

Notice of Hearing before the Board of Adjustment of the City of Tulsa, Oklahoma

Case Number: BOA-23026

A public hearing will be held before the Board of Adjustment to consider the following application. Anyone interested in this matter may attend the public hearing and express their support for or opposition to this request. You have received this notice because your property is near the property (or properties) subject to the application.

The Case

Applicant: Tom Neal 918-231-7372 tjneal@gmail.com

Action Requested: Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (Section 45.031-D); Variance to allow a detached Accessory Dwelling Unit to exceed one story or 18 feet in height and to exceed 10 feet in height to the top of the top plate (Section 90.090-C); Variance to allow the floor area of an Accessory Dwelling Unit to exceed 500 square feet or 40% of the floor area of the principal residential structure (Sections 45.030-A2 & 45.031-D6.a).

Location: 1523 E 35 ST S

Property Legal Description: W. 25 OF LT-18 ALL OF LT-19-BLK-2, PARRAMORE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Current Zoning: RS-3

View the Application: tulsaplanning.org/cityboa/cases/BOA-23026.pdf

Read the Zoning Code: tulsaplanning.org/resources/plans

The Public Hearing

Date: Tuesday, 11/10/2020 1:00 PM

Location: Tulsa City Hall, Council Chambers, 175 E. 2nd St., Tulsa, Oklahoma

Although seating in the Council Chambers complies with social distancing requirements, participants may attend the meeting virtually or by phone, due to the COVID-19 pandemic.

Attend Virtually: Join from a computer, tablet, or smartphone to speak or comment Visit: <https://www.gotomeet.me/COT14/boa-gotomeeting-in-council-chambers-november-10th> to GoToMeeting? Get the app now and be ready when your first meeting starts: <https://global.gotomeeting.com/install/488434429>

Attend by Phone: Call 1-872-240-3412 and enter Access Code: 488-434-429.

Livestream & TV: To watch the meeting but not speak or comment, visit TGOVonline.org. Tulsa residents may watch on TV via Cox Channel 24.

Submit Comments or Exhibits: Please reference the case number and include your name and address. Comments or exhibits need to be submitted by 9:00 am the day of the hearing.

Email: esubmit@incog.org

Mail: City of Tulsa Board of Adjustment, c/o INCOG, 2 W. 2nd St., Suite 800, Tulsa, OK 74103

Questions?

If you have questions about the application, you may contact the applicant Tulsa Planning Office staff at INCOG

- Austin Chapman: 918-579-9471 or aachapman@incog.org
- Assistant Planner: 918-584-7526 or esubmit@incog.org

NO OBJECTION TO THIS APPLICATION
10/31/20 MURPHY
1527 E 34

1527 E 34
TULSA, Okla
74105

OKLAHOMA CITY OK 730

31 OCT 2020 PM 4 L



CITY of TULSA BOARD of ADJUSTMENT
c/o INCOG
2 West 2nd St. Suite 800
TULSA, Oklahoma
74103

74103-311600



November 6, 2020

To the Tulsa Board of Adjustment:

My name is Jennifer Zorb and my husband, Brian, and I are writing in regard to case number BOA-23026. We live at 1515 East 35th Street in Tulsa and our adjoining neighbors (Sue and Marcy) have requested approval to build an accessory dwelling unit on their property. Since the very beginning of the planning process, Sue and Marcy have been completely transparent with us about the structure they desire to build, talking to us about how, when, and why; letting us know their hopes and intentions; and asking us for any concerns or feedback. We are in full support of them moving forward with their plans to build the ADU.

We think their proposed changes are a net positive to their neighbors and the neighborhood and will not detract from the neighborhood in any way. There are many garage apartments in Brookside, so their building plans are not breaking precedent. Sue and Marcy consistently demonstrate their tremendous pride of ownership through their beautiful landscaping, maintenance of their dwelling, and care for their property and we have no doubt this will carry over to the ADU.

Sue and Marcy are among the most considerate and thoughtful neighbors either of us have had throughout our life; they have shown that in their planning process and we have no doubt they will continue to be considerate and thoughtful of their neighbors and neighborhood for many years to come as they make use of this expanded accessory dwelling.

Sincerely,
Jennifer and Brian Zorb

DATE: November 9, 2020

ATTENTION: Adam Chapman

FROM: Philip Johnson

E-MAIL: 1philipjohnson1@gmail.com

PHONE: 918-288-3010

FOR YOUR REVIEW

Philip Johnson
1524 E 35th Street
Tulsa, OK 74105

November 9, 2020

Adam Chapman
City of Tulsa
175 E 2nd Street
Tulsa, OK 74103

Dear Adam Chapman:

This correspondence is sent RE: **Special Exception Request BOA-23026 for 1523 E 35th Street**. The original proposal presented indicated a garage and two accessory dwelling units (ADU's) comprised of 1, 871 square feet on two floors. An ADU requires a Special Exemption in a RS-3 zoning district. No more than one ADU is allowed per lot. I have been told there is a revised plan being submitted to The City of Tulsa for consideration. This plan is to include one story, one bedroom and roof height of 18 feet.

While there is no issue with the end goal of the owners caring for their elderly family member, the lasting effects on the neighborhood **AFTER** the dwelling **IS NOT** occupied by the relative is extremely troublesome. The greatest concern is the precedent this special exemption would set. By allowing this exemption, the City tacitly allows others to do the same and increase the population and use density of the neighborhood, especially in an area already being overrun by parking creep from Brookside business district along Peoria.

My residence is directly across the street from 1523 E 35th Street, and I did not purchase my home in a RS-3 zoning district to have the integrity of the area compromised by ADU's/rental property. I feel strongly that the precedent of allowing any size ADU would not be in the best interest of the neighborhood. Approving this special exemption will lead to more of these types of detached dwelling structures being built and used as rentals in the future.

Thank you for your time and consideration regarding my concerns.

Sincerely,

Philip Johnson

Owner Exhibits for CASE: BOA-23026
1523 E 35th Street, Tulsa OK 74105

Respectfully Submitted
(Neighbor Contacts, Photos of Existing ADUs, Letters of Support)



Owner Exhibits for CASE: BOA-23026

Respectfully Submitted

(Neighbor Contacts, Photos of Existing ADUs, Letters of Support)

Who we are:

Sue Welch and Marcy Smith (Proud Owners: 1523 E 35th Street, Tulsa OK 74105)

We are small business owners in Tulsa; 25 year residents in our Brookside home; Raised by 3rd generation Ponca City residential and commercial brick mason and Tulsa Small business owner and residential/commercial developer. We care about our property, our neighborhood and real estate in general. Our home and garden has been on and invited to be on tour numerous times. We love Tulsa and specifically our Brookside home and neighborhood.

We seek to rebuild our garage as an Accessory Dwelling Unit to house my 90 year old Father. The ADU design is in keeping with the original neighborhood and our original 80 year old home style, which is inaccessible for his housing needs. The new building replaces our existing detached garage. We have a 100 foot, two-car width driveway for off street parking.

Chronology of Communication with our neighbors:

- **1-2 years ago** spoke about moving my 90 yr old Dad into a small place on our property with the Zorbs (neighbors to our West)
- **1 yr ago** spoke about moving Dad in with us in some form or fashion
Johnsons; Kesselrings
- **Oct 17, 2020** wrote personal notes to immediate neighbors, re moving Dad into a small floor level apartment with 1 bedroom above for caregiver. Explained this dwelling would replace our garage and retain a 1 car garage. Offered to show all the plans and answer any questions. Johnsons (South) ,Zorbs (West); Kesselrings (East); (neighbor next to Johnsons)
- **Oct 19, 2020** Received texts/phone calls of approval and support: Zorbs 1515 E 35t St; Johnsons 1520 E 35th St; Kesselrings 1525 E 35th St
- **Oct 22, 2020** answered text questions from Johnsons 1520 E 35th St re parking/renters
- **Oct 24, 2020** received text from Johnsons informing us they would not approve the plan. Replied that we appreciate them letting us know and asked why, they replied that we "should adhere to zoning codes without exception". Replied that we would look at what that required. Contacted our architect regarding changes.
- **Oct 31, 2020** spoke in person and gave written note re plans; answered questions. Received full support and no objection: Baileys 1404 E 35th St ; Karen Keith 1400 E 35th St; Botskos 1503 E 35th St; Susan & Felix 1524 E 34th St; Kesselrings 1531 E 35th St
- **Nov 1, 2020** spoke in person with and answered questions to no objection:
Zorbs 1515 E 35th St; Argo/Rosebeary 1336 E 35th PL
- **Nov 7, 2020** offered new reduced & revised plans to Johnson's for discussion so we could come to some agreement. They declined saying that any ADU of any kind would require a special exception and not receive their support.
- **Nov 8-9,2020** received numerous letters of support from immediate neighbors at their offering and without request.

Owner Exhibits for CASE: BOA-23026
(Photos of Existing ADUs, Duplexes nearby)



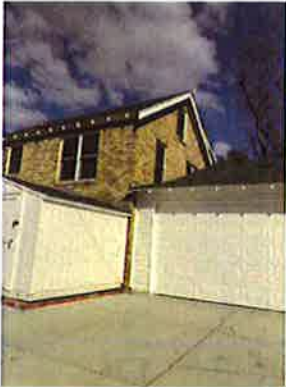
32nd and Victor Ave



30th and Troost Ave



1348 E 35th Street



1506 E 35th Street



1508 E 35th Street



1505 E 35th Street



1403/1407 E 35th Street
Duplex



3420 S Rockford Ave
Duplex



1334 E 34th Street

**Owner Exhibits for CASE: BOA-23026
(LETTERS OF SUPPORT)**

DENNIS M. BOTSKO

ATTORNEY AT LAW

1503 E. 35th Street
Tulsa, Oklahoma 74105

918-743-0959

November 1, 2020

City of Tulsa Board of Adjustment
c/o INCOG
2 W. 2nd St. Suite 800
Tulsa, Oklahoma 74103

Re: Case NO BOA 23026

Dear Board Members;

We have no objection and support the application for an exception to allow an Accessory Dwelling Unit in our RS-3 zoned district.

I, and my spouse, Carol J. Botsko have lived at 1503 E 35th ST. since 1973 and our legal description is the W. 50 ft of Lot 20, Block 2, PARRAMORE ADDITION, to the City of Tulsa according to the recorded plat. We are on the NEc of 35th St and Rockford Ave.

Please enter our support in the record for the application of Case No. BOA 23026.

Thank you,


Dennis Botsko


Carol Botsko

November 6, 2020

To the Tulsa Board of Adjustment:

My name is Jennifer Zorb and my husband, Brian, and I are writing in regard to case number BOA-23026. We live at 1515 East 35th Street in Tulsa and our adjoining neighbors (Sue and Marcy) have requested approval to build an accessory dwelling unit on their property. Since the very beginning of the planning process, Sue and Marcy have been completely transparent with us about the structure they desire to build, talking to us about how, when, and why; letting us know their hopes and intentions; and asking us for any concerns or feedback. We are in full support of them moving forward with their plans to build the ADU.

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Sue and Marcy are among the most considerate and thoughtful neighbors either of us have had throughout our life; they have shown that in their planning process and we have no doubt they will continue to be considerate and thoughtful of their neighbors and neighborhood for many years to come as they make use of this expanded accessory dwelling.

Sincerely,
Jennifer and Brian Zorb

Handwritten signatures of Jennifer Zorb and Brian Zorb. The signature for Jennifer Zorb is on the left, and the signature for Brian Zorb is on the right.

November 8, 2020

Tulsa Board of Adjustment:

We are writing in support of our neighbors Marcy and Sue, who are seeking to build an accessory dwelling unit (case number BOA23026). We are their adjoining neighbor at 1531 E. 35th Street. We have reviewed their plans and are in complete support of the project. Marcy and Sue are conscientious neighbors and have made every effort to accommodate requests and amendments. The project they pursue will only enhance the neighborhood and we wish them all the best in their pursuit. Please let us know if we can help move this project forward in any other way.

Best,
Kevin and Jennifer Kesselring
918-398-3076

11-7-20

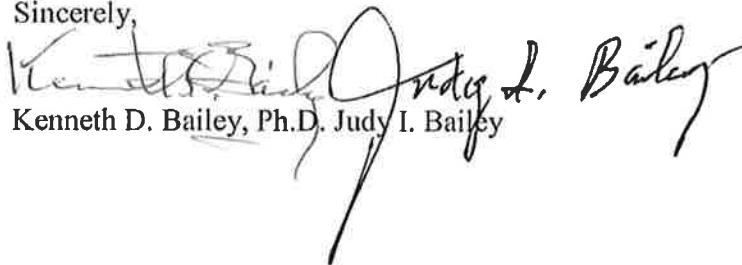
To: The Board of Adjustment
Re: BOA-23026 for 1523 E. 35th Street

As neighbors who have lived in this neighborhood for more than 28 years, we are writing in support of proposed changes for 1523 E. 35th Street.

Our two-car garage was converted into a master bedroom and bathroom with a private outside entrance. Several homes in this neighborhood have garage apartments. In addition there is a triplex and more than one duplex.

We believe the constitution request is in keeping with the original house and neighborhood and should be approved.

Sincerely,


Kenneth D. Bailey, Ph.D. Judy I. Bailey

1505 E. 35th St

To the Board of Adjustment:

Nov 4, 2020

RE: 1523 E 35th Street case BOA 23026

We are always interested in knowing the effects of our closer neighbors asking for a variance from the City of Tulsa. Therefore, we went by and looked at the owner's plans yesterday.

After studying their project plans and seeing where the garage will be located > **we have no issues whatsoever with the homeowner's plans to replace their old garage with a new structure that will serve as a garage and also serve for a small living quarters for their father.** With all the other new and taller homes on the street and in our general Brookside neighborhood, it will blend with the homeowner's house perfectly.

Please grant approval to the owners.

A handwritten signature in cursive script that reads "David Rosebeary". The signature is written in dark ink and is positioned below the text "Please grant approval to the owners."

David Rosebeary at 1336 E 35th Pl

November 2, 2020

Regarding Case #BOA-23026 special exception request

I am a neighbor residing near 1523 E 35th St, Tulsa. Out of concern for the project of the resident, I asked to see their plans for variance – which is replacing a garage near the back of their property.

After reviewing, I feel the proposed garage construction is most definitely keeping in line with the character of their house, the immediate neighboring houses and our beautiful neighborhood. It is shorter in height to surrounding houses, and the plan appears to be a beautiful and complimentary structure. I am fully supportive of this variance and ask the Board of Adjustment to approve the project for the homeowners.



Mark Argo

1336 E 35th Pl
918-740-8500