



CITY OF
Tulsa
Board of Adjustment

Case Number: BOA-23496

Hearing Date: 02/14/2023 1:00 PM

Case Report Prepared by:

Austin Chapman

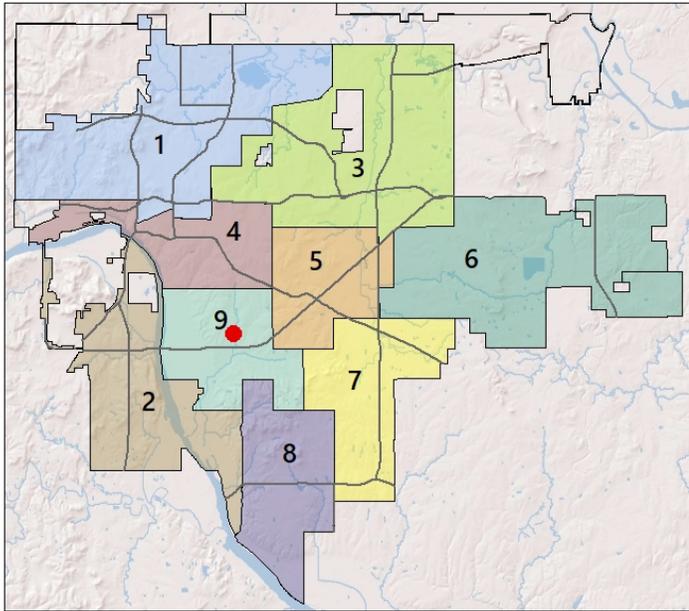
Owner and Applicant Information:

Applicant: Philip Doyle

Property Owner: J B Jarboe II Revocable Trust

Action Requested: Special Exception to allow an Accessory Dwelling Unit in the RS-1 District (45.031-D); Variance to allow the floor area of Detached Accessory Buildings/ Dwelling Units to exceed 750 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A, 45.031-D.6)

Location Map:



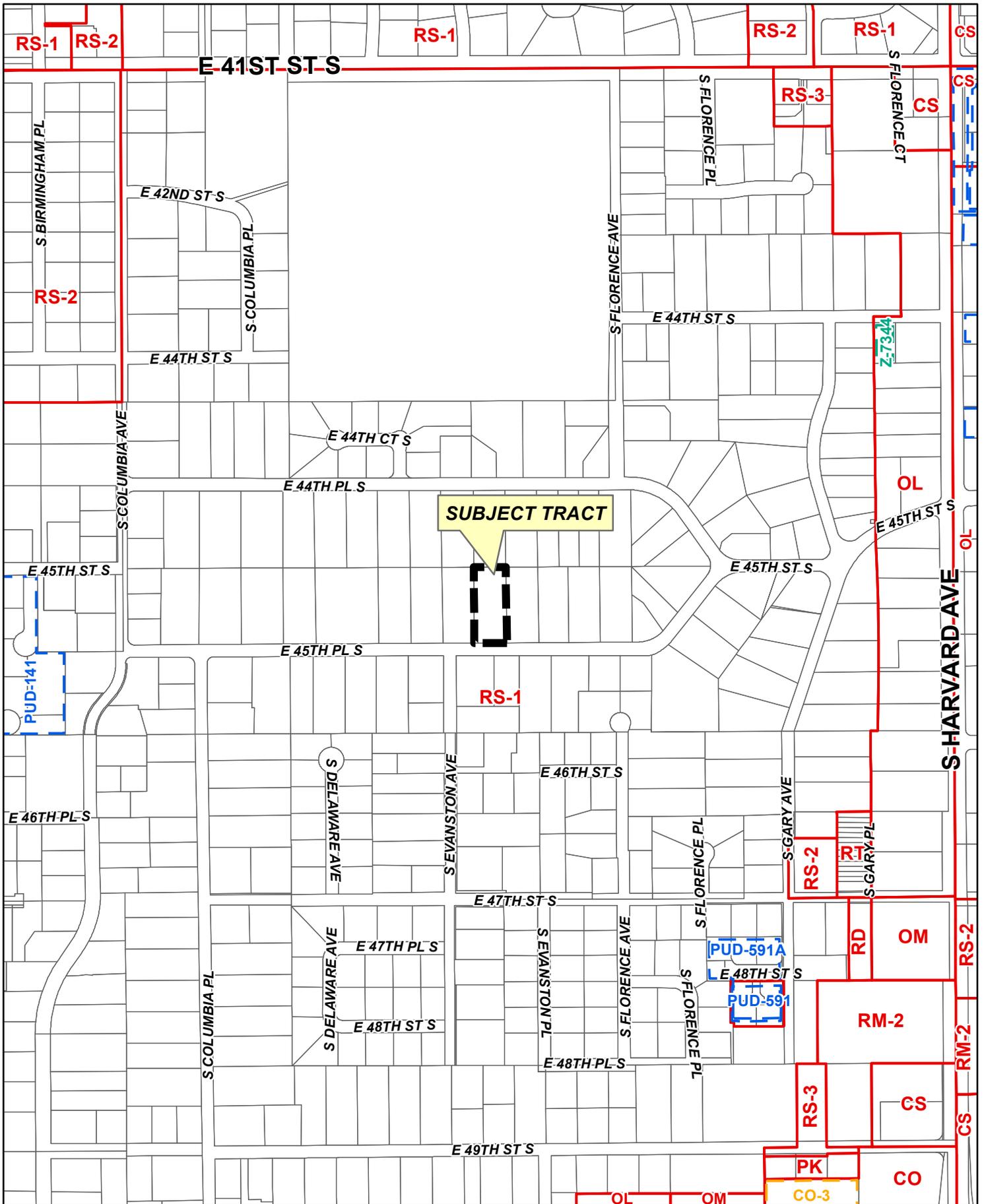
Additional Information:

Present Use: Residential

Tract Size: 0.88 acres

Location: 2915 E. 45 Pl. S.

Present Zoning: RS-1

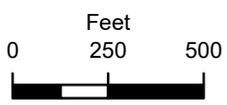


SUBJECT TRACT

BOA-23496

19-13 29

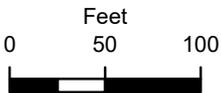
10.2





E 45TH PL S

S EVANSTON AVE



Subject Tract

BOA-23496

19-13 29

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

Aerial Photo Date: 2020/2021



10.3



E 41ST ST S

E 42ND ST S

E 44TH ST S

E 44TH CT S

E 44TH PL S

E 45TH ST S

E 45TH PL S

E 45TH ST S

E 45TH ST S

E 46TH PL S

E 46TH ST S

S DELAWARE AVE

S EVANSTON AVE

S FLORENCE PL

S GARY AVE

S GARY PL

S COLUMBIA PL

S DELAWARE AVE

E 47TH PL S

E 47TH ST S

S EVANSTON PL

S FLORENCE AVE

S FLORENCE PL

E 48TH ST S

E 48TH ST S

E 48TH PL S

E 49TH ST S

S BIRMINGHAM PL

S COLUMBIA PL

S COLUMBIA AVE

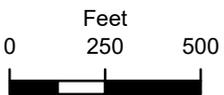
S FLORENCE PL

S FLORENCE CT

S FLORENCE AVE

E 44TH ST S

S HARVARD AVE



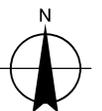
Subject
Tract

BOA-23496

19-13 29

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

Aerial Photo Date: 2020/2021



10.4

BOARD OF ADJUSTMENT CASE REPORT

STR: 9329

Case Number: BOA-23496

CD: 9

HEARING DATE: 02/14/2023 1:00 PM

APPLICANT: Philip Doyle

ACTION REQUESTED: Special Exception to allow an Accessory Dwelling Unit in the RS-1 District (45.031-D); Variance to allow the floor area of Detached Accessory Buildings/ Dwelling Units to exceed 750 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A, 45.031-D.6)

LOCATION: 2915 E. 45 Pl. S.

ZONED: RS-1

PRESENT USE: Residential

TRACT SIZE: 38123.87 SQ FT

LEGAL DESCRIPTION: LT 23 BLK 7, VILLA GROVE PARK 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:** Cabana has to be detached as majority of lot’s surface drainage is immediately North of existing house, as well as very mature trees. Detached Structure is below allowed building size, but existing oversized detached garage pushes square footage over allowed amount.
2. **That the literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose:** Detached Structure is below allowed building size, but existing oversized detached garage pushes square footage over allowed amount.
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:** Surface drainage runs through the center of the lot and beautiful mature trees.
4. **That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner:** Surface drainage patterns are existing and the garage was built by the previous owners.

5. **That the variance to be granted is the minimum variance that will afford relief:** Cabana square footage has been condensed as much as possible.
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:** Cabana is 1-story , built in the same architectural vocabulary as existing home.
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:** Cabana placement if on the rear lot line so as to not disturb site lines of neighbors.

STAFF ANALYSIS: The applicant is requesting a Special Exception to allow an Accessory Dwelling Unit in the RS-1 District (45.031-D); Variance to allow the floor area of Detached Accessory Buildings/ Dwelling Units to exceed 750 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A, 45.031-D.6)

A copy of Sec. 45-031 of the Zoning Code containing supplemental regulations for Accessory Dwelling Units is included in your packet.

Applicant requesting to increase the permitted standard from 40% (1,686 square feet) of the size of the detached house to 55% (2,344 square feet) the size of the detached house for the aggregate floor area of detached accessory buildings on the lot. Existing detached house is 4,217 square feet.

Facts staff finds favorable for variance request:

- Drainage patter that could affect the placement of a structure are topographic conditions of the lot that are unique to a s specific property.

Facts Staff find unfavorable for the variance request:

- Applicant should better describe the drainage issues preventing the detached building from being attached to the existing home.

SAMPLE MOTION:

Special Exception :

Move to _____ (approve/deny) a **Special Exception** to allow an Accessory Dwelling Unit in the RS-1 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 allow the floor area of Detached Accessory Buildings/ Dwelling Units to exceed 750 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A, 45.031-D.6)

- 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

45.030-A Districts 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;



DEVELOPMENT SERVICES
 175 E 2ND ST., STE 405
 TULSA, OK 74103
 918-596-9456

CITY OF TULSA

CORRECTIONS SUMMARY

ZCO-136851-2022 (2915 E 45TH PL S Tulsa Tulsa, OK 74105) 136851 PLANS_v1.pdf Markup Summary #1

Zoning Comments (3)



Subject: Zoning Comments
Page Label: 1
Status:
Author: LParker
Date: 1/5/2023 9:45:27 AM
Color: ■

45.030-A RE and RS-1 Districts
 In RE and RS-1 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 750 square feet or 40% of the floor area of the principal residential structure, whichever is greater.

Review comments: You are proposing 2,344 sq ft of detached accessory structure. The proposed detached structure exceeds 750 sq ft and 40% of the size of your house. Based on the size of your house (4,217 sq ft) you are allowed 1,686 sq ft of detached accessory structures on your lot. Reduce the size of your proposed detached accessory structure to be less than 1,686 sq ft 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.



Subject: Zoning Comments
Page Label: 1
Status:
Author: LParker
Date: 1/5/2023 9:48:15 AM
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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-1 zoned area. Please note: Only 1 ADU is permitted per lot.



DEVELOPMENT SERVICES
175 E 2ND ST., STE 405
TULSA, OK 74103
918-596-9456

CITY OF TULSA

CORRECTIONS SUMMARY



Subject: Zoning Comments
Page Label: 1
Status:
Author: LParker
Date: 1/5/2023 9:50:00 AM
Color: ■

90.90.C: 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 18 feet in height and is not more than 10 feet in height to the top of the top plate.

Review Comments: Revise plans to indicate that the detached accessory building will 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. If it does not meet these requirements apply to the BOA for a variance to allow an accessory structure to exceed 18 feet in height.

10-12

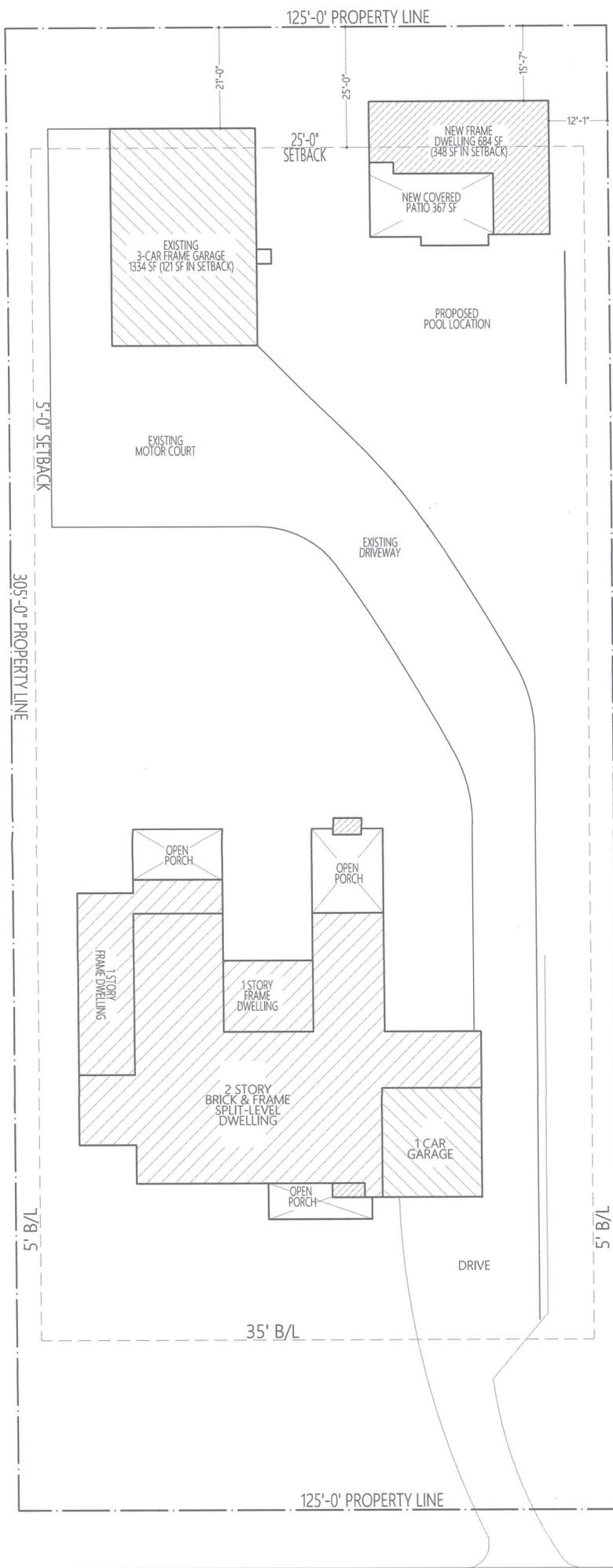


TABLE 90-2: COVERAGE OF REAR SETBACK

AREA IN REAR YARD SETBACK IS LESS THAN 20% (RE DISTRICT).
 ALLOWED = 623SF
 (125x25x20%)
 ACTUAL = 469SF
 (121SF + 348SF)

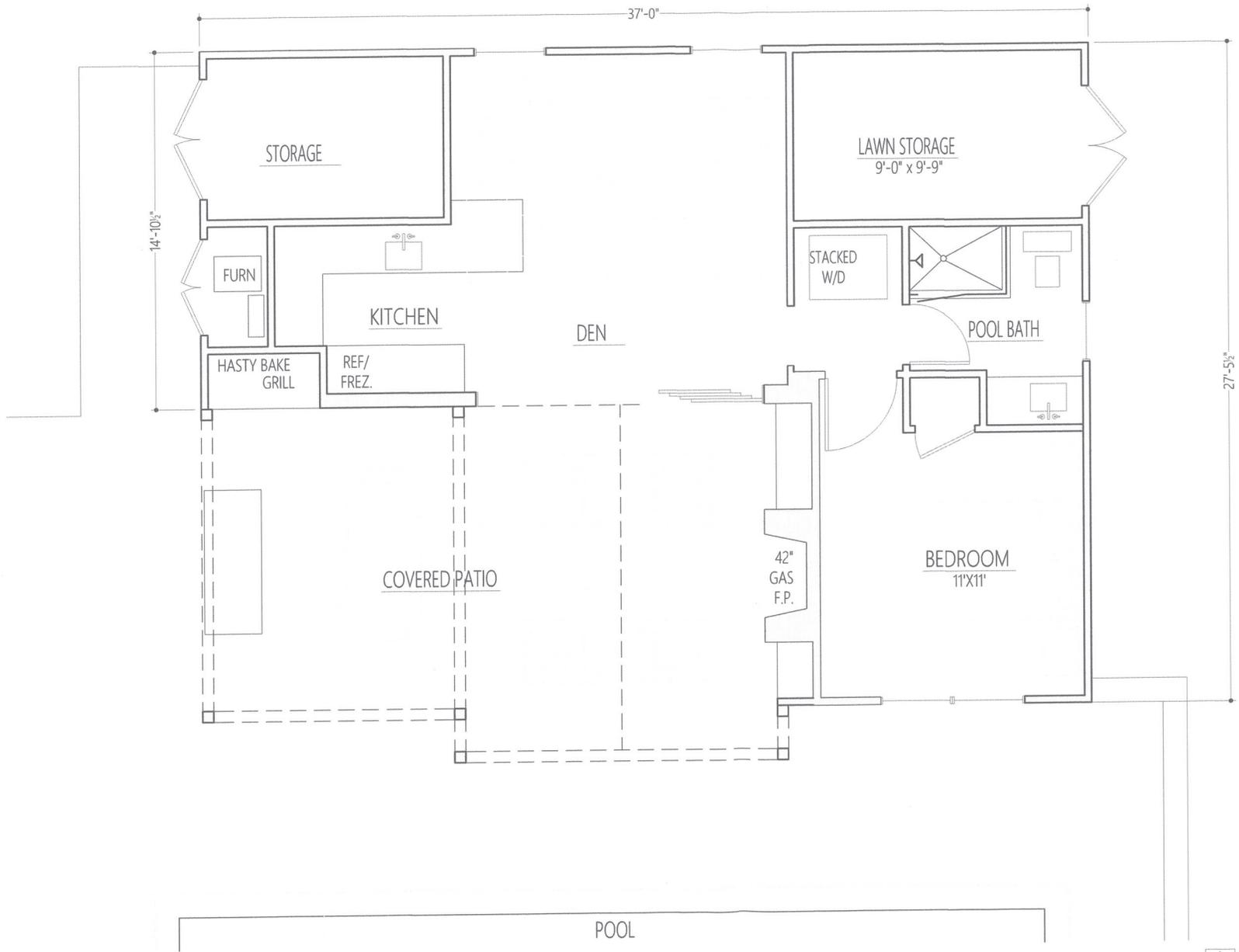
45.030A ACCESSORY BUILDING SIZE

40% PRINCIPAL HOUSE FLOOR AREA = 4,217 SF X .4 = 1,686 SF ALLOWED
 DETACHED STRUCTURE FLOOR AREA
 EXISTING = 1,334 SF
 NEW = 1,051 SF
 TOTAL = 2,385 SF



10.13

A SITE PLAN-NEW
1:20



A FIRST FLOOR PLAN-CABANA
 1/4" = 1'-0"