Introduction and Notice to the Public

The City of Tulsa Board of Adjustment (BOA) is empowered by state law to grant variances due to hardships, and special exceptions to the zoning code. At this meeting, BOA, in accordance with and pursuant to applicable policies and procedures, will review, consider, discuss, and may take action on, approve, approve with conditions, amend or modify, deny, reject, or defer action on any item listed on the agenda.

How to Participate

You may attend the hearing to express your opinions, or have someone appear on your behalf. If you wish to present documents or exhibits during the hearing, please submit them by 9:00 a.m. the day of the hearing. Please reference the case number and include your name and address. Any exhibits presented will become part of the public record of the case.

To comment on cases, email planning@cityoftulsa.org.
Mail: Tulsa Planning Office, 175 E. 2nd St., Suite 480, Tulsa, OK 74103

All electronic devices must be silenced during the hearing. Note: If you require special accommodations pursuant to the Americans with Disabilities Act, please notify the Tulsa Planning Office at 918-596-7526.

Call to Order

Unfinished Business

1. BOA-23603
   Location: 2703 E. 41st St. N.
   City Council District: 1
   Applicant: Janet Espino
   Action(s) Requested: Special Exception to permit a Manufactured Housing Unit in the AG zoning district. (Section 25.020-C; Table 25-1.5); Special Exception to allow the Manufactured Housing Unit permanently (Sec.40.210); Special Exception to reduce the required parking ratio for a Manufactured Housing Unit in the AG District (Sec. 55.050-K)
   (Application withdrawn by applicant)
New Applications

2. **BOA-23630**  
   Location: 3923 N. Lansing Pl.  
   City Council District: 1  
   Applicant: Raul Cisneros  
   Action(s) Requested: Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5); Special Exception to increase the permitted driveway width in a RS district (Sec. 55.090-F.3)

3. **BOA-23636**  
   Location: 407 E. Seminole Pl.  
   City Council District: 1  
   Applicant: Billie Hall  
   Action(s) Requested: Special Exception to increase the permitted driveway width in a RS district (Sec. 55.090-F.3)

4. **BOA-23637**  
   Location: 1704 S. Yorktown Ave. E.  
   City Council District: 4  
   Applicant: Tom Neal  
   Action(s) Requested: 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 in the rear setback (Section 90.090-C); Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-B); Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); Special Exception to increase the permitted driveway width in a RS-3 district (Sec. 55.090-F.3)

5. **BOA-23639**  
   Location: 307 W. 65th St. N.  
   City Council District: 1  
   Applicant: MP Advocates  
   Action(s) Requested: Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5); Variance to reduce the required 2,500 square feet of open space per unit for a duplex use in the RS-3 District (Sec. 5.030, Table 5-3)

6. **BOA-23640**  
   Location: 231 W. 65th Pl. N.  
   City Council District: 1  
   Applicant: MP Advocates  
   Action(s) Requested: Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5)

7. **BOA-23641**  
   Location: 2024 N. Harvard Ave.  
   City Council District: 1  
   Applicant: Dustin Alphin  
   Action(s) Requested: Special Exception to increase the allowed fence height of 4-feet inside the street setback (Sec. 45.080-A)
Other Business

Board Members’ Comments

Adjournment
## Owner and Applicant Information

**Applicant:** Raul Cisneros  
**Property Owner:** That’s Goud Investments LLC

## Property Location

3923 N. Lansing Pl.  
Tract Size: ±0.26 acres

## Location within the City of Tulsa

*shown with City Council districts*

## Elected Representatives

**City Council:** District 1, Vanessa Hall-Harper  
**County Commission:** District 1, Stan Sallee

## Request Summary

Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5); Special Exception to increase the permitted driveway width in a RS district (Sec. 55.090-F.3)

## Zoning

**Zoning District:** RS-3  
**Zoning Overlays:** None

## Comprehensive Plan Considerations

### Land Use

**Land Use Plan:** Neighborhood  
**Small Area Plans:** 36th Street North  
**Development Era:** Early Automobile

### Transportation

**Major Street & Highway Plan:** None  
**planitulsa Street Type:** None  
**Transit:** TOD Area  
**Existing Bike/Ped Facilities:** None  
**Planned Bike/Ped Facilities:** None

### Environment

**Flood Area:** FEMA 500-year floodplain  
**Tree Canopy Coverage:** 30-50%  
**Parks & Open Space:** None

## Public Notice Required

**Newspaper Notice** – min. 10 days in advance  
**Mailed Notice to 300’ radius** – min. 10 days in advance  
**Posted Sign** – min. 10 days in advance
**Staff Analysis**

The applicant is proposing a Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5); Special Exception to increase the permitted driveway width in a RS district (Sec. 55.090-F.3)

The zoning code allows for a driveway width of 30’ within the setback and 27’ withing the right of way. The applicant is requesting a 40’ driveway width.

**Relevant Case History**
- None

**Comprehensive Plan Considerations**

**Land Use Plan**

The subject property is designated as Neighborhood.

Neighborhoods are “Mostly Residential Uses” which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low-intensity uses that support residents’ daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off of an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access off of a lower-order street separated from the arterial, then it would be considered Neighborhood.

**Surrounding Properties:**

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning/Overlay</th>
<th>Existing Land Use Designation</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>RS-3</td>
<td>Neighborhood</td>
<td>Single Family home</td>
</tr>
<tr>
<td>East</td>
<td>RS-3</td>
<td>Neighborhood</td>
<td>Single Family home</td>
</tr>
<tr>
<td>South</td>
<td>RS-3</td>
<td>Neighborhood</td>
<td>Single Family home</td>
</tr>
<tr>
<td>West</td>
<td>RS-3</td>
<td>Neighborhood</td>
<td>Single Family home</td>
</tr>
</tbody>
</table>

**Small Area Plans**

The subject properties are within the 36th Street North Small Area Plan.

This plan aims to identify major capital improvements and public/private investments that will spur positive change and help draw attention to the area’s many attractions. The goal is that 36th Street North is known as a bustling commercial center, minutes from downtown, and a diverse, attractive place to live and invest.

**Development Era**

The subject property is located in an area developed during the Early Automobile Era.

The Early Automobile Era area includes those parts of the city that developed prior to and after World War II but prior to the major annexations of the 1960s. These neighborhoods developed during the rise of the automobile, but generally maintain a rectilinear street grid with homes on smaller lots.

**Transportation**

- **Major Street & Highway Plan:** None
- **Comprehensive Plan Street Designation:** None
- **Transit:** TOD Area
- **Existing Bike/Ped Facilities:** None
Planned Bike/Ped Facilities: None

Arterial Traffic per Lane: N/A

**Environmental Considerations**

Flood Area: The subject property is within the FEMA 500-year floodplain

Tree Canopy Coverage: Tree canopy in the area is 30-50% The area would benefit from additional trees, which also capture and treat runoff before it enters the river.

Parks & Open Space: None

**Sample Motion**

I move to *approve or deny* a Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5); and a Special Exception to increase the permitted driveway width in a RS district (Sec. 55.090-F.3)

- 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.

**Property Description**

LT 8 BLK 2, CAWILL ADDN RESUB PRT B8-10 CHANDLER FRATES 5TH ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA
Photos:

Subject Property

Exhibits
Case map
Aerial
Tulsa Comprehensive Plan Land Use Map
Applicant Exhibits
3. Review Comment: There is no Grading & Drainage Plan. Required Revision: Provide a Grading & Drainage Plan with drainage arrows that clearly identify how stormwater will be routed around buildings, prevent ponding, downspout locations and direction of flow and where stormwater will exit the property and convey to a private or public storm drainage system. Site drainage must be directed to the street. Directing site drainage to adjacent properties is not allowed.

Section 55.090-F.3, Surfacing. 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 Section 70.120, or, if in a PUD, in accordance with the amendment procedures of Section 30.010-I.2. (Refer to the City of Tulsa Standard Specifications and Details for Residential Driveways #701-704). Review Comment: The maximum driveway width allowed at this location is 30' on the lot and 27' in the right of way. Please request a special exception from the Board of Adjustment for a driveway 40' wide in the right of way and on the lot.

2. Review Comment: There is no Sidewalk shown on the Site Plan. Required Revision: Revise the Site Plan to show a new sidewalk running north/south centered between the curb and the property line.

According to the neighborhood plat and county assessors map, the ROW way width for N. Lansing Pl. is 60' wide; please revise so that the property line is 30' from the center of the right of way.

1. Review Comment: According to the city engineering atlas, a portion of the property is covered by the Tulsa Regulatory Floodplain and FEMA Floodplain. Required Revision: Call 311 and request a Floodplain Determination letter for the property and submit with your revised drawings. Add a note to the Site Plan that says, "Tulsa Regulatory Floodplain and FEMA Floodplain cover the property with Base Flood Elevation of _____ NAVD 1988" and fill in the blank with the Base Flood Elevation indicated on the Floodplain Determination letter. In an effort to verify if the proposed building is in the Floodplain, hire a surveyor and shoot the Lowest Adjacent Grades at the four corners of the proposed building. Revise the Site Plan to show the Lowest Adjacent Grades, if any of the Lowest Adjacent Grades are at or lower than the Base Flood Elevation provided on the Floodplain Determination letter, there will be additional Floodplain design requirements.

Section 5.020 Use Regulations - Principal uses allowed in R districts in accordance with Table 5-2. Review Comments: Duplexes are only allowed on an RS-3 zoned lot by special exception. Please request a special exception from the Board of Adjustment to allow a duplex on a RS-3 zoned lot.
1. CONTRACTOR TO PROVIDE INSPITE VENTILATION PER KUBE RC 2010

ARCHITECTURAL ELEMENTS

EXTERIOR WALL 5 1/2" BELOW ROOF
EXTERIOR WALL 5 1/2" BELOW ROOF

1/4" = 1'-0"

ROOF PLAN

DRAWN BY: THAYS GOUD INV.

NEW DUFFEK

2021-08-06 AE

A5
THAT'S GOUĐ INV.
NEW DUPLEX
3923 N LANSING PL
TULSA OK 74106

PROJECT TEAM

DRAWN BY:

RCJ DESIGNS, LLC
920 E 9TH ST
TULSA, OK 74106

RAUL OSHEROS JR
VIBRANT HOME
WWW.RCJDESIGNS.COM

SCOPE OF WORK

SUMMARY:

NEW CONSTRUCTION FOR A DUPLEX ON A VACANT LOT.

SHEET INDEX

CA - COVER SHEET
ER - ELEVATIONS/PLAN SECTION
ET - EXTERIOR ELEVATIONS
FR - ROOF PLAN

PERMIT SET
11.14.2023

PROJECT NUMBER
23162

R C J
DESIGNS

PROJECT ISSUE
PERMIT SET
11.14.2023

PROJECT ADDRESS
3923 N LANSING PI
TULSA, OK 74106

2.13
Owner and Applicant Information
Applicant: Billie Hall
Property Owner: Billie Hall

Property Location
407 E. Seminole Pl.
Tract Size: ±0.42 acres

Location within the City of Tulsa
(shown with City Council districts)

Elected Representatives
City Council: District 1, Vanessa Hall-Harper
County Commission: District 1, Stan Sallee

Public Notice Required
Newspaper Notice – min. 10 days in advance
Mailed Notice to 300’ radius – min. 10 days in advance

Request Summary
Special Exception to increase the permitted driveway width in a RS district (Sec. 55.090-F.3)

Zoning
Zoning District: RS-4
Zoning Overlays: HNO

Comprehensive Plan Considerations
Land Use
Land Use Plan: Neighborhood
Small Area Plans: Unity Heritage
Development Era: Early Automobile

Transportation
Major Street & Highway Plan: None
planitulsa Street Type: None
Transit: N/A
Existing Bike/Ped Facilities: None
Planned Bike/Ped Facilities: None

Environment
Flood Area: N/A
Tree Canopy Coverage: 10-20%
Parks & Open Space: N/A
**Staff Analysis**
The applicant is proposing a Special Exception to increase the permitted driveway width in a RS district (Sec. 55.090-F.3)

<table>
<thead>
<tr>
<th>Maximum Driveway Width</th>
</tr>
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<tbody>
<tr>
<td><strong>Lot Frontage</strong></td>
</tr>
<tr>
<td>Driveway Within Right-of-Way (feet) [1]</td>
</tr>
<tr>
<td>Driveway Within Street Setback (feet)</td>
</tr>
</tbody>
</table>

[1] Maximum width applies to the composite of all driveways if multiple curb cuts are provided.  
[2] Provided that for lot frontages less than 24 feet, a driveway up to 12 feet in width is permitted.

The applicant has 75’+ of lot frontage meaning they could have a 27’ driveway within the right of way and 30’ within the setback. They are proposing adding a new 12’ driveway which would bring the total to 39’.

**Relevant Case History**
- None

**Comprehensive Plan Considerations**

**Land Use Plan**
The subject property is designated as Neighborhood.

Neighborhoods are “Mostly Residential Uses” which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low-intensity uses that support residents’ daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off of an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access off of a lower-order street separated from the arterial, then it would be considered Neighborhood.

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</tr>
<tr>
<td>South</td>
</tr>
<tr>
<td>West</td>
</tr>
</tbody>
</table>

**Small Area Plans**
The subject properties are within the Unity Heritage Small Area Plan.

**Development Era**
The subject property is located in an area developed during the Early Automobile era.

The Early Automobile Era area includes those parts of the city that developed prior to and after World War II but prior to the major annexations of the 1960s. These neighborhoods developed during the rise of the automobile, but generally maintain a rectilinear street grid with homes on smaller lots.

**Transportation**
Major Street & Highway Plan: N/A

Comprehensive Plan Street Designation: N/A
Transit: None

Existing Bike/Ped Facilities: None

Planned Bike/Ped Facilities: None

Arterial Traffic per Lane: N/A

Environmental Considerations
Flood Area: The subject property is not within a flood area.

Tree Canopy Coverage: Tree canopy in the area is 13%. The area would benefit from additional trees, which also capture and treat runoff before it enters the river.

Parks & Open Space: None

Sample Motion
I move to approve or deny a Special Exception to increase the permitted driveway width in a RS district (Sec. 55.090-F.3)

• 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.

Property Description
Lots 9 and 10 Block 9, Meadowbrook ADDN
Subject Property

Exhibits
Case map
Aerial (small scale)
Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map
Applicant’s Exhibits
**Board of Adjustment**

**Staff Report**

Special Exception Case BOA-23637

**Hearing Date:** February 13, 2024  
**Prepared by:** Dylan Siers  
  dsiers@cityoftulsa.org  
  918-596-7584

<table>
<thead>
<tr>
<th>Owner and Applicant Information</th>
<th>Request Summary</th>
</tr>
</thead>
</table>
| **Applicant:** Tom Neal  
**Property Owner:** Johnny Dale Reaves | **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 in the rear setback (Section 90.090-C)**  
**Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-B)**  
**Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D)**  
**Special Exception to increase the permitted driveway width in a RS-3 district (Sec. 55.090-F.3)** |

<table>
<thead>
<tr>
<th>Property Location</th>
<th><strong>Zoning</strong></th>
</tr>
</thead>
</table>
| **1704 S Yorktown Ave**  
**Tract Size:** ±0.22 acres | **Zoning District:** RS-3  
**Zoning Overlays:** HP |

<table>
<thead>
<tr>
<th>Location within the City of Tulsa</th>
<th><strong>Comprehensive Plan Considerations</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><em>(shown with City Council districts)</em></td>
<td><strong>Land Use</strong></td>
</tr>
</tbody>
</table>
|                                   | **Land Use Plan:** Neighborhood  
**Small Area Plans:** None  
**Development Era:** Streetcar |

<table>
<thead>
<tr>
<th>Elected Representatives</th>
<th><strong>Transportation</strong></th>
</tr>
</thead>
</table>
| **City Council:** District 4, Laura Bellis  
**County Commission:** District 2, Karen Keith | **Major Street & Highway Plan:** None  
**planitulsa Street Type:** N/A  
**Transit:** N/A  
**Existing Bike/Ped Facilities:** None  
**Planned Bike/Ped Facilities:** None |

<table>
<thead>
<tr>
<th>Public Notice Required</th>
<th><strong>Environment</strong></th>
</tr>
</thead>
</table>
| **Newspaper Notice** – min. 10 days in advance  
**Mailed Notice to 300’ radius** – min. 10 days in advance  
**Posted Sign** – min. 10 days in advance | **Flood Area:** None  
**Tree Canopy Coverage:** 10-20%  
**Parks & Open Space:** N/A |
**Staff Analysis**
The applicant is proposing a 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 in the rear setback (Section 90.090-C) Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-B); Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D) Special Exception to increase the permitted driveway width in an RS-3 district (Sec. 55.090-F.3)

The site plan shows the proposed structure to have a height of 22’6”. The applicant is proposing a 1,344 sq. ft detached accessory building. This exceeds the 500 sq ft and 40% of the floor area of the principal building. The lot currently has 25’6” of driveway, the applicant is proposing to add a new driveway that will bring the total to 49’6”. This is about 19’ over the allowed driveway width.

**Statement of Hardship**
“Modern cars will not fit in model A size garage. Owners also have had another child & a formal office is needed for nursery. 2nd floor will be home office and guest quarters. This has been approved by the Tulsa Preservation Commission.”

**Relevant Case History**
- None

**Comprehensive Plan Considerations**

**Land Use Plan**
The subject property is designated as Neighborhood.

Neighborhoods are “Mostly Residential Uses” which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low-intensity uses that support residents’ daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off of an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access off of a lower-order street separated from the arterial, then it would be considered Neighborhood.

**Surrounding Properties:**

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<tr>
<td>North</td>
<td>RS-3/HP</td>
<td>Neighborhood</td>
<td>Single Family Home</td>
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<td>South</td>
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<td>Neighborhood</td>
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</tr>
<tr>
<td>West</td>
<td>RS-3/HP</td>
<td>Neighborhood</td>
<td>Single Family Home</td>
</tr>
</tbody>
</table>

**Small Area Plans**
The subject properties are not within a small area plan.

**Development Era**
The subject property is located in an area developed during the street car era.
The Streetcar Era area is the second level of the Development Era Map and encompasses those areas of the city that also predate the proliferation of the automobile and maintain a highly walkable urban form. These areas emerged as the streetcar suburbs and commercial main streets prior to World War II.

**Transportation**

Major Street & Highway Plan: None

Comprehensive Plan Street Designation: None

Transit: None

Existing Bike/Ped Facilities: None

Planned Bike/Ped Facilities: None

Arterial Traffic per Lane: None

**Environmental Considerations**

Flood Area: The subject property is not within a Flood area

Tree Canopy Coverage: Tree canopy in the area is 10-20% The area would benefit from additional trees, which also capture and treat runoff before it enters the river.

Parks & Open Space: None

**Sample Motion**

I move to **approve or deny** a The applicant is proposing a 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 in the rear setback (Section 90.090-C) Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-B); Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D) Special Exception to increase the permitted driveway width in a RS-3 district (Sec. 55.090-F.3) 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.

**Property Description**

Subdivision: MAYWOOD ADDN (26450)

Legal: LT 1 BLK 4

Section: 07

Township: 19 Range: 13
Subject Property

Subject Property

Exhibits
Case map
Aerial (small scale)
Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map
Subject: WSD Comment  
Page Label: 1  
Author: James Hanley  
Date: 11/27/2023 12:33:18 PM  
Status:  
Color:  
Layer:  
Space:  

Revise site plan with a drainage plan that clearly shows how overland drainage will be conveyed to the street or public storm system. Show how the proposed structure affects overland drainage. Use arrows to indicate flow direction.

Subject: WSD Comment  
Page Label: 1  
Author: James Hanley  
Date: 11/27/2023 12:36:29 PM  
Status:  
Color:  
Layer:  
Space:  

There is an 8" sanitary sewer line in the vicinity of the proposed structure. Revise site plan with the location of this sewer line and a measurement from the center of the line to the Western edge of the proposed structure. Minimum setback from the center of the line is 7.5'.

Zoning Review (4)

Subject: Zoning Review  
Page Label: 1  
Author: DWhite  
Date: 12/15/2023 10:48:36 AM  
Status:  
Color:  
Layer:  
Space:  

Section 55.090-F.3, Surfacing.  
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 Section 70.120, or, if in a PUD, in accordance with the amendment procedures of Section 30.010-I.2. (Refer to the City of Tulsa Standard Specifications and Details for Residential Driveways #701-704).  
Review Comment: This house has a 60' lot front, and per this section the max driveway widths allowed are 26' in the right of way, and 30' on the lot. You may request a special exception from the Board of Adjustment for driveway widths that exceed these limits.
CITY OF TULSA
CORRECTIONS SUMMARY

Subject: Zoning Review
Page Label: 1
Author: DWhiteman
Date: 12/15/2023 10:48:47 AM
Status:
Color:
Layer:
Space:

Section 90.090-C.2.a.1, Detached Accessory
Buildings. Detached accessory buildings may be
located in rear setbacks in RE, RS and RD districts,
provided that the building does not exceed one story
or 16 feet in height and is not more than 10 feet in
height to the top of the top plate.

Review Comments: You will need to apply to the
Board of Adjustment for a variance to allow an
accessory structure in the rear setback to exceed 18
feet in height, 10 feet to the top plate, and one story.

Subject: Zoning Review
Page Label: 1
Author: DWhiteman
Date: 12/15/2023 11:03:32 AM
Status:
Color:
Layer:
Space:

Section 45.030-B RS-2, RS-3, RS-4, RS-5 or RM
Districts. In RS-2, RS-3, RS-4 and RS-5 districts, the
total aggregate floor area of all detached accessory
buildings and accessory buildings not erected as an
integral part of the principal residential building may
not exceed 500 square feet or 40% of the floor area of
the principal residential structure, whichever is
greater.

Review comments: You are proposing 1,344 sq. ft. of
detached accessory structure floor area. The
proposed detached structure exceeds 500 sq. ft. and
40% of the size of your house. Based on the floor area
of your house/garage (3,130 sq. ft.) you are permitted
1,252 sq. ft. of detached accessory structure floor
area on your lot. You may reduce the size of your
proposed detached accessory structure to be 1,252
sq. ft. floor area or less, or apply to Board of
Adjustment for a variance to permit the floor area a
detached accessory structure to exceed 40% of the
principle structure in an RS-3 zoning district.

Subject: Zoning Review
Page Label: 1
Author: DWhiteman
Date: 12/15/2023 11:11:36 AM
Status:
Color:
Layer:
Space:

Section 45.031-D Regulations 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.

Review Comments: Apply to the Board of Adjustment
for a special exception to allow an Accessory Dwelling
Unit in an RS-3 zoned area. Contact the Tulsa
Planning Office at 918-556-7526 for Board of
Adjustment scheduling and procedures.
### Owner and Applicant Information

**Applicant:** MP Advocates  
**Property Owner:** 61:4 Properties & Management LLC

### Property Location

307 W 65th St N  
Tract Size: ±.2 acres

### Location within the City of Tulsa

(Shown with City Council districts)

### Request Summary

Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5); Variance to reduce the required 2,500 square feet of open space per unit for a duplex use in the RS-3 District (Sec. 5.030, Table 5-3).

### Zoning

**Zoning District:** RS-3  
**Zoning Overlays:** None

### Comprehensive Plan Considerations

**Land Use**  
**Land Use Plan:** Neighborhood  
**Small Area Plans:** None  
**Development Era:** Late Automobile

**Transportation**  
**Major Street & Highway Plan:** N/A  
**Planitulsa Street Type:** Residential collector  
**Transit:** N/A  
**Existing Bike/Ped Facilities:** None  
**Planned Bike/Ped Facilities:** N/A

### Environment

**Flood Area:** N/A  
**Tree Canopy Coverage:** 10-20%  
**Parks & Open Space:** Vining Park nearby
Staff Analysis
The applicant is proposing to build a duplex in an RS-3 district (special exception required) and needs a Variance to reduce the open space per unit required from 2,500 square feet to 1,984 square feet. Open space is measured as follows:

### Section 90.080 Open Space per Unit

**90.080-A** Open space per unit refers to the amount of outdoor open space required to be provided on a lot for each dwelling unit on the subject lot. Multiply the minimum open space-per-unit requirement by the number of dwelling units to determine the total amount of open space required on a lot. In applying minimum open space-per-unit requirements to fraternity, sorority and rooming/boarding house uses, each 600 square feet of floor area is counted as one dwelling unit.

**90.080-B** The following may be counted toward satisfying minimum open space-per unit requirements:

1. Outdoor areas that are not occupied by buildings, driveways or parking areas and are generally useable by residents;
2. Driveways and parking areas located in the rear yard of a detached house or duplex; and
3. Green roofs covering 25% or more of the subject building’s overall roof area.

Relevant Case History
- None

Statement of Hardship
Please see attached.

Comprehensive Plan Considerations

Land Use Plan
The subject property is designated as Neighborhood.

**Neighborhoods** are mostly residential uses, which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low intensity uses that support residents’ daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access from a lower-order street separated from the arterial, then it would be considered Neighborhood.

### Surrounding Properties:

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<td>Residential</td>
</tr>
</tbody>
</table>

Small Area Plans
The subject properties are not in a small area plan.
Development Era
The subject property is located in an area developed during the late automobile area.

The subject property is in an area developed during the Late Automobile Era (1950s-present), which has grown since the mainstreaming of automobile-centric lifestyles, with a high degree of separation between residential and nonresidential uses, and low levels of street connectivity. In these areas, transportation is nearly exclusively concentrated on the mile-by-mile arterial grid, and major streets are often both transportation corridors and destination corridors, which can lead to traffic congestion. Nonresidential uses are predominantly located at the intersections of major arterial streets. Priorities in these areas include commercial revitalization, placemaking, community gathering opportunities, conservation of natural areas, a high degree of privacy, one-stop shopping, and commuting routes.

Transportation
Major Street & Highway Plan: N/A

Comprehensive Plan Street Designation: Residential Collector

Transit: N/A

Existing Bike/Ped Facilities: None

Planned Bike/Ped Facilities: N/A

Arterial Traffic per Lane: 2,500-5,000

Environmental Considerations
Flood Area: The subject property is not in a flood area.

Tree Canopy Coverage: Tree canopy in the area is 11%. Preserving the limited existing canopy should be encouraged, as well as measures to increase the canopy through landscaping. Street-lining trees in particular should be encouraged to spread the benefit of the tree canopy to the pedestrian realm.

Parks & Open Space: The property is very close to Vining Park.
Photos:

Subject Property
Sample Motion

I move to approve or deny a Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5).

- 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.

And I move to approve or deny a Variance to reduce the required 2,500 square feet of open space per unit for a duplex use in the RS-3 District (Sec. 5.030, Table 5-3).

- 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 the hardship to be ________________________________________________________________.

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.

Property Description

LT 9 BLK 2 NORTHGATE THIRD ADDN

Exhibits

Case map
Aerial (small scale)
Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map
Request:

We are requesting a special exception to allow for construction of a duplex on an RS-3 zoned lot (Table 2-2.5); Additionally, we are requesting a variance of the minimum open space requirement from 2,500 sq.ft. per unit to 1,984 sq.ft. per unit (Table 2-3 [8]).

Hardship:

1. The physical surroundings, shape, or topographic 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.

   The subject property is a platted lot in Northgate Third, recorded in 1967, prior to the adoption of the first Tulsa zoning code. Although it conforms to today’s bulk and area requirements for a RS-3 zoned single family lot, the lots in Northgate are shallower and have less area than most RS-3 lots platted throughout the city, and therefore are more difficult to develop with duplexes than other neighborhoods.

2. The literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose.

   The code allows for a duplex in RS-3 zoning if it meets the requirements for a special exception. All other requirements would be met if not for the minimum open space provision for which we are seeking relief.

3. 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.

   The shallowness of this lot, and others throughout the Northgate Additions, are unique from other property within the same zoning classification.

4. The alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner.

   This vacant lot was not platted by the current property owner.

5. The variance to be granted is the minimum variance that will afford relief.

   Our request is the minimum relief needed to build a modest size duplex.

6. 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 of development of adjacent property.

   The proposed duplex has been designed to match the context of the neighborhood.

7. 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 proposed variance will not be detrimental to the public good nor impair the purposes of the zoning code/comprehensive plan.
Land Use Plan Categories

- Arkansas River Corridor
- Downtown
- Employment
- Local Center
- Multiple Use
- Neighborhood
- Park and Open Space
- Regional Center

SUBJECT TRACT
Standard Silt Fence Notes:
1. STEEL POSTS WHICH SUPPORT THE SILT FENCE SHALL BE INSTALLED ON A SLIGHT ANGLE TOWARDS THE ANTICIPATED RUNOFF SOURCE.
2. THE TOP OF THE SILT FENCE SHALL BE TRENCHED IN WITH A SPADE OR MECHANICAL TRENCHER, SO THAT THE DOWNSLOPE FACE OF THE TRENCH IS FLAT AND PERPENDICULAR TO THE LINE OF FLOW.
3. THE TRENCH SHOULD BE A MINIMUM OF 6 INCHES DEEP AND 3 INCHES WIDE TO ALLOW FOR THE SILT FENCE TO BE LAYED INSIDE THE TRENCH AND BACKFILLED.
4. SILT FENCE SHOULD BE SECURELY FASTENED TO EACH STEEL SUPPORT POST OR TO WOVEN WIRE, WHICH IS TURN ATTACHED TO THE STEEL FENCE POSTS.
5. INSPECTION SHALL BE FREQUENT AND REPAIR OR REPLACEMENT SHALL BE MADE PROMPTLY AS NEEDED.
6. SILT FENCE SHALL BE REMOVED WHEN IT HAS SERVED ITS USEFULNESS SO AS NOT TO BLOCK OR IMPede STORM FLOW OR DRAINAGE.
7. SEDIMENT TRAPPED BY THIS PRACTICE SHALL BE DISPOSED OF IN AN APPROVED SITE, IN A MANNER THAT WILL NOT CONTRIBUTE TO ADDITIONAL SiltATION.
8. ACCUMULATED SILT SHALL BE REMOVED WHEN IT REACHES A DEPTH OF 6 INCHES AND DISPOSED OF IN AN APPROVED SPILLOVER SITE OR AS IN NO. 7 ABOVE.

Standard Construction Entrance Notes:
1. STONE SIZE AASHTO DESIGNATION M43, SIZE NO. 2 (2-1/2" TO 1-1/2"). USE CRUSHED STONE.
2. LENGTH - AS EFFECTIVE, BUT NOT LESS THAN 50 FEET.
3. THICKNESS - NOT LESS THAN EIGHT (8) INCHES.
4. WIDTH - NOT LESS THAN FULL WIDTH OF ALL POINTS OF INGRESS OR EGRESS.
5. WHEN NECESSARY, WHEELS SHALL BE CLEANED TO REMOVE SEDIMENT PRIOR TO ENTRANCE ONS PUBLIC RIGHT-OF-WAY. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH CRUSHED STONE WHICH DRAINS INTO AN APPROVED SEDIMENT TRAP OR SEDIMENT BARRIER.
6. ALL SEDIMENT SHALL BE PREVENTED FROM ENTERING ANY STORM DRAIN, DITCH OR WATERCOURSE THROUGH USE OF SANDBAGS, GRAVEL, BOARDS, OR OTHER APPROVED METHODS.
7. MAINTENANCE - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION TO PREVENT TRACKING OF SEDIMENT INTO PUBLIC RIGHT-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED, OR TRACKED ONTO PUBLIC RIGHT-OF-WAY MUST BE REMOVED IMMEDIATELY BY THE CONTRACTOR.
**Board of Adjustment**

**Staff Report**

**Special Exception Case BOA-23640**

**Hearing Date:** February 13, 2024  
**Prepared by:** Sean Wallace  
swallace@cityoftulsa.org  
918-596-7585

<table>
<thead>
<tr>
<th><strong>Owner and Applicant Information</strong></th>
<th><strong>Request Summary</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Applicant:</strong> MP Advocates</td>
<td>Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5).</td>
</tr>
<tr>
<td><strong>Property Owner:</strong> 61:4 Properties &amp; Management LLC</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Property Location</strong></th>
<th><strong>Zoning</strong></th>
</tr>
</thead>
</table>
| 231 W 65th Pl N       | **Zoning District:** RS-3  
**Zoning Overlays:** None |
| **Tract Size:** ±.2 acres |                     |

<table>
<thead>
<tr>
<th><strong>Location within the City of Tulsa</strong></th>
<th><strong>Comprehensive Plan Considerations</strong></th>
</tr>
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<tbody>
<tr>
<td><em>(shown with City Council districts)</em></td>
<td><strong>Land Use</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Land Use Plan:</strong> Neighborhood</td>
</tr>
<tr>
<td></td>
<td><strong>Small Area Plans:</strong> None</td>
</tr>
<tr>
<td></td>
<td><strong>Development Era:</strong> Late Automobile</td>
</tr>
</tbody>
</table>

<table>
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<tr>
<th><strong>Elected Representatives</strong></th>
<th><strong>Transportation</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>City Council:</strong> District 1, Vanessa Hall-Harper</td>
<td><strong>Major Street &amp; Highway Plan:</strong> N/A</td>
</tr>
<tr>
<td><strong>County Commission:</strong> District 1, Stan Sallee</td>
<td><strong>planitulsa Street Type:</strong> Residential collector</td>
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</tbody>
</table>

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<tr>
<th><strong>Public Notice Required</strong></th>
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<td><strong>N/A</strong></td>
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<td>Mailed Notice to 300’ radius – min. 10 days in advance</td>
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<th><strong>Environment</strong></th>
<th><strong>Existing Bike/Ped Facilities:</strong> None</th>
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<tr>
<td><strong>Flood Area:</strong> N/A</td>
<td><strong>Planned Bike/Ped Facilities:</strong> N/A</td>
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<td><strong>Tree Canopy Coverage:</strong> 10-20%</td>
<td></td>
</tr>
<tr>
<td><strong>Parks &amp; Open Space:</strong> Vining Park nearby</td>
<td></td>
</tr>
</tbody>
</table>
Staff Analysis
The applicant is proposing to build a duplex in an RS-3 district (special exception required).

Relevant Case History
• None

Comprehensive Plan Considerations

Land Use Plan
The subject property is designated as Neighborhood.

Neighborhoods are mostly residential uses, which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low intensity uses that support residents’ daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access from a lower-order street separated from the arterial, then it would be considered Neighborhood.

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<tr>
<td>West</td>
<td>RS-3</td>
<td>Neighborhood</td>
<td>Residential</td>
</tr>
</tbody>
</table>

Small Area Plans
The subject property is not in a small area plan.

Development Era
The subject property is located in an area developed during the late automobile area.

This area of Tulsa has developed simultaneously with the development of surrounding communities, such as Broken Arrow, Owasso, Jenks, and Bixby. Though the growth of this area has been consistent for more than 60 years, the vast majority of developable land has been developed, leading to a decline in the number of properties being built each decade since the 1970s.

Transportation
Major Street & Highway Plan: N/A

Comprehensive Plan Street Designation: Residential Collector

Transit: N/A

Existing Bike/Ped Facilities: None

Planned Bike/Ped Facilities: N/A

Arterial Traffic per Lane: N/A
Environmental Considerations
Flood Area: The subject property is not in a flood area.

Tree Canopy Coverage: Tree canopy in the area is 18%. Preserving the limited existing canopy should be encouraged, as well as measures to increase the canopy through landscaping. Street-lining trees in particular should be encouraged to spread the benefit of the tree canopy to the pedestrian realm.

Parks & Open Space: The property is very close to Vining Park.

Photos:

Subject property

Sample Motion
I move to approve or deny a Special Exception to permit a duplex in the RS-3 district.

- 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.

Property Description
LT 5 BLK 1 NORTHGATE THIRD ADDN

Exhibits
Case map
Aerial (small scale)
Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2021

BOA-23640

Subject Tract

6.4
STANDARD SILT FENCE NOTES:

1. STEEL POSTS WHICH SUPPORT THE SILT FENCE SHALL BE INSTALLED ON A SLIGHT ANGLE TOWARDS THE ANTICIPATED RUNOFF SOURCE.
2. THE TOP OF THE SILT FENCE SHALL BE TRENCHED IN WITH A SPADE OR MECHANICAL TRENCHER, SO THAT THE DOWNSLOPE FACE OF THE TRENCH IS 6 INCHES WIDE.
3. THE TRENCH SHOULD BE A MINIMUM OF 6 INCHES DEEP AND 3-4 INCHES WIDE TO ALLOW FOR THE SILT FENCE TO BE LAYED IN THE TRENCH AND BACKFILLED.
4. SILT FENCE SHOULD BE SECURELY FASTENED TO EACH STEEL SUPPORT POST OR TO WOVEN WIRE, WHICH IS IN TURN ATTACHED TO THE STEEL FENCE POSTS.
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6. SILT FENCE SHALL BE REMOVED WHEN IT HAS SERVED ITS USEFULNESS SO AS NOT TO BLOCK OR impede STORM FLOW OR DRAINAGE.
7. SILT FENCE SHALL BE REMOVED IN A MANNER THAT WILL NOT CONTRIBUTE TO ADDITIONAL SEDIMENT.
8. ACCUMULATED SILT SHALL BE REMOVED WHEN IT REACHES A DEPTH OF 6 INCHES AND DISPOSED OF IN AN APPROVED SPoil SITE OR AS IN NO. 7 ABOVE.

STANDARD CONSTRUCTION ENTRANCE NOTES:

1. STONE SIZE AASHTO DESIGNATION M43, SIZE NO. 2 (2-1/2" TO 1-1/2"). USE CRUSHED STONE.
2. LENGTH - AS EFFECTIVE, BUT NOT LESS THAN 50 FEET.
3. THICKNESS - NOT LESS THAN EIGHT (8) INCHES.
4. WIDTH - NOT LESS THAN FULL WIDTH OF ALL POINTS OF INGRESS OR EGRESS.
5. WASHING - WHEN NECESSARY, WHEELS SHALL BE CLEANED TO REMOVE SEDIMENT PRIOR TO ENTRANCE INTO PUBLIC RIGHT-OF-WAY. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH CRUSHED STONE WHICH DRAINS INTO AN APPROVED SEDIMENT TRAP OR SEDIMENT BASIN.
6. ALL SEDIMENT SHALL BE PREVENTED FROM ENTERING ANY STORM DRAIN, DITCH, OR WATERCOURSE THROUGH USE OF SANDBAGS, GRAVEL, BOARDS, OR OTHER APPROVED METHODS.
7. MAINTENANCE - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHT-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH AN ADDITIONAL STONE AS CONDITIONS DEMAND AND THE CONTRACTOR SHALL TAKE THE NECESSARY MEASURES TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED, OR TRACKED ONTO PUBLIC RIGHT-OF-WAY MUST BE REMOVED IMMEDIATELY BY THE CONTRACTOR.
Board of Adjustment

Staff Report
Special Exception Case BOA-23641

Hearing Date: February 13, 2024
Prepared by: Sean Wallace
swallace@cityoftulsa.org
918-596-7585

Owner and Applicant Information
Applicant: Dustin Alphin
Property Owner: Karina Gaspar

Property Location
2024 N Harvard Ave E
Tract Size: ±.9 acres

Location within the City of Tulsa
(shown with City Council districts)

Request Summary
Special exception to increase the allowed fence height of 4 feet inside the street setback (Sec.45.080-A).

Zoning
Zoning District: RM-1
Zoning Overlays: None

Comprehensive Plan Considerations
Land Use
Land Use Plan: Neighborhood
Small Area Plans: None
Development Era: Early Automobile

Transportation
Major Street & Highway Plan: Multimodal Corridor
planitulsa Street Type: Multimodal Corridor
Transit: N/A
Existing Bike/Ped Facilities: None
Planned Bike/Ped Facilities: Bike Lane

Environment
Flood Area: N/A
Tree Canopy Coverage: 10-20%
Parks & Open Space: Clinton Park nearby

Elected Representatives
City Council: District 1, Vanessa Hall-Harper.
County Commission: District 1, Stan Sallee.

Public Notice Required
Newspaper Notice – min. 10 days in advance
Mailed Notice to 300’ radius – min. 10 days in advance
Posted Sign – min. 10 days in advance
**Staff Analysis**

The applicant has an existing 6-foot high fence in the street setback and 4 feet is the maximum allowed per code.

**Section 45.080 Fences and Walls**

45.080-A Fences and walls within required building setbacks may not exceed 8 feet in height, except that in required street setbacks fences and walls may not exceed 4 feet in height. However, in R zoned districts, fences up to 8 feet in height are permitted in side street setbacks of detached houses or duplexes located on corner lots and in street setbacks abutting the rear lot line of houses or duplexes located on double frontage lots. The board of adjustment is authorized to modify these fence and wall regulations in accordance with the special exception procedures of Section 70.120.

**Relevant Case History**

- None

**Comprehensive Plan Considerations**

**Land Use Plan**

The subject property is designated as Neighborhood.

**Neighborhoods** are mostly residential uses, which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low intensity uses that support residents’ daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access from a lower-order street separated from the arterial, then it would be considered Neighborhood.

**Surrounding Properties:**

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**Small Area Plans**

The subject properties are not in a small area plan.

**Development Era**

The subject property is in an area developed during the Early Automobile Era (1930s-50s), which retained a high degree of the connectivity from neighborhood streets to the arterial network, with mostly commercial, office, industrial, and other active uses along major streets and a mix of housing options and neighborhood-based uses like schools, churches, and libraries in the interior sections. Priorities in these areas include walkability, bike ability, access to public transit, historic preservation, housing type variety, mixed-use development, commercial revitalization, compatibility of scale for neighborhood development, and transitions between commercial corridors and residential areas.
Transportation
Major Street & Highway Plan: Multimodal Corridor

Multi-modal streets support commercial and residential development along major arterial streets. These streets align with the recommendations for on-street bicycle infrastructure establish in the 2015 GO Plan, and they should be evaluated for feasibility with regard to the reallocation of street space for bicycle facilities.

Comprehensive Plan Street Designation: Multimodal Corridor

Transit: N/A

Existing Bike/Ped Facilities: None

Planned Bike/Ped Facilities: A bike lane is recommended on this portion of N Harvard Ave by the GO Plan.

Arterial Traffic per Lane: 0-2,500 per lane

Environmental Considerations
Flood Area: The subject property is not in a flood area.

Tree Canopy Coverage: Tree canopy in the area is 18%. Preserving the limited existing canopy should be encouraged, as well as measures to increase the canopy through landscaping. Street-lining trees in particular should be encouraged to spread the benefit of the tree canopy to the pedestrian realm.

Parks & Open Space: Clinton Park is nearby.

PHOTOS:

Subject Property
Property Description
Subdivision: UNPLATTED (90329)
Legal: BEG 75S NEC SE TH S113.8 W380 N113.8 E380 POB LESS E50 THEREOF SEC 29 20 13 0.862ACS
Section: 29 Township: 20 Range: 13

Exhibits
Case map
Aerial (small scale)
Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map

Sample Motion
I move to approve or deny a Special Exception to increase the allowed fence height of 4 feet inside the street setback.
- 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.