



CITY OF
Tulsa
Board of Adjustment

Case Number: BOA-23500

Hearing Date: 02/28/2023 1:00 PM

Case Report Prepared by:

Austin Chapman

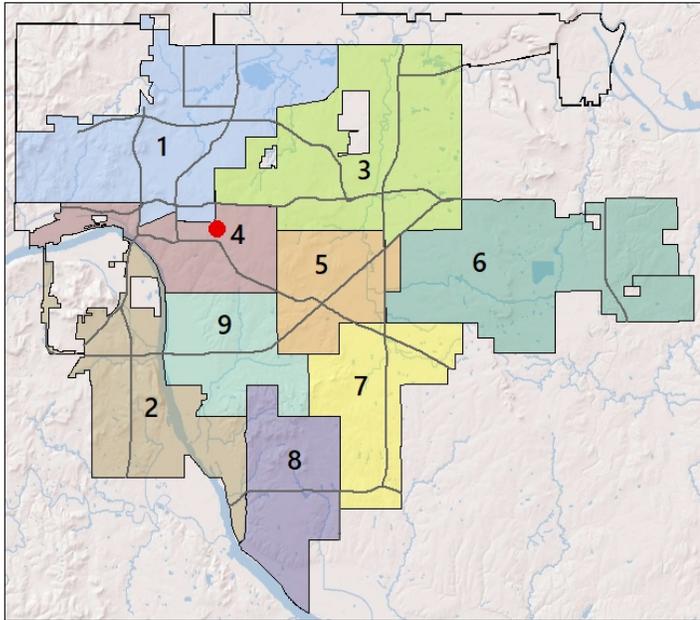
Owner and Applicant Information:

Applicant: Tom Neal

Property Owner: Truett Sage

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-A, 45.031-D.6)

Location Map:



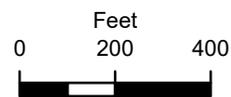
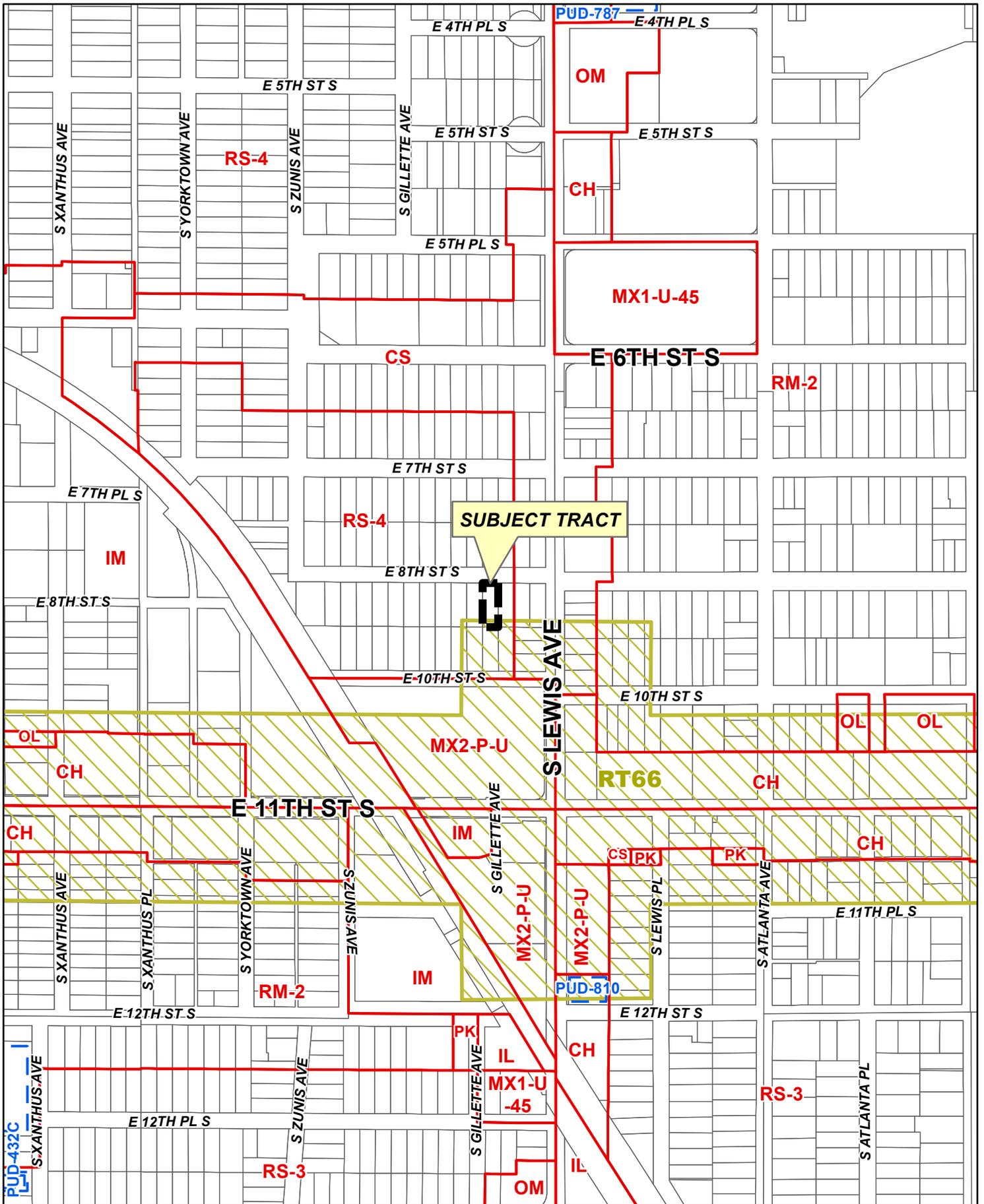
Additional Information:

Present Use: Residential

Tract Size: 0.16 acres

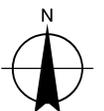
Location: 2252 E. 8 St. S.

Present Zoning: RS-4

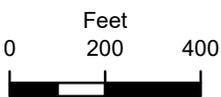


BOA-23500

19-13 06



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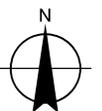
Subject
Tract

BOA-23500

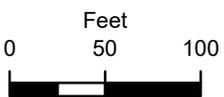
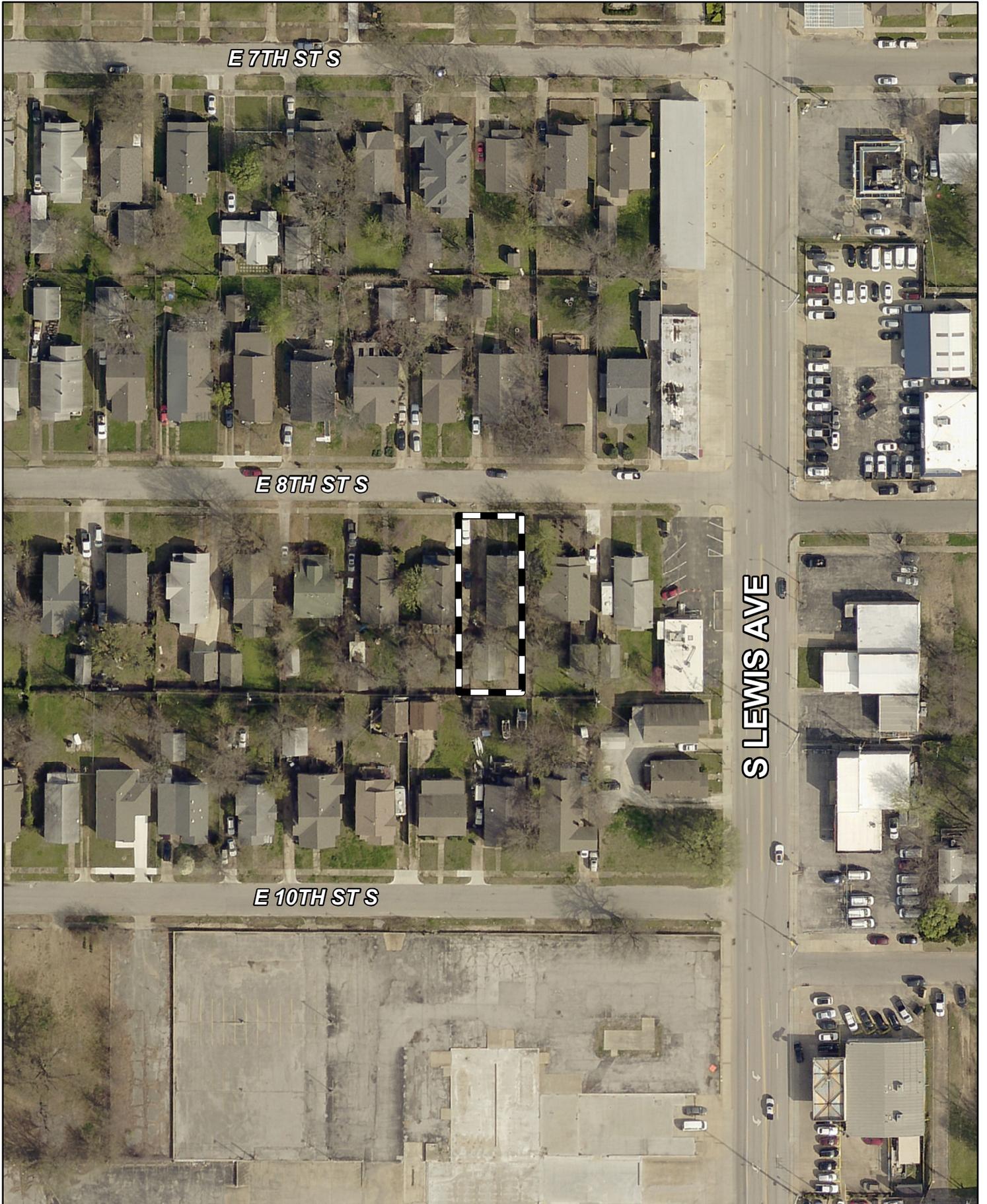
19-13 06

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

Aerial Photo Date: 2020/2021



4.3



 Subject Tract

BOA-23500

19-13 06

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

Aerial Photo Date: 2020/2021



4.4

BOARD OF ADJUSTMENT CASE REPORT

STR: 9306

Case Number: BOA-23500

CD: 4

HEARING DATE: 02/28/2023 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-A, 45.031-D.6)

LOCATION: 2252 E 8 St. S.

ZONED: RS-4

PRESENT USE: Residential

TRACT SIZE: 7000.12 SQ FT

LEGAL DESCRIPTION: LOT 4 BLK 7, HILLCREST 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 Growth".

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 purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

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: ***Lot is a 44- foot wide non-conforming lot.***
2. That the literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose: ***Literal enforcement will create hardship on the elderly owner.***
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: ***I have never seen a comparable situation.***
4. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner: ***Hardship was imposed by contractor working without a permit.***
5. That the variance to be granted is the minimum variance that will afford relief: ***Structure will not change in size.***

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: **Unpermitted builder reduces earlier nonconforming construction.**
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: **Maintains existing situation.**

STAFF ANALYSIS: 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-A, 45.031-D.6)

Included in your packet are copies of sections 45.030 and 45.031 of the Zoning Code.

Facts staff finds favorable for variance request:

- Structure is existing and releif is a minimal 26 square feet.

Facts Staff find unfavorable for the variance request:

- None.

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.

Variance:

Move to _____ (approve/deny) 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-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:

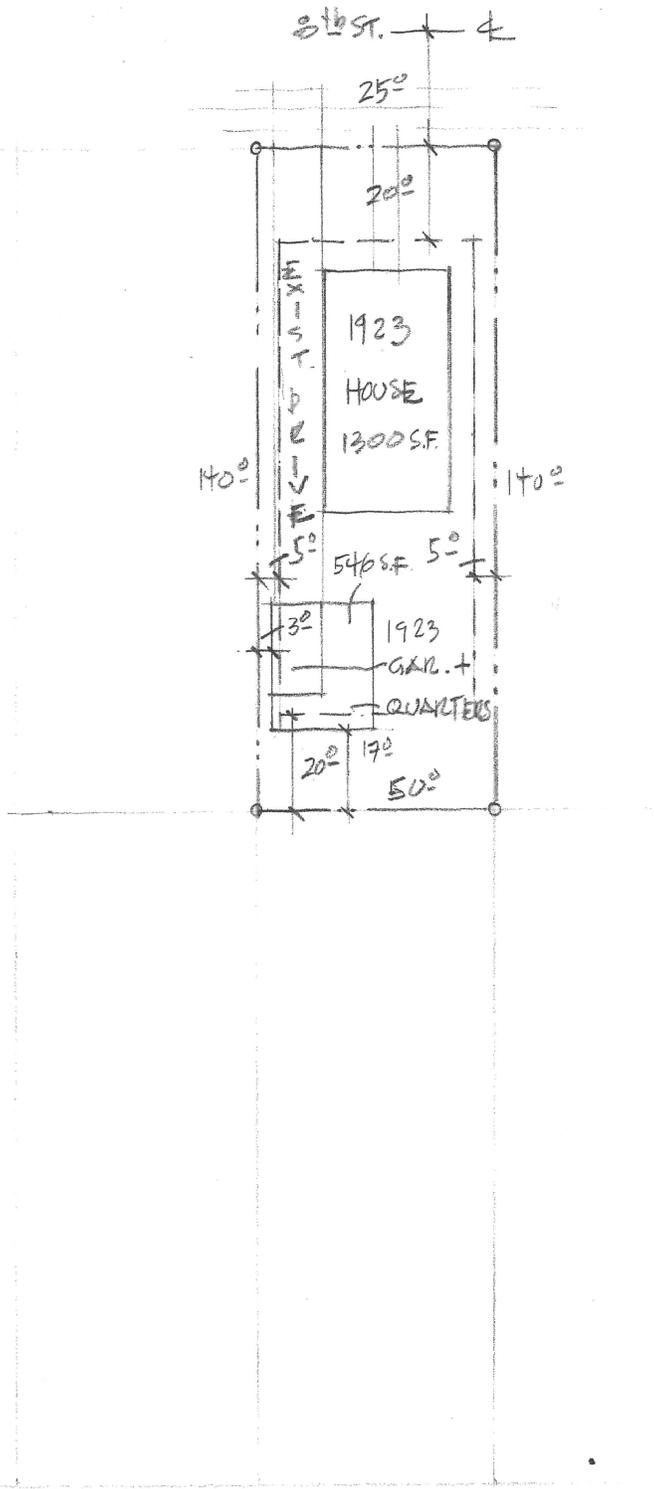
a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

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.”



Subject Property



EXIST. ADU SINCE 1923
 546 SF. > 500/520 SF
 ALLOWED BY LIGHT
 TOP OF PLATE 0'
 TOP OF RIDGE ± 16'

SAGE
 2252 EAST 8th ST.
 TULSA, OKLA | 2023

SITE-PLAN 1" = 40' ↑ NORTH

TOM NEAL
 DESIGN

Associate member, American Institute of Architects

918.231.7200

4.8