

**BOA-23015**

**3.1**



20-12 35



# BOARD OF ADJUSTMENT CASE REPORT

STR: 0235

Case Number: **BOA-23015**

CZM: 28

CD: 1

**HEARING DATE:** 11/10/20 (*Continued from 10/27/2020*) 1:00 PM

**APPLICANT:** Tom Neal

**ACTION REQUESTED:** Special Exception to allow an Accessory Dwelling Unit in an RS-4 District (45.031-D); 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, 45.031-D.6); Variance to allow a nonconforming lot to have less than 50% open space (Sec. 80.020-B); Variance to allow more than 30% coverage by an Accessory Dwelling Unit in the rear setback in an RS-4 District (Section 90.090-C); 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)

**LOCATION:** 1129 N DENVER AV W

**ZONED:** RS-4

**PRESENT USE:** Residential

**TRACT SIZE:** 6952.2 SQ FT

**LEGAL DESCRIPTION:** LT 9 BLK 6, THE POWDER AND POMEROY ADDN

## **RELEVANT PREVIOUS ACTIONS:**

**Subject property:** None.

## **Surrounding Properties:**

**BOA-21447;** On 07.10.12 the Board **approved** a variance to allow a two-story detached accessory building. Property located 1152 North Denver Ave.

**BOA-12599;** On 05.19.83 the Board **approved** a variance to permit two dwelling units on a single lot of record. Property located 1132 North Cheyenne Ave.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of an "Existing Neighborhood" and an "Area of Stability".

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.

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,

3.2



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.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located North of the NE/c of N. Denver Ave. and W. Latimer St.

**STAFF COMMENTS:** The applicant is requesting **Special Exception** to allow an Accessory Dwelling Unit in an RS-4 District (45.031-D); **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, 45.031-D.6); **Variance** to allow a nonconforming lot to have less than 50% open space (Sec. 80.020-B); **Variance** to allow more than 30% coverage by an Accessory Dwelling Unit in the rear setback in an RS-4 District (Section 90.090-C); **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)

A copy of “**Sec. 45.030:Accessory Building and Carports in R Districts**”, “**Sec. 45.031: Accessory Dwelling Units in R, AG, and AG-R Districts**”, is included in your packets.

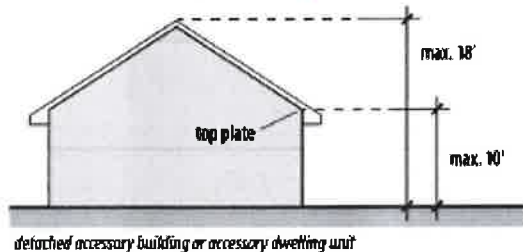
**80.020-B Nonconforming Lots in Residential Zoning Districts**

In residential zoning districts, a single detached house may be erected on a nonconforming lot without complying with the minimum lot area, minimum lot area per unit, minimum lot width, minimum street frontage or minimum open space per unit requirements of the subject zoning district, **provided that at least 50% of the lot area remains as open space.** All other lot and building regulations apply, except that detached houses may be erected on corner lots that are nonconforming with regard to lot width, subject to a reduced minimum street side building setback of 5 feet. Garages that are accessed through a side yard abutting a street must be set back at least 20 feet.

**2. Detached Accessory Buildings, including Accessory Dwelling Units, in RE, RS, RD Districts and RM Zoned Lots Used for Detached Houses or Duplexes.**

- a. Detached accessory buildings, including Accessory Dwelling Units, may be located in rear setbacks provided that:
  - (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

Figure 90-9: Maximum Height of Accessory Buildings, Including Accessory Dwelling Units In Rear Setbacks (RE, RS and RD Districts or RM Zoned Lots Used for Detached Houses or Duplexes)



- (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

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

Applicant is allowed 801.6 sf of floor area for their ADU, they are proposing a 1,584 sf ADU.

Applicant is allowed a single story ADU, they are proposing an ADU that is 26' in height and 19' 9" at the top of the top plate.

Applicant is required to maintain 50% (3,476 sf) open space on the lot, they are proposing 30% (2,110 sf) of open space.

Applicant is allowed to only cover 30% of the rear setback. Applicant is proposing 57% coverage in the rear setback.

**STATEMENT OF HARDSHIP:** Original garage was sized for Model T cars and needs new garage to fit modern sized cars. Lot is extremely non-conforming ADU is for owner's family and guests.

**SAMPLE MOTION:**

**Special Exception:**

Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to allow an Accessory Dwelling Unit in an RS-4 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.

**Variances:**

Move to \_\_\_\_\_ (approve/deny) a **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, 45.031-D.6); **Variance** to allow a nonconforming lot to have less than 50% open space (Sec. 80.020-B); **Variance** to allow more than 30% coverage by an Accessory Dwelling Unit in the rear setback in an RS-4 District (Section 90.090-C); **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)

- 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."*

supporting structure (excluding any guy lines) to the nearest point on the residential zoning district boundary line, excluding R-zoned freeways.

## Section 45.030 Accessory Buildings and Carports in R Districts

### 45.030-A Accessory Building Size

#### 1. RE and RS-1 Districts

In RE and RS-1 districts, the total aggregate floor area of all detached accessory buildings, including accessory dwelling units, and accessory buildings not erected as an integral part of the principal residential building may not exceed 750 square feet or 40% of the floor area of the principal residential structure, whichever is greater. [1]

#### 2. RS-2, RS-3, RS-4, RS-5 and RM Districts

In RS-2, RS-3, RS-4, RS-5 or RM, zoned lots used for detached houses or duplexes, the total aggregate floor area of all detached accessory buildings, including accessory dwelling units, 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. [1]

[1] For detached accessory buildings, including accessory dwelling units, located within rear setbacks see §90.090-C2.

### 45.030-B Carports

Carports are allowed in R zoning districts. Any carport that occupies all or a portion of the street setback or street yard area must be approved in accordance with the special exception procedures of Section 70.120 and comply with the regulations of Section 90.090-C1.

## Section 45.031 ADU, Accessory Dwelling Units in R, AG, and AG-R Districts

### Section 45.031-A Definition

A dwelling unit that is located in an accessory building on the same lot as a detached house to which it is accessory and subordinate.

Examples of ADUs include carriage houses, garage apartments, and mother-in-law flats.

### Section 45.031-B Purpose

1. The purpose of allowing accessory dwelling units within R, AG, and AG-R districts is to:
  - a. accommodate new housing units while preserving the character of existing neighborhoods;
  - b. allow efficient use of the city's existing housing stock and infrastructure;
  - c. provide housing options and choices that respond to varying income levels, changing household sizes and lifestyle needs; and

- d. provide a means for residents—particularly seniors, single parents, and empty-nesters—to remain in their homes and neighborhoods, and obtain extra income, security, companionship and assistance.
2. The ADU supplemental regulations are also intended to help ensure that that new buildings and modifications to existing buildings are designed with sensitivity to their context in terms of building placement, proportions, building materials, and similar design features.

**Section 45.031-C Applicability**

These regulations apply to all accessory dwelling units, as defined by Section 45.031-A.

**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.

**2. Number**

No more than one accessory dwelling unit is allowed per lot.

**3. Methods of Creation**

An accessory dwelling unit may be created only through the following methods:

- a. Constructing an accessory dwelling unit on a lot with a new or existing detached house; or
- b. Converting or increasing existing floor area within an accessory building on a lot with an existing detached house.

**4. Density (Minimum Lot Area and Lot Area per Unit)**

No additional lot area or lot area per unit is required for the accessory dwelling unit.

**5. Open space (Minimum open space per unit)**

No additional open space is required for the accessory dwelling unit.

**6. Accessory Dwelling Unit Size**

**a. RE and RS-1 Districts**

In RE and RS-1 districts, the total aggregate floor area of all detached accessory buildings, including accessory dwelling units, may not exceed 750 square feet or 40% of the floor area of the principal residential structure, whichever is greater. [1]

- b. RS-2, RS-3, RS-4, RS-5, and RM Districts

In RS-2, RS-3, RS-4, RS-5 or RM zoned lots used for detached houses, the total aggregate floor area of all detached accessory buildings, including accessory dwelling units, may not exceed 500 square feet or 40% of the floor area of the principal residential structure, whichever is greater. [1]

[1] For detached accessory buildings, including accessory dwelling units, located within rear setbacks, see Section 90.090-C2.

#### **7. Building and Fire Codes**

All accessory dwelling units are subject to applicable building and fire codes.

#### **8. Additional Regulations for Accessory Dwelling Units**

##### **a. Entrances**

Building entrances to accessory dwelling units may not face the nearest side or rear property line unless there is an alley abutting that property line.

##### **b. Setbacks**

An accessory dwelling unit must be located at least 10 feet behind the detached house. This required 10-foot separation distance must be open from the ground to the sky except that it may include walkways, patios, decks and similar structures that do not exceed 30 inches in height above finished grade.

##### **c. Exterior Finish Materials**

The exterior finish material of any new accessory dwelling unit must be the same or visually match in type, size and placement, the exterior finish material of the detached house.

##### **d. Roof Pitch**

The roof pitch any new accessory dwelling unit must be the same as the predominant roof pitch of the principal building.

#### **Section 45.040 Compressed Natural Gas (CNG) Refueling Appliances**

Private (restricted access), consumer-oriented (home), CNG refueling appliances are permitted as an accessory use to lawfully established household living uses in all zoning districts.

#### **Section 45.050 Dumpsters**

##### **45.050-A Regulations**

Dumpsters established or placed on or after the effective date specified in Section 1.030 are subject to the following regulations:

- 1.** Dumpsters may only be placed with the written permission of the owner of the subject property.
- 2.** Dumpsters must be located on a dustless, all-weather surface.
- 3.** Dumpsters may not:
  - a.** Obstruct motorized or non-motorized traffic;



**Presentation:**

**Daryl Woodard**, 6311 East 105<sup>th</sup> Street, Tulsa,OK; stated the existing sign is deteriorating and this proposal is to enhance the look of the sign. There has been a lot of time invested in this property by cleaning it up. The existing sign would not be replaced, it would simply be refaced.

Mr. Van De Wiele asked Mr. Woodard about the notation on the site plan on page 7.8, in the Board's agenda packet, referring to a future message center. Mr. Woodard stated that he was not requesting approval for the message center because he decided not to have one on the sign.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Stead absent) to **APPROVE** the request for a **Variance** of allowed sign height from 25 feet to 35 feet in an IL District (Section 1221.E.1); **Variance** of 60 foot setback to 50 foot setback in an IL District (Section 1221.E.1) to permit the refacing and updating of an existing sign; subject to conceptual plan on page 7.8 with the caveat that the Board is not approving an electronic message center. The Board has found that the existing sign is in need of repair and the sign was most likely constructed prior to the City's code, and the location now requires the request for these two variances. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**LT 1 BLK 1, GROGG` S LANDING, MINGO VALLEY TRADE CENTER, 100 EAST INDUSTRIAL PARK AMD RESUB 100 EAST INDUSTRIAL PARK, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21447—Donna Danner**

**FILE COPY**

**Action Requested:**

**Variance** from one-story height restriction to two-story and from the height requirement of 18 feet to 22 feet for a detached accessory building in the RS-4 District (Section 210.B.5.a). **LOCATION:** 1152 North Denver Avenue (CD 1)

BOA-21447

FILE COPY

**Presentation:**

Donna Danner, 1152 North Denver Avenue, Tulsa, OK; stated her house is a historical house located in the Brady Heights District. The house has a detached garage that was built in 1917 and it is in a dilapidated state. She would like to rebuild the structure, imitating as it was before.

Mr. Van De Wiele asked Ms. Danner if she had plans for using the upstairs portion of the garage as rental property. Ms. Danner stated that she was not; her plans are to use it as a garage with storage.

Mr. White asked Ms. Danner if her home was on the historical register. Ms. Danner stated that her home is on the National Historical Register.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Stead absent) to **APPROVE** the request for a **Variance** from one-story height restriction to two-story and from the height requirement of 18 feet to 22 feet for a detached accessory building in the RS-4 District (Section 210.B.5.a). Finding that this existing detached garage built in 1917 is in a delapidated state of repair and this is on property that has a house on the historical register. This is subject to conceptual plan on pages 8.8 and 8.9. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**LOT 6 & 7 AND RESERVE BLK 4, THE POWDER AND POMEROY ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**18310-A—Ollie Harris – City of Tulsa Police Department**

**Action Requested:**

**Modification** to a previously approved site plan (BOA-18310) to allow for the addition of a 30 foot x 60 foot enclosed pole barn for storage of vehicles and training equipment. **LOCATION:** 10926 East Cameron Street North (CD 3)

Case No. 12598 (continued)

Provisions of Use Unit 1226) to allow the incineration of animals at the animal shelter, that the unit to be installed have a control so there is no emission of noxious or offensive odors, subject to the unit being approved by the City Engineering Department in accordance with their specifications, Tulsa City-County Health Department and other governmental agencies concerned therewith, on the following described property:

A tract of land lying in the W/2, SW/4, SE/4 of Section 8, Township 20 North, Range 13 East in Tulsa, Tulsa County, Oklahoma, and being more particularly described as follows, to wit: Beginning at a point on the East line of Said W/2, SW/4, SE/4, 720.00' North of the Southeast corner; thence West 175.00'; thence North 200.00'; thence in a Northeasterly direction to a point on the East line of Said W/2, SW/4, SE/4, 1,100.00' North of Said Southeast corner; thence South along the East line of Said W/2, SW/4, SE/4 a distance of 380.00' to the point of beginning.

Case No. 12599

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request to permit two dwellings on one lot of record; and a Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the rear yard setback from 20' to 10' & 6" and a variance of the side yard requirements from 10' to 3' located at 1132 North Cheyenne Avenue.

Presentation:

Monroe Wood, 7460 East 3rd Street, was present and advised he plans to remodel the existing structure and will not increase the square-footage. Formerly the structure was used as a servants quarters and a one car garage which is being converted into a dwelling unit. The applicant intends to enclose the garage space in his remodeling endeavors. Mr. Wood submitted five (5) photographs of surrounding properties containing two dwellings (Exhibit "P-1"); a plot plan (Exhibit "P-2") and a list indicating the addresses having two dwelling units within one block of the subject property (Exhibit "P-3").

Protestants:

Merle Inman, 1144 North Cheyenne, was present and advised he is a member of the neighborhood association who is attempting to upgrade the area. If two dwellings are continually permitted in this area property values will decrease. His main concern is if the property contains enough square-footage to house the two dwellings. He was also concerned if there would be adequate parking provided on the subject property.

Comments and Questions:

The proposed second dwelling would meet the requirements as a garage, but not the requirements of setback as a dwelling unit. Mrs. Miller, Protective Inspections, advised if there are two dwellings on one lot four parking spaces are required.

Case No. 12599 (continued)

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 208- One Single-Family Dwelling Per Lot of Record) to permit two dwellings on one lot of record; and a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the rear yard setback from 20' to 10'6" and a variance of the side yard requirements from 10' to 3', per plot plan, on the following described property:

Lot 5, Block 6, Poudier and Pomeroy Addition, City of Tulsa, Okla.

Case No. 12600

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1215 - Sections 740.2 and 740.4 - Request to allow a Use Unit 15, retail / office warehouse in a CS District located at the SW corner of I-44 and Garnett Road.

Presentation:

Charles Murphy represented Blythe Carney, 5812 South New Haven Avenue, and advised he is interested in acquiring the subject property to locate a retail/office warehouse on the site. A plot plan was submitted (Exhibit "Q-1").

Protestants: None.

Board Questions:

Chairman Smith asked if the structure would be similar to the unit located south of 21st Street and Garnett Road and Mr. Murphy answered in the affirmative. The Chair complimented the appearance of that structure.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Under the Provisions of Use Unit 1215 and Sections 740.2 and 740.4) to allow a Use Unit 15 retail/office warehouse in a CS District, subject to there being no outside work or storage, per plot plan, on the following described property:

A tract of land lying in Lots 1 and 2, Block 2, PHEASANT RUN ADDITION, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, being more particularly described as follows, to wit: Beginning at a point on the East line of Said Lot 1, 90.00 feet North of the Southeast corner thereof; thence North 00°-28'-30" North along the East line of Lot 1 a distance of 433.33 feet to a point; thence due West a distance of 211.99' to a point; thence South 00°-28'-30" East parallel to the East line of Said Lot 1 a distance of 433.33' to a point; thence due East a distance of 211.99' to the point of beginning; containing 2.1089 acres, more or less.





*Facing South on Denver*



*Facing North on Denver*



*Subject property*



DANA L. BOX  
ZONING OFFICIAL  
PLANS EXAMINER II

TEL (918) 596-9657  
danabox@cityoftulsa.org



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### ZONING CLEARANCE PLAN REVIEW

LOD Number: 1  
Tom Neal  
2507 E. 11<sup>th</sup> St.  
Tulsa, OK 74104

September 9, 2020

Phone: 918-231-7372

APPLICATION NO: **ZCO-068002-2020**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **1129 N. Denver**

Description: **Accessory Dwelling Unit (ADU)-Garage and Garage Apt.**

#### INFORMATION ABOUT SUBMITTING REVISIONS

OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

#### REVISIONS NEED TO INCLUDE THE FOLLOWING:

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

**\*\*REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2<sup>nd</sup> STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.\*\* (SEE #2, BELOW)**

**SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.**

#### IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.
2. **IF SUBMITTING REVISIONS FOR APPLICATIONS THAT PREVIOUSLY UTILIZED PAPER PLANS, EMAIL THE REVISED PLANS TO [COTDEVSVCS@CITYOFTULSA.ORG](mailto:COTDEVSVCS@CITYOFTULSA.ORG) OR SUBMIT ELECTRONIC PLAN REVISIONS ON THE PORTAL AT [HTTPS://TULSAOK.TYLERTECH.COM/ENERGOV4934/SELFERVICE](https://tulsaok.tylertech.com/energov4934/selfservice). YOU WILL NEED TO REGISTER ON THE PORTAL IF YOU HAVE NOT PREVIOUSLY DONE SO. \*\***
3. INFORMATION ABOUT THE ZONING CODE, BOARD OF ADJUSTMENT (BOA), PLANNING COMMISSION (TMAPC), AND THE TULSA PLANNING OFFICE AT INCOG CAN BE FOUND ONLINE AT [WWW.TULSAPLANNING.ORG](http://WWW.TULSAPLANNING.ORG); IN PERSON AT 2 W. 2ND ST., 8TH FLOOR, IN TULSA; OR BY CALLING 918-584-7526 AND ASKING TO SPEAK TO SOMEONE ABOUT THIS LETTER OF DEFICIENCY.

## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT <http://tulsaplanning.org/plans/TulsaZoningCode.pdf>

ZCO-068002-2020

1129 N. Denver Ave.

September 9, 2020

Note: As provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to a representative at the Tulsa Planning Office 918-584-7526 or [esubmit@incog.org](mailto:esubmit@incog.org). It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

### 1. Sec. 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 1584 square ft of detached accessory structure floor area. The proposed detached structure exceeds 500 square ft and 40% of the size of your house. Based on the size of your house of 2004 square feet, you are allowed 801.6 square ft of detached accessory structures floor area on your lot. Reduce the size of your proposed detached accessory structure to be less than 801.6 square ft of total floor area or apply to BOA for a variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure.

### 2. 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 INCOG for a special exception to allow an Accessory Dwelling Unit in an RS-4 zoned area.

### 3. Sec. 80.020-B Nonconforming Lots in Residential Zoning Districts

In residential zoning districts, a single detached house may be erected on a nonconforming lot without complying with the minimum lot area, minimum lot area per unit, minimum lot width, minimum street frontage or minimum open space per unit requirements of the subject zoning district, provided that at least 50% of the lot area remains as open space. All other lot and building regulations apply, except that detached houses may be erected on corner lots that are nonconforming with regard to lot width, subject to a reduced minimum street side building setback of 5 feet. Garages that are accessed through a side yard abutting a street must be set back at least 20 feet.

**Review Comments:** The proposed lot is considered an existing nonconforming lot. You are allowed to use 50% of the lot size as open space. You are proposing less than 50% of the lot size to be open space. Revise plans to indicate compliance or apply to INCOG for a variance to allow this lot to have less than 50% of the lot to be open space.

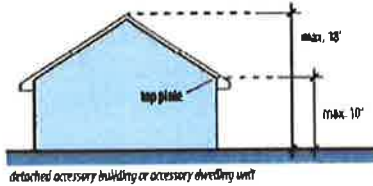
### 4. Sec. 90.090-C. Detached Accessory Buildings, including Accessory Dwelling Units, in RE, RS, RD Districts and RM Zoned Lots Used for Detached Houses or Duplexes.

a. Detached accessory buildings, including Accessory Dwelling Units, may be located in rear setbacks provided that:

- (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



Figure 90-9: Maximum Height of Accessory Buildings, Including Accessory Dwelling Units In Rear Setbacks (RE, RS and RD Districts or RM Zoned Lots Used for Detached Houses or Duplexes)



**Review Comments:** The proposed Accessory Dwelling Unit (ADU) exceeds one floor in height and exceeds the allowed maximum of 10' to top plate and 18' maximum in height. Revise plans to indicate compliance or apply to INCOG for a variance.

(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

Zoning District	Maximum Coverage of Rear Setback
RS-1 and RE Districts	20%
RS-2 District	25%
RS-3, RS-4, RS-5 and RD Districts	30%
RM zoned Lots Used for Detached Houses or Duplexes	30%

**Review Comments:** The proposed Accessory Dwelling Unit (ADU) exceeds the allowed 30% maximum coverage in the rear setback. Revise plans to indicate compliance or apply to INCOG for a variance.

c. Nonconforming detached accessory buildings in the rear yard that are set back less than 3 feet from interior lot lines may be expanded or demolished and reconstructed without complying with the 3-foot setback requirements, provided that the reconstructed or expanded building complies with all of the following requirements:

- (1) It is no closer to any interior lot line than the existing nonconforming structure;
- (2) It is not over one story in height;
- (3) It does not cover more of the required rear yard than permitted in §90.090-C2.a(2); and
- (4) It does not exceed 500 square feet in floor area if the building does not comply with the setback requirements of §90.090-C2.b.

**Review Comments:** The proposed Accessory Dwelling Unit (ADU) exceeds the allowed 30% maximum coverage in the rear setback. Revise plans to indicate compliance or apply to INCOG for a variance.

**Note:** All references are to the City of Tulsa Zoning Code. Link to Zoning Code:

<http://tulsaplanning.org/plans/TulsaZoningCode.pdf>

**Please notify the reviewer via email when your revisions have been submitted**

This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

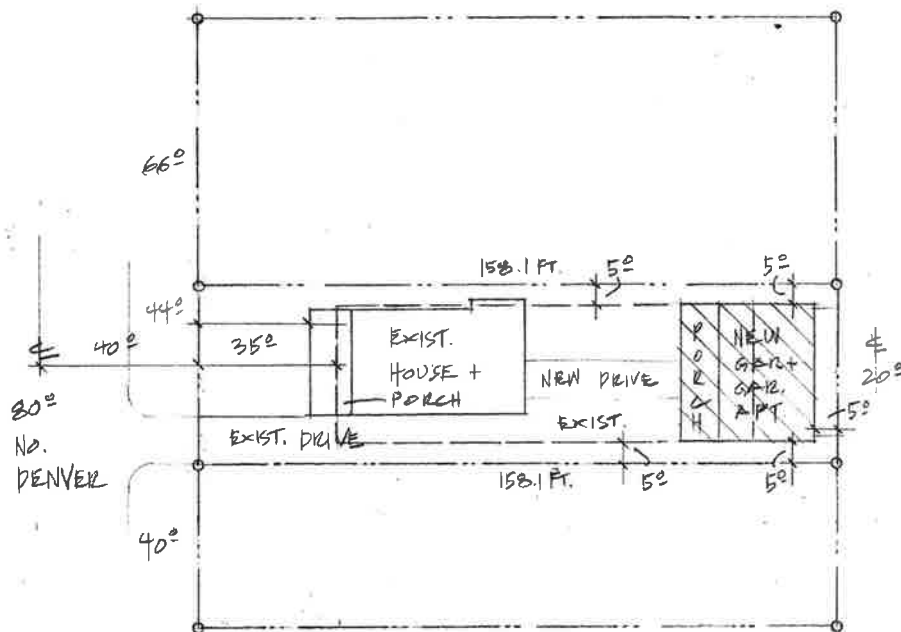
A hard copy of this letter is available upon request by the applicant.

### END – ZONING CODE REVIEW

**NOTE:** THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.

WALL  
SECTION  
HERE



SITE DRAINAGE PLAN 1" = 30'

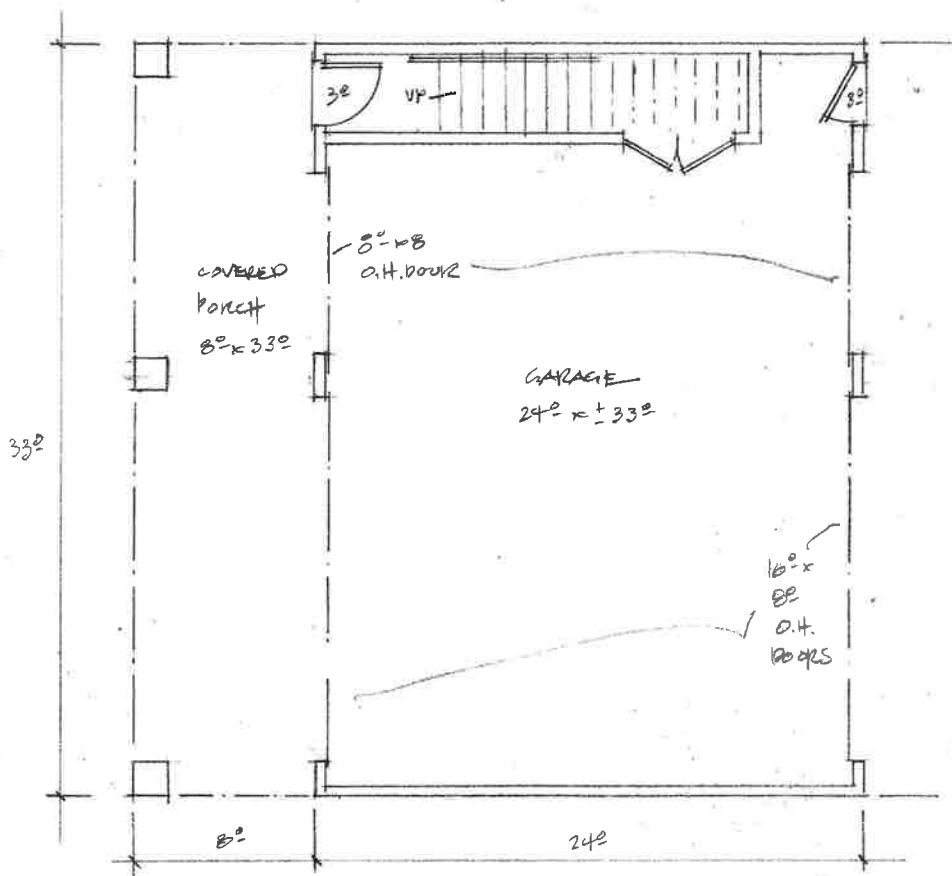


PRELIM. BID-VARIA. PLANS

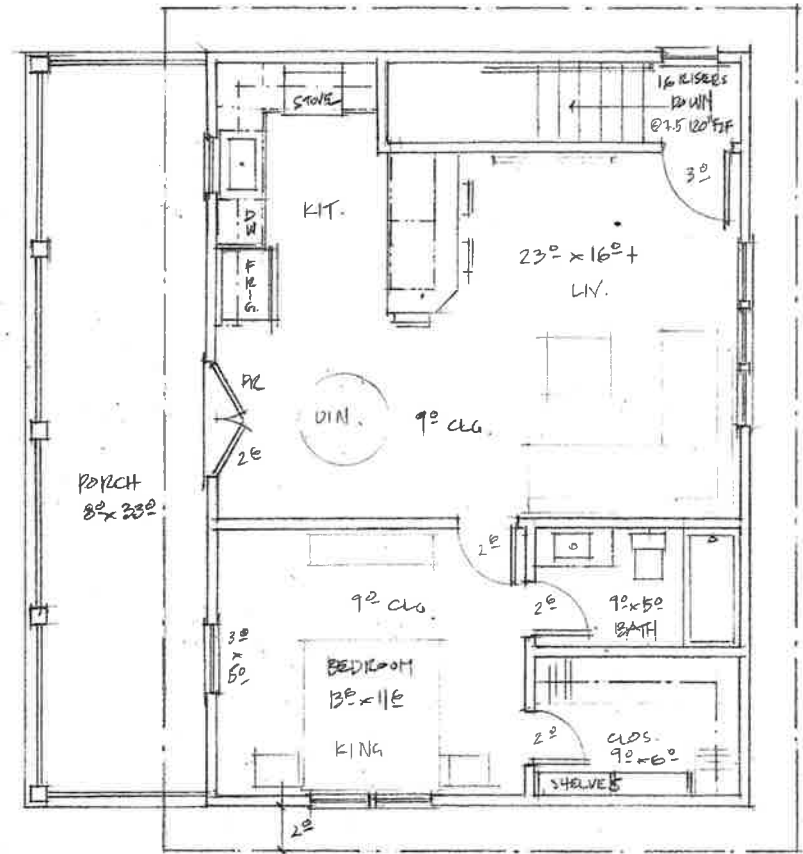
NEW GARAGE - ADV RS. 4  
 1ST FL: 792# GAR. 1ST FL PORCH: 264#  
 2ND FL ADV: 792# 2ND FL. PORCH 264#  
 LOT: 6952# - 2004 HOUSE = 4948# LOT -  
 ADD. = 3892# - 1782# DRIVE = 2110#  
 OPEN SPACE (2500 REQ) 15% COVERAGE  
 OF REQ. REAR YARD.

FIDLER-TURNER PROJECT  
 1129 NO. DENVER  
 TULSA, OKLA 7. 2020

TOM NEAL  
 DESIGN  
 Associate member, American Institute of Architects  
 912.231.7372



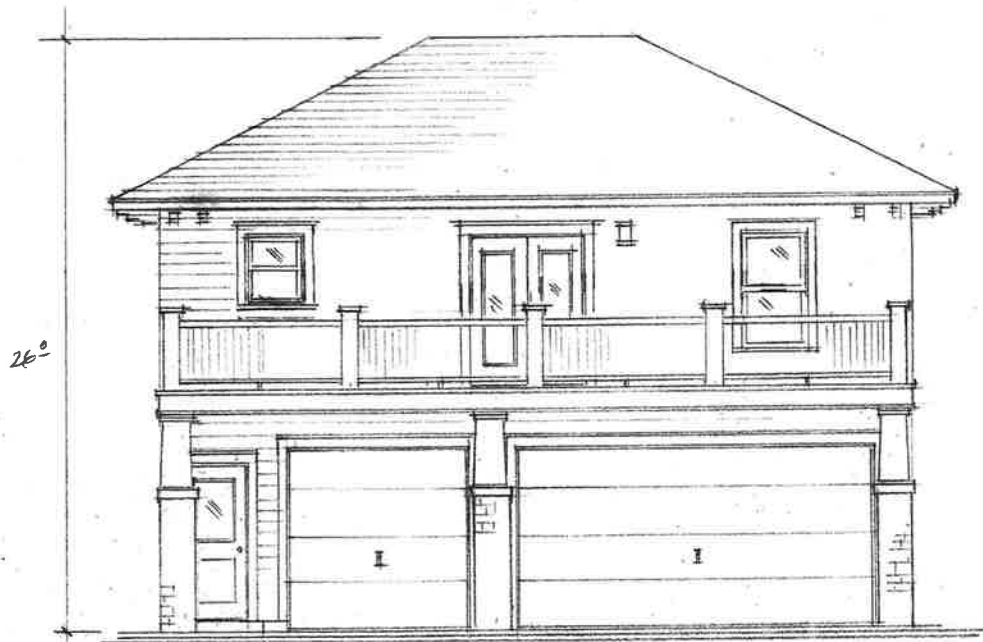
1ST FLOOR 3/16" = 1'-0"  
PRE-LIN. BID. UTRIA. PLANS



2ND FLOOR

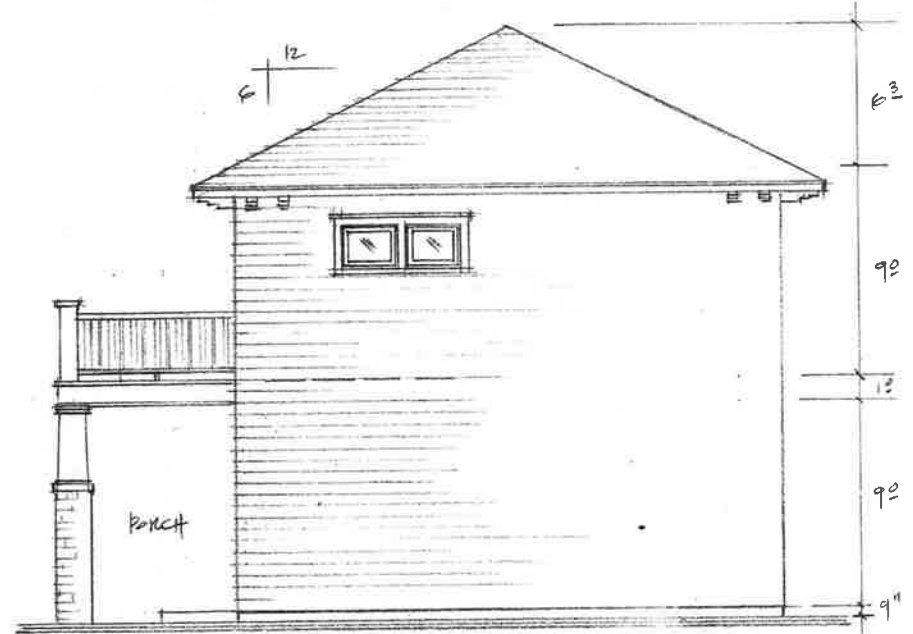
FIDLER-TURNER PROJECT  
1129 NO. DENVER  
TULSA - OLLA 7-2020

TOM NEAL  
DESIGN  
Associate member: American Institute of Architects  
918.231.7372



WEST ELEV.

PRELIM. BID-VARIANCE PLANS



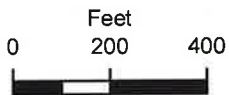
SOUTH ELEV. 3/16" = 1'-0"

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 1129 NO. DENVER  
 TULSA, OKLA 7-2020

TOM NEAL  
 DESIGN  
 Associate member, American Institute of Architects  
 918.231.7372

3.20





Subject  
Tract

**BOA-23015**

20-12 35

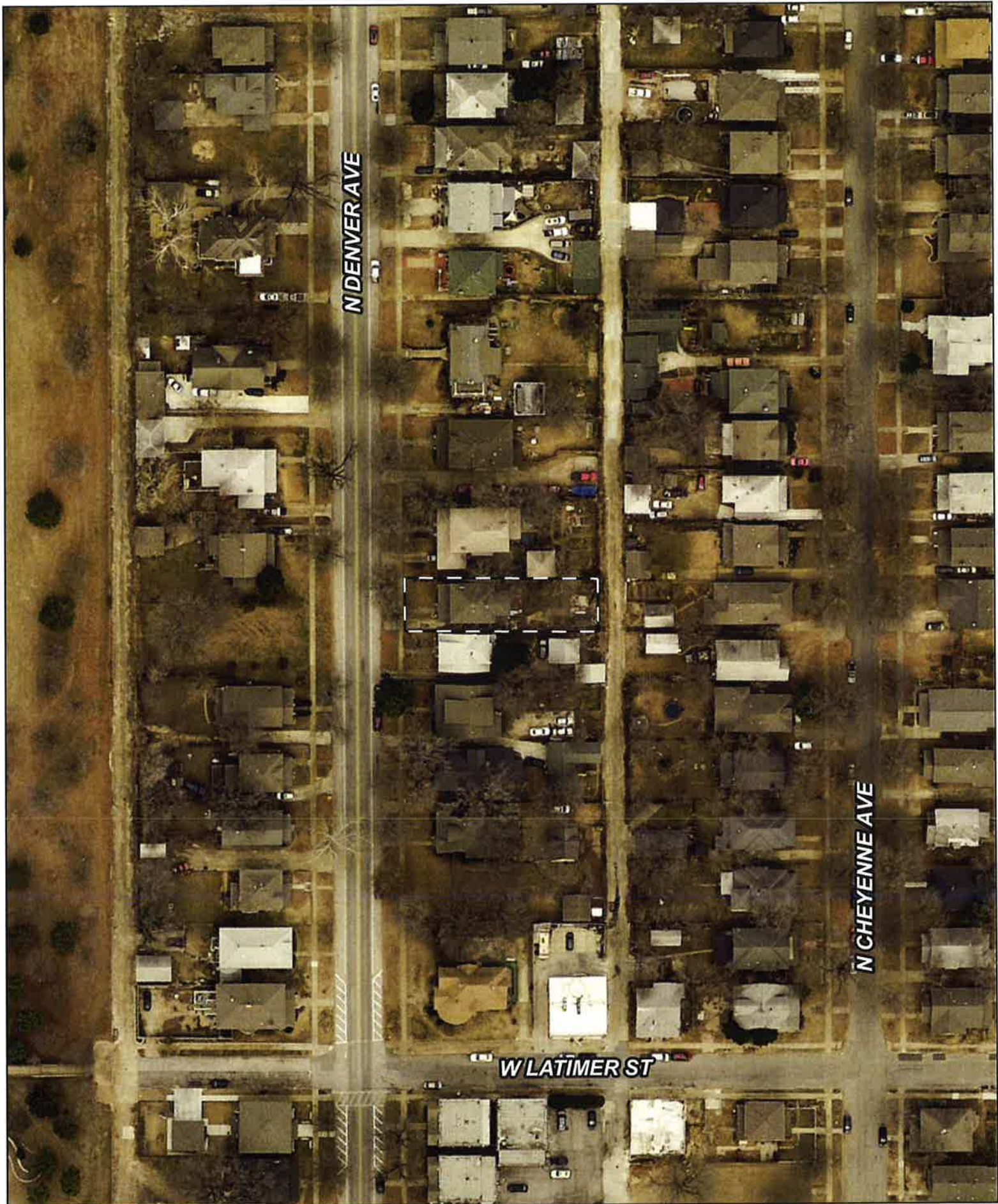
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018



3.21





N DENVER AVE

N CHEYENNE AVE

W LATIMER ST



Subject Tract

**BOA-23015**

20-12 35

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

Aerial Photo Date: February 2018



3.22

## Sparger, Janet

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**From:** Margaret Aycock <margeeaycock@gmail.com>  
**Sent:** Friday, October 16, 2020 10:31 AM  
**To:** esubmit  
**Subject:** boa 23015

Dear incog folks,

I live next door to this property. I live at 1135 N Denver. My husband and I are in favor of the plan. It looks like neighborhood historic guidelines have been taken into consideration with the outside appearance of the addition which is important to us. We are excited to see the new garage/apt sitting next door.

Sincerely,

Margee and Scott Aycock

1135 N Denver Ave, Tulsa, OK 74106

918-408-1205

[Art Blog](#)

[Art Gallery](#)

[Children's Book Blog](#)

[Coupon for money off first airbnb trip](#)



## Chapman, Austin

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**From:** diane.jenkins@cox.net  
**Sent:** Wednesday, October 21, 2020 12:45 PM  
**To:** esubmit  
**Subject:** Case Number BOA-23015

I own the property to the immediate South of this subject property (1127 N. Denver Ave.). I am very concerned about the proposed structure for a number of reasons, outlined below:

- The upstairs living area will look directly down on our backyard and patio area, and remove all of our privacy.
- We have a hot tub and patio in our backyard. It will dramatically change the experience if we have neighbors looking directly down into it.
- The size of the structure is out of line and proportion with the other structures in the neighborhood.
- Part of the charm of the neighborhood is the spacing of the structures. An oversized two story residence in the backyard will make the space look over-built and overly dense. Almost like a multi-family housing unit has been built next door.
- Adding a second residence will increase traffic, noise and potential disturbances from its use
- The building will reduce green space within Brady Heights

I hope you will take the above in consideration in determining whether or not to approve this case.

Sincerely,

Diane L. Jenkins  
1127 N. Denver Ave  
Tulsa, OK 74106