 &
Section 90.090, Table 90-1); Special Exception to allow a fence or wall to exceed 4 feet inside the street setback (Section 45.080-A). LOCATION: 1128 Woodward Boulevard  (CD 4)

This case was reconvened at 1:34 P.M.

Presentation:
John Burkhardt came forward and stated the last page of the exhibits he presented to the Board is not Maple Ridge, but it is Swan Lake. It is a property that sought and received a Variance in 2017. The Board approved an aggregate of 26 feet between two sides of the setback allowance, and he is seeking substantially less than that.

Mr. Van De Wiele asked Mr. Burkhardt about the fence that is depicted in exhibit 101. Mr. Burkhardt stated the fence in that picture is between 6'-0" and 6'-6" tall.

Mr. Burkhardt stated the hardship for this request is that the property is a triangularly shaped lot with a topography that gradually slopes from front to the rear making it more difficult to locate a pool anywhere else other than the side property. These limitations preceded him and are not caused by him. The Variance being sought is not substantially and relatively minimal. The Variance, if granted, will not cause substantial detriment to the public good or impair the purposes or spirit of intent of the Tulsa Zoning Code or other City Ordinances.

Interested Parties:
There were no interested parties present.

Comments and Questions:
Mr. Bond stated that he is generally opposed to breaching a front setback or a side setback. In a normal situation, in looking at the site diagram, he thinks there is a whole lot of space in the back yard. He is sympathetic to wanting to save the trees; this area was once populated with large Elm trees and Dutch Elm destroyed a lot of those trees in the 1970s and the 1980s. This is a unique case that should not be looked to for a precedent for other forms of relief. Mr. Bond stated he is inclined to support this request.

Board Action:
On MOTION of BOND, the Board voted 5-0-0 (Bond, Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to APPROVE the request for a Variance to reduce the 30-foot front street setback and the 15-foot side street setback in an RS-2 District to permit a swimming pool (Section 5.030, Table 5-3 & Section 90.090, Table 90-1); Special Exception to allow a fence or wall to exceed 4 feet inside the street setback (Section 45.080-A), subject to conceptual plans 1.14, 1.15, 1.16 and Exhibits 1.01 and 1.02 submitted today. The fence is to be limited to 6'-6" in height. 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. 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; for the following property:

LOT 3 BLK 10, SUNSET PARK AMD, City of Tulsa, Tulsa County, State of Oklahoma

22975—Jim Beach

**Action Requested:**
Minor Special Exception to amend a previously approved site plan for a fitness facility and health club in an RD District (Section 70.120). **LOCATION:** 3030 East 91st Street South (CD 2)

**Presentation:**
Jim Beach, Wallace Engineering, 123 North Martin Luther King, Jr. Boulevard, Tulsa, OK; stated that over several decades the building has existed and has been through three previous Board of Adjustment hearings. The site plan depicted on page 3.13 shows everything that is existing and the new proposed membraned covered framed structure. That structure is near the southeast corner of the property. The structure is there to cover new or existing ball courts.

Mr. Van De Wiele asked Mr. Beach if the structure is intended to come down in the winter and go up in the spring or is it intended to be permanent? Mr. Beach deferred to the architect of the project.