**Case Number:** BOA-23468  
**Hearing Date:** 12/13/2022 1:00 PM

**Case Report Prepared by:**  
Austin Chapman

**Owner and Applicant Information:**  
**Applicant:** Phillip Doyle  
**Property Owner:** ROYTMAN, OLEG

**Action Requested:** Special Exception to allow an Accessory Dwelling Unit in the RE District (45.031-D); Variance to permit more than 20% coverage of the rear setback by a Detached Accessory Building/Dwelling Unit (Sec.90.090-C, Table 90-2)

**Location Map:**

**Additional Information:**  
**Present Use:** Residential  
**Tract Size:** 0.84 acres  
**Location:** 4320 S. Victor Ave.  
**Present Zoning:** RE

15.1
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2020/2021

BOA-23468

19-13 30

15.2
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9330
CD: 9

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

APPLICANT: Phillip Doyle

ACTION REQUESTED: Special Exception to allow an Accessory Dwelling Unit in the RE District (45.031-D); Variance to permit more than 20% coverage of the rear setback by a Detached Accessory Building/Dwelling Unit (Sec.90.090-C, Table 90-2)

LOCATION: 4320 S. Victor Ave.

PRESENT USE: Residential

TRACT SIZE: 36760.43 SQ FT

LEGAL DESCRIPTION: PRT LT 2 BEG SECR TH W160.28 N204.39 NL ELY198.34 NEC SLY CRV RT 154.67 SLY45.33 POB BLK 8, BOLEWOOD ACRES CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-22544: On 12.11.2018 the Board approved a variance to reduce the rear setback from 25-feet to 20-feet. The stated hardship being the unique layout of the subject property.

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: Existing location of house site is very set back from the front setback line.

2. That the literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose: One Story Structure- no visual detriment to neighbors.
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: It is a unique condition with the house being setback.

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

5. That the variance to be granted is the minimum variance that will afford relief: It is the minimum relief.

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: It is in harmony with the rest of the neighborhood and will not affect the character.

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. It will not cause any detriment to the neighborhood.

**STAFF ANALYSIS:** The applicant is requesting a Special Exception to allow an Accessory Dwelling Unit in the RE District (45.031-D); Variance to permit more than 20% coverage of the rear setback by a Detached Accessory Building/Dwelling Unit (Sec.90.090-C, Table 90-2)

A copy of Sec. 45.031 is included in your packet.

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

**Facts staff finds favorable for variance request:**

- Existing Structure of the home is pushed back much further on the property that would be required by the zoning code.
- The proposed relief would amount to additional 91 square feet of additional coverage or 22% coverage versus the maximum of 20%.

**SAMPLE MOTION:**

**Special Exception:**

Move to _________ (approve/deny) a Special Exception to allow an Accessory Dwelling Unit in the RE 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.

**Variance:**

Move to _________ (approve/deny) a Variance to permit more than 20% coverage of the rear setback by a Detached Accessory Building/Dwelling Unit (Sec.90.090-C, Table 90-2)

- 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.”
Section 45.031-D.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.

Review Comment: The previous zoning clearance application was for an addition. Now that the building is detached, it becomes an accessory dwelling unit. Accessory dwelling units are allowed by special exception only in RE zoning districts. Apply to the Board of Adjustment for a special exception for an accessory dwelling unit on an RE zoned lot.
Section 90-080.C.2.a: Detached accessory buildings, including Accessory Dwelling Units, may be located in rear setbacks provided that: (2) Building coverage in the rear setback does not exceed the maximum limits established in Table 90-2.

Review Comment: On this RE zoned lot, accessory building coverage in the rear setback may not exceed 20% of the rear setback area. This measurement should be taken using the normal RE rear setback which is 25’. It appears the accessory building may exceed 20% building coverage in the rear setback. Please revise the plans to clarify that this detached building will not exceed 20% coverage of the rear setback area using the RE rear setback measurement of 25’.
AREA OF WALL RECESSED SO THAT DOOR IS IN SAME PLANE AS EXTERIOR WALL WHEN OPEN

Front door to match existing house style and color

Garage door to match existing house style and color

4" round steel post

Vertical "Resysta" siding

T.O. Slab 0'-0"
EXISTING SITE PLAN

NEW SITE PLAN

SOUTH VICTOR AVE.

EXISTING PARKING

EXISTING DRIVE

EXISTING DRIVE

EXISTING 2 STORY BRICK AND FRAME DWELLING (5200 FLOOR AREA)

NEW 1 STORY STONE AND FRAME DWELLING (2,042 FLOOR AREA)

35' B/L (RE DISTRICT)

COVERED PATIO

2 CAR GARAGE

BELOW pool equipment

25'-0" SURFACE DRAINAGE

SURFACE DRAINAGE

25'-0" REAR SETBACK

15'-0" SETBACK

1-CAR GARAGE

CHIMNEY

6'-0" FENCE

14'-91 2"

12'-5"

A/C

A/C

6'-0"

GATE/FENCE

COVERED ENTRY

15'-0"

EXISTING POOL AREA IN REAR YARD SETBACK IS LESS THAN 20% (RE DISTRICT).

ALLOWED: 1022 SF (204.39 X 25 X 20%) ACTUAL: 1113 SF

40% PRINCIPAL HOUSE FLOOR AREA = 5200 SF X .4 = 2080 SF ALLOWED

DETACHED STRUCTURE FLOOR AREA = 2042 SF

TABLE 90-2: COVERAGE OF REAR SETBACK

45.030A ACCESSORY BUILDING SIZE

10'-0"

SURFACE DRAIN TO TITLELINE-DRAIN TO STREET

SURFACE DRAIN TO TITLELINE-DRAIN TO STREET

Detached structure does NOT extend into 15' setback

PER APPROVED B.O.A.-22544 (REDUCE SETBACK BY 20% TO 20'-0")
EXISTING PARKING EXISTING DRIVE EXISTING 2 STORY BRICK AND FRAME DWELLING (5200 FLOOR AREA)
NEW 1 STORY STONE AND FRAME DWELLING (2,042 FLOOR AREA)
35' B/L (RE DISTRICT)
COVERED PATIO 2 CAR GARAGE BELOW
15'-0" SETBACK
15'-0"
25'-0"
20'-0"
6'-0"
10'-0"
14'-9½"
6'-0"
6'-9½"
1-CAR GARAGE
CHIMNEY
6'-0"
GATE/FENCE
6'-0"
A/C
A/C
40% PRINCIPAL HOUSE FLOOR AREA = 5200 SF X .4 = 2080 SF ALLOWED
DETACHED STRUCTURE FLOOR AREA = 2042 SF
AREA IN REAR YARD SETBACK IS LESS THAN 20% (RE DISTRICT).
ALLOWED: 1022 SF (204.39 X 25 X 20%)
ACTUAL: 1113 SF
NEW 1 STORY STONE AND FRAME DWELLING (2,042 FLOOR AREA)
TABLE 90-2: COVERAGE OF REAR SETBACK
45.03A ACCESSORY BUILDING SIZE
4%.Properties, dwelling floor area A = 5200 SF, 4% = 2080 SF ALLOWED
DETACHED STRUCTURE FLOOR AREA = 2042 SF
SURFACE DRAIN TO TITELINE-DRAIN TO STREET
SURFACE DRAIN TO TITELINE-DRAIN TO STREET
Detached structure does NOT extend into 15' setback
EXISTING DRIVE
EXISTING PARKING
NEW SITE PLAN - ENLARGED
NEW SITE PLAN - ENLARGED
NEW SITE PLAN - ENLARGED
35' B/L (RE DISTRICT)
45.03A
15.14