



CITY OF Tulsa

Board of Adjustment

Case Number: BOA-23448

Hearing Date: 10/25/2022 1:00 PM

Case Report Prepared by:

Austin Chapman

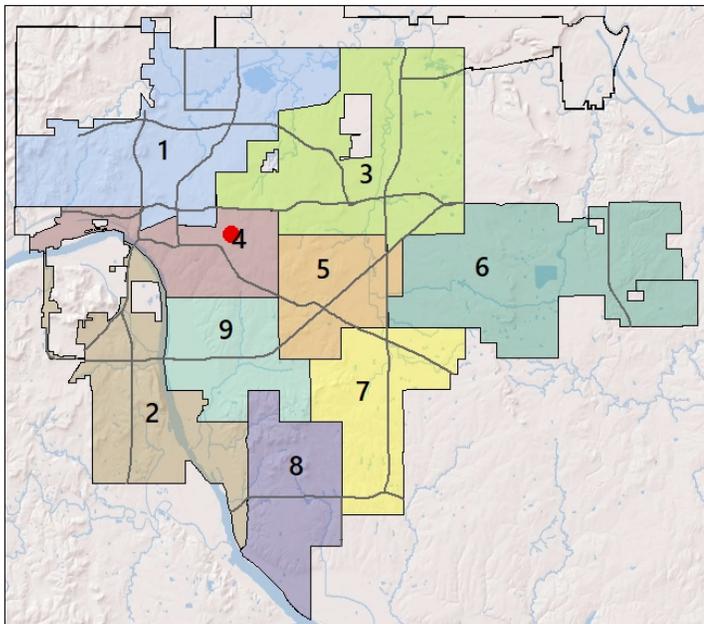
Owner and Applicant Information:

Applicant: Tom Neal

Property Owner: Roger Marshall, LLC

Action Requested: Special Exception to allow an Accessory Dwelling Unit in the RS-4 District (45.031-D); Variance to allow the floor area of Detached Accessory Buildings/ Dwelling Units to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A, 45.031-D.6); Variance to allow a Detached Accessory Building/ 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 and to allow more than 30% coverage of the rear setback by an Accessory Building/Dwelling Unit in the RS-3 District (Section 90.090-C2)

Location Map:



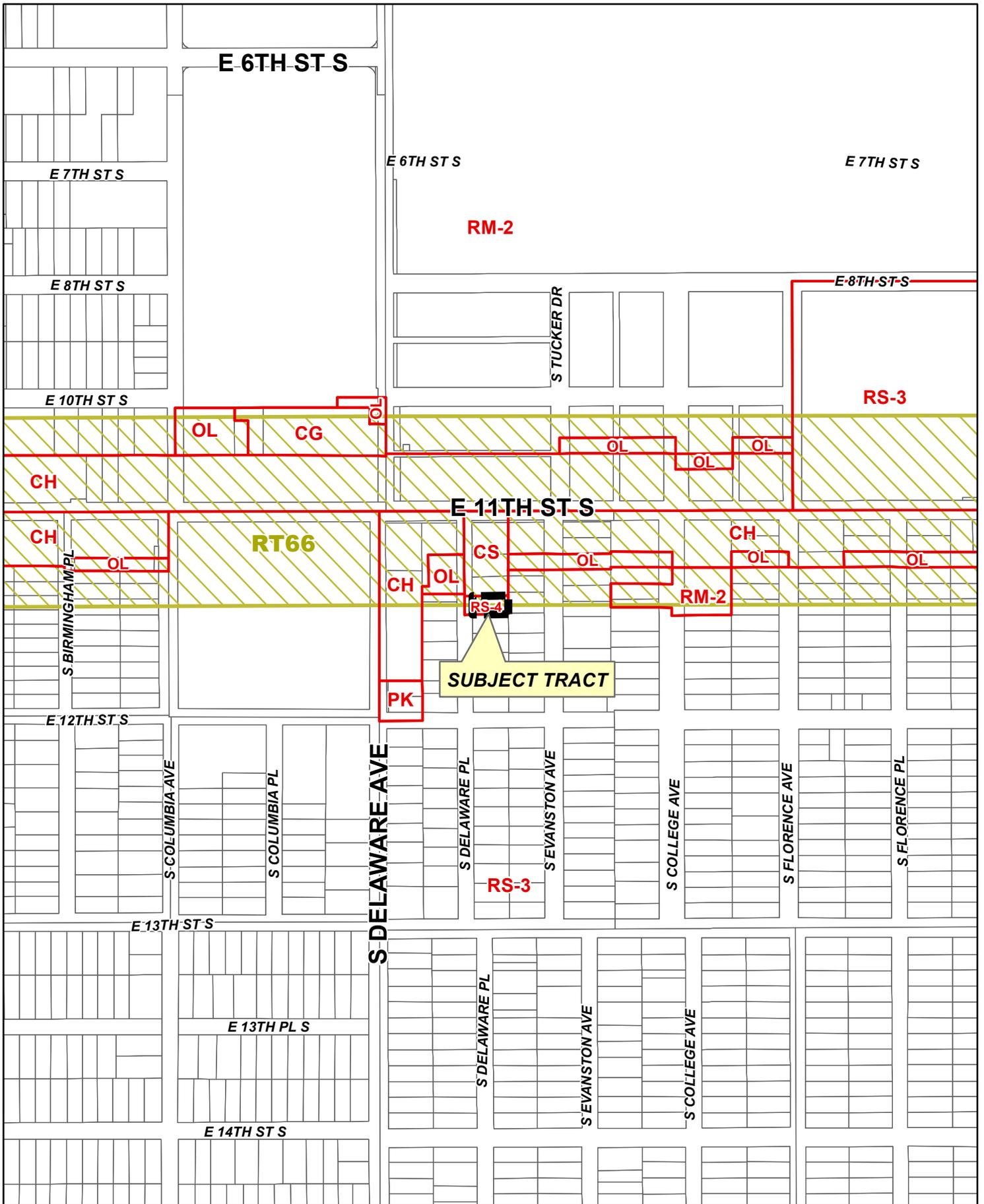
Additional Information:

Present Use: Vacant

Tract Size: 0.16 acres

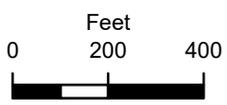
Location: 2826 E. 11 St. S.

Present Zoning: RS-4



BOA-23448

19-13 08





E 6TH ST S

E 7TH ST S

E 6TH ST S

E 7TH ST S

E 8TH ST S

E 8TH ST S

E 10TH ST S

E 11TH ST S

S BIRMINGHAM PL

S COLUMBIA AVE

S DELAWARE AVE

S EVANSTON AVE

S COLLEGE AVE

S FLORENCE AVE

S FLORENCE PL

E 12TH ST S

S COLUMBIA PL

S DELAWARE PL

E 13TH ST S

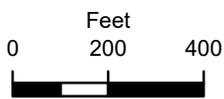
E 13TH PL S

S DELAWARE PL

S EVANSTON AVE

S COLLEGE AVE

E 14TH ST S



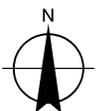
Subject Tract

BOA-23448

19-13 08

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

Aerial Photo Date: 2020/2021



9.3



S DELAWARE AVE

E 11TH ST S

S DELAWARE PL

S EVANSTON AVE

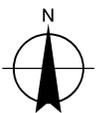
E 12TH ST S

BOA-23448

19-13 08

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

Aerial Photo Date: 2020/2021



 Subject Tract

9.4

BOARD OF ADJUSTMENT CASE REPORT

STR: 9308

Case Number: BOA-23448

CD: 4

HEARING DATE: 10/25/2022 1:00 PM

APPLICANT: Tom Neal

ACTION REQUESTED: Special Exception to allow an Accessory Dwelling Unit in the RS-4 District (45.031-D); Variance to allow the floor area of Detached Accessory Buildings/ Dwelling Units to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A, 45.031-D.6); **Variance** to allow a Detached Accessory Building/ 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 and to allow more than 30% coverage of the rear setback by an Accessory Building/Dwelling Unit in the RS-3 District (Section 90.090-C2)

LOCATION: 2826 E 11 ST S

ZONED: RS-4

PRESENT USE: Vacant

TRACT SIZE: 6751.83 SQ FT

LEGAL DESCRIPTION: N40 OF LT 19 S20 OF LT 20 BLK 2, SIGNAL ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS: None.

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

An **Existing Neighborhood** is intended to preserve and enhance Tulsa's existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code.

The **Areas of Stability** include approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

STATEMENT OF HARDSHIP:

1. That 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: **Typical midtown lots in Renaissance are 140-feet deep this lot is 112.5-feet, Renaissance also mostly has separate garages frequently with apartments.**
2. That the literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose: **See above.**

9.5

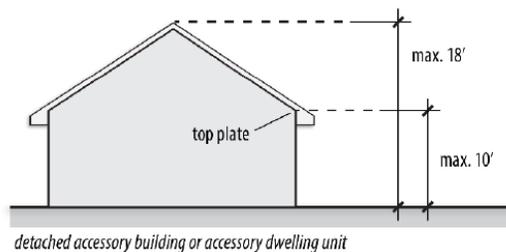
3. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification: **Most lots are deeper than this one.**
4. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner: **The limitations derive from the non-standard size.**
5. That the variance to be granted is the minimum variance that will afford relief: **Cannot fit 2 cars with less square feet.**
6. 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: **Relief will reinforce the typical patterns and character of the mostly 1920's neighborhood.**
7. 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: **See above.**

STAFF ANALYSIS: The applicant is requesting a **Special Exception** to allow an Accessory Dwelling Unit in the RS-4 District (45.031-D); **Variance** to allow the floor area of Detached Accessory Buildings/ Dwelling Units to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A, 45.031-D.6); **Variance** to allow a Detached Accessory Building/ 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 and to allow more than 30% coverage of the rear setback by an Accessory Building/Dwelling Unit in the RS-3 District (Section 90.090-C2).

A copy of Sec. 45.031 and Sec. 45.030 of the zoning code is included in your packet.

- (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 | 30% |

Allowed floor area: 720 square feet

Allowed Height: One story , 18-feet to ridge and 10-feet to plate

Allowed rear setback coverage: 30% or 300 square feet 397.5-feet

Proposed floor area: 1,087 square feet

Proposed Height: Two Stories, 22.5-feet to ridge, 16.5-feet to plate

Proposed Rear yard Coverage: 39.75 % or

Staff waived the requirement for a Letter of Deficiency on this application.

Facts staff finds favorable for variance request:

- The amount of relief requested does appear to be the minimum amount required to accomplish a garage w/ an accessory dwelling unit on this lot.

Facts Staff find unfavorable for the variance request:

- The properties described in Renaissance neighborhood are a different zoning classification. This property was recently re-zoned to RS-4 from RS-3 by the current property owner. The standards of the code require a hardship to be unique to the property when compared to properties within the same zoning classifications. The lot is a conforming to the RS-4 standards.
- While there may be several two story detached garages within the general Renaissance neighborhood, that does not appear to be the character of the block on which this project is proposed. The majority of the homes on the block South of the subject property to E. 12th Street are attached single-car garages with the exception of the lot at the NE/c of S. Delaware Pl. and E. 12th St. S. which has a single-story two-car detached garage.

SAMPLE MOTION:

Special Exception:

Move to _____ (approve/deny) a **Special Exception** to allow an Accessory Dwelling Unit in the 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/ Dwelling Units to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A, 45.031-D.6); **Variance** to allow a Detached Accessory Building/ 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 and to allow more than 30% coverage of the rear setback by an Accessory Building/Dwelling Unit in the RS-3 District (Section 90.090-C2)

- Finding the hardship(s) to be_____.
- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions _____.

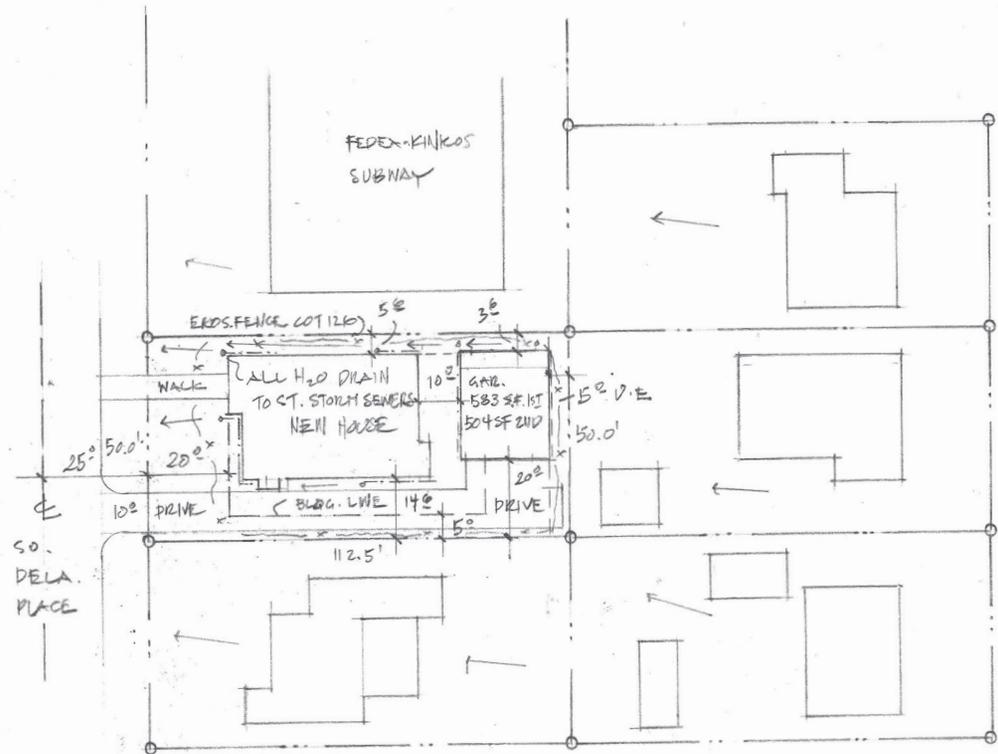
In granting the **Variance** the Board finds that the following facts, favorable to the property owner, have been established:

- 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;*
- That literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose;*

- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”



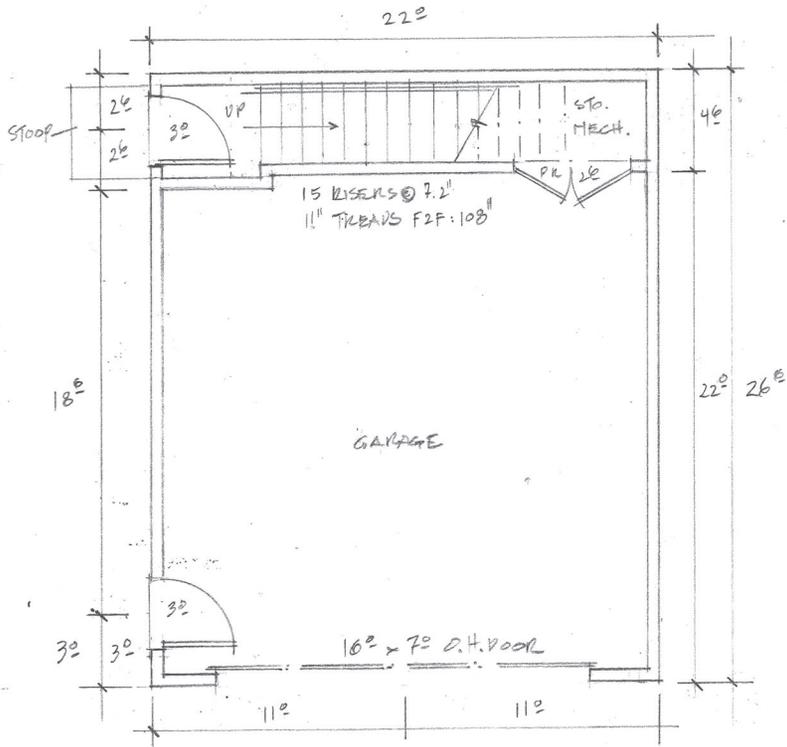
Subject property



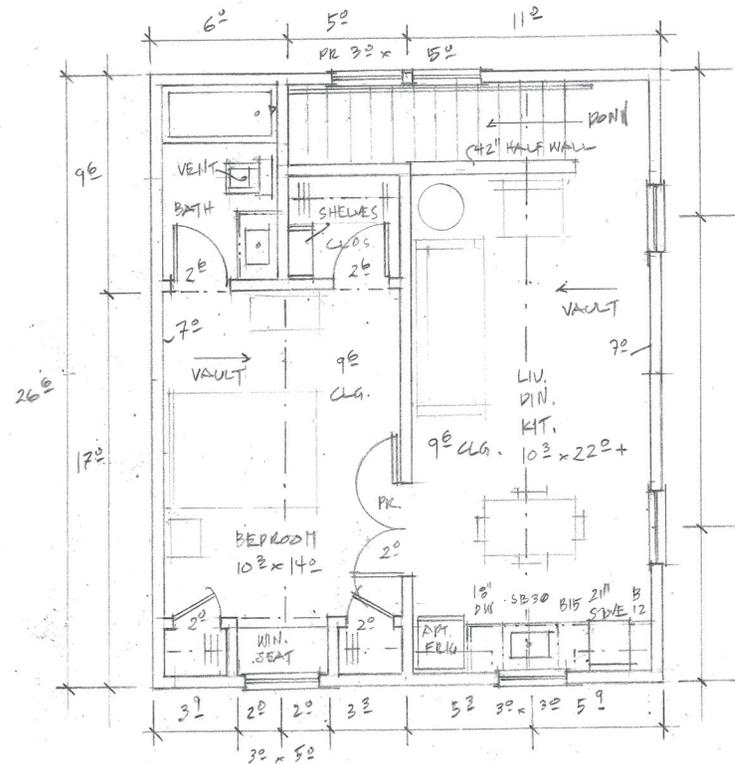
SITE DRAINAGE PLAN 1" = 30' NORTH RS. 4

GARAGE APT: 583 SF 1ST, 504 SF 2ND:
 T = 1087 SF. REG. REAL YARD = 20' x 50' = 1000 SF.
 30% = 300 SF, 40% OF NEW 1800 SF = 720 SF.
 ADD SPEC. EXCEPT VARIANCE FOR SF, FOR REG.
 REAL YD. COVERAGE, FOR 2 FLS. FOR PLATE HT +
 OVERALL HT.

MARSHALL
 1123 SO. DELAWARE PLACE
 TULSA, OKLA 74202
 TOM NEAL
 DESIGN
 Associate member, American Institute of Architects
 918.231.7372



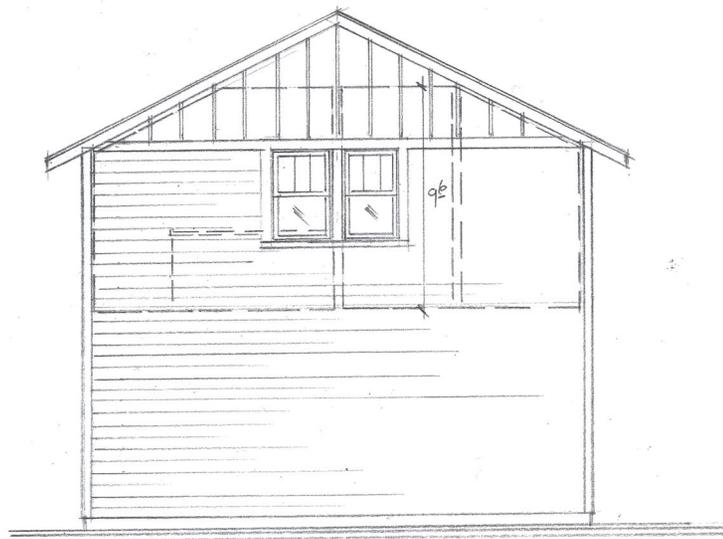
1ST FLOOR 3/16" = 1'-0" NORTH



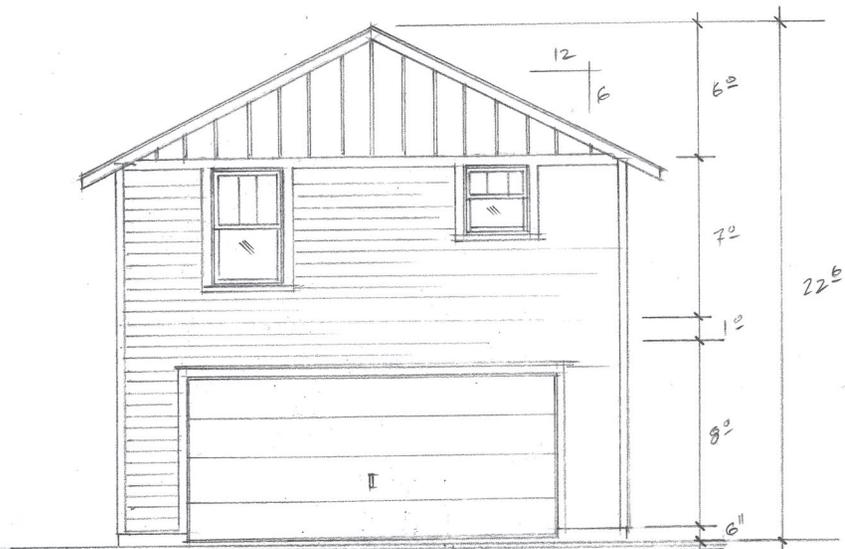
2ND FLOOR

MARSHALL
 1123 S. DELAWARE PLACE
 TULSA, OKLA 9.15.2022

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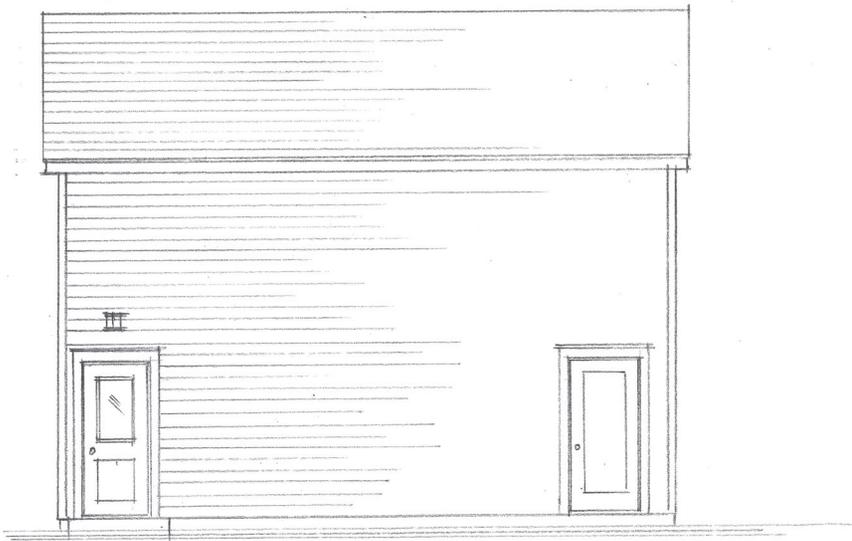
NORTH $\frac{3}{16}'' = 1'-0''$



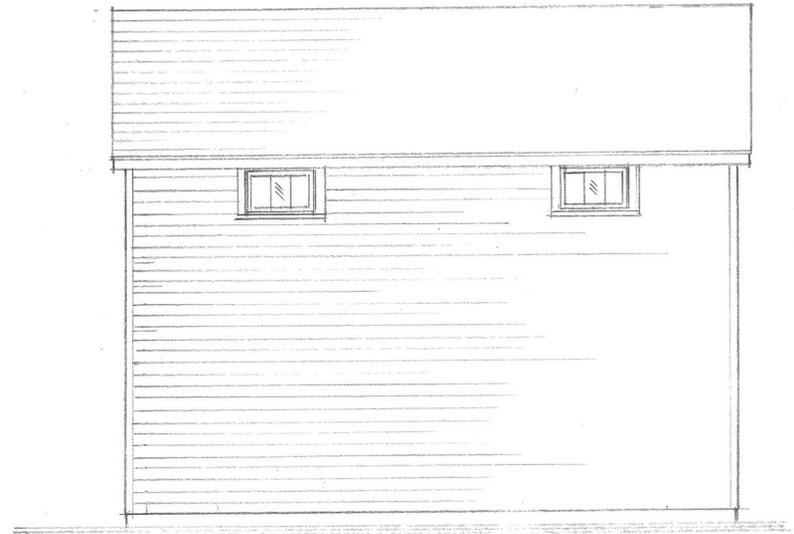
SOUTH

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 1123 SO. DELAWARE PLACE
 TULSA, OKLA 9.15.2022

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WEST 3/16" = 1'-0"



EAST

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112350. DELAWARE PLACE
TULSA. OKLA 9.15.2022

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