**Case Number:** BOA-23463  
**Hearing Date:** 12/13/2022 1:00 PM

### Case Report Prepared by:
Austin Chapman

### Owner and Applicant Information:
**Applicant:** Tom Neal  
**Property Owner:** KOMAREK, DEBRA G AND ALVIN

**Action Requested:** Special Exception to allow an Accessory Dwelling Unit in an RS-2 District (45.031-D)

### Location Map:

![Location Map](image)

### Additional Information:
**Present Use:** Residential  
**Tract Size:** 0.3 acres  
**Location:** 5978 E. 36 St. S.  
**Present Zoning:** RS-2
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9322
CD: 5

HEARING DATE: 12/13/2022 1:00 PM

APPLICANT: Tom Neal

ACTION REQUESTED: Special Exception to allow an Accessory Dwelling Unit in an RS-2 District (45.031-D)

LOCATION: 5978 E 36 ST S  
ZONED: RS-2

PRESENT USE: Residential
TRACT SIZE: 13081.12 SQ FT

LEGAL DESCRIPTION: LT 33 BLK 1, CHERRY HILLS 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.

STAFF ANALYSIS: The applicant is requesting a Special Exception to allow an Accessory Dwelling Unit in an RS-2 District (45.031-D). The proposed ADU will be converted from the existing detached garage shown on the site plan.

A copy of Sec. 45.031-D containing the supplemental regulations for Accessory Dwelling Units is included in the agenda packet.

SAMPLE MOTION: Move to _________ (approve/deny) a Special Exception to allow an Accessory Dwelling Unit in an RS-2 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.
Subject property
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
Chapter 45 | Accessory Uses and Structures

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

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.

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**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.

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**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;
BISHOP KELLY LAND

SITE: DRAINAGE PLAN 1" = 50' \text{ NORTH}

NO EXCISION FENCE BECAUSE ALL CONSTRUCTION INTERIOR

SECTION \( \frac{3}{4} " = 1' - 0" \)

KOMPARES
5978 EAST 36TH STREET
TULSA, OKLA. 10-20-22

TOM NEAL DESIGN
Associate member, American Institute of Architects
912231772
Subject Tract

BOA-23463

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

Aerial Photo Date: 2020/2021

19-13 22

0 200 400 Feet

10.9
Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: 2020/2021