



# CITY OF Tulsa

## Board of Adjustment

**Case Number:** BOA-23528

**Hearing Date:** 05/23/2023 1:00 PM

**Case Report Prepared by:**

Austin Chapman

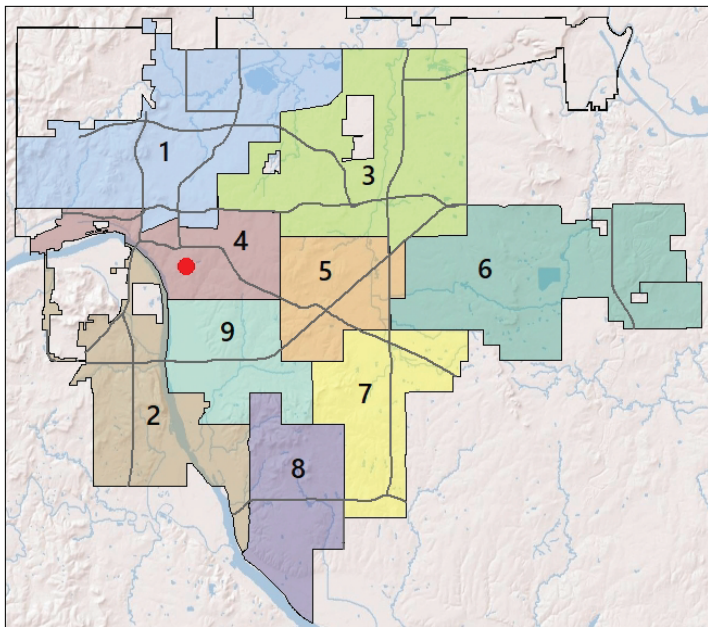
**Owner and Applicant Information:**

**Applicant:** Joel Collins

**Property Owner:** John T Main & Lea M Wolfe

**Action Requested:** Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); 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 (Section 90.090-C2); Variance to permit the entrance of an Accessory Dwelling Unit to face a side lot line (Sec. 45.030-D.8.a); Variance to allow an accessory Dwelling Unit to be less than 10-feet behind the detached house (Sec. 45.030-D.8.b)

**Location Map:**



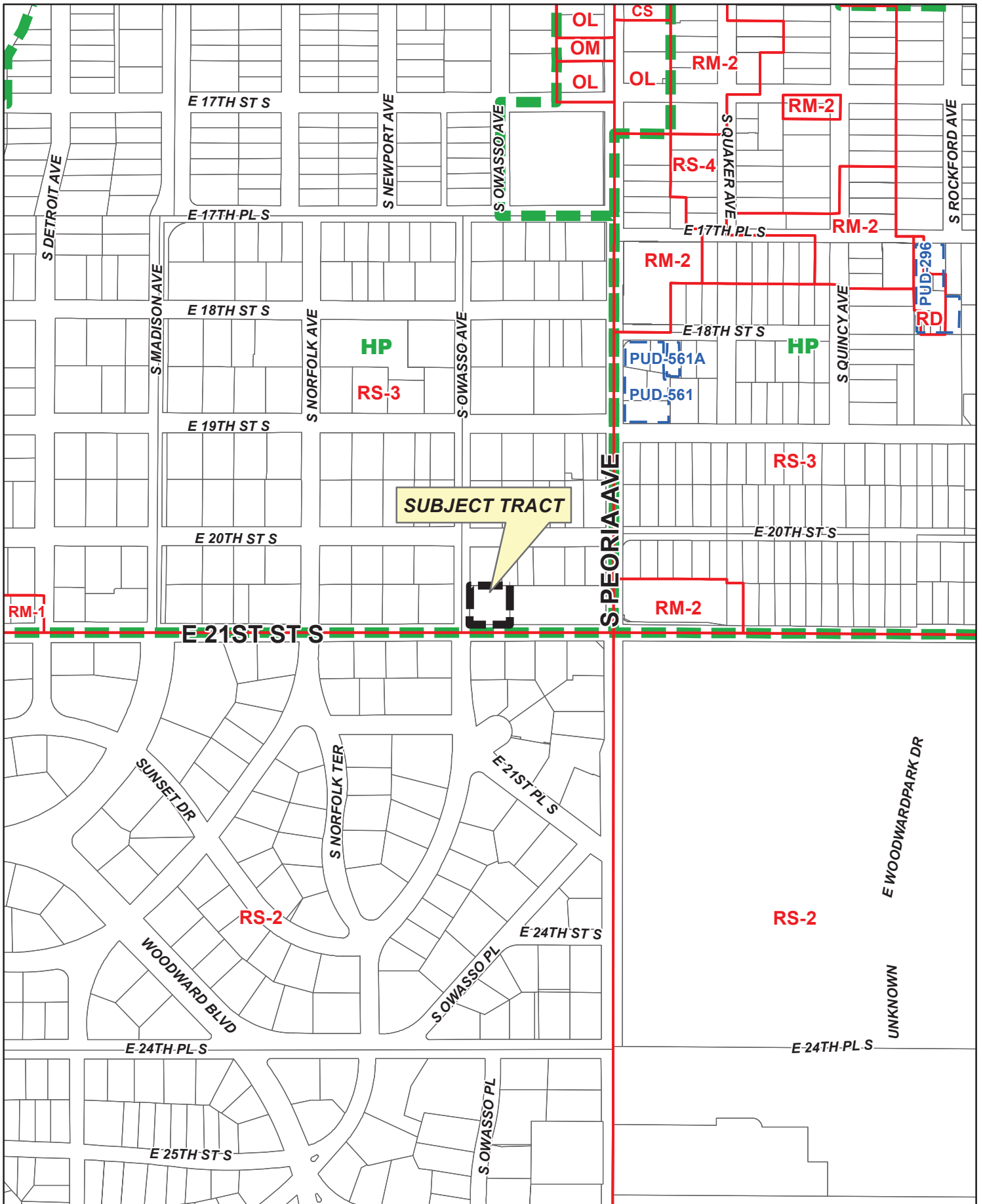
**Additional Information:**

**Present Use:** Single-family Residential

**Tract Size:** 0.35 acres

**Location:** 1207 E. 21 St. S.

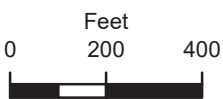
**Present Zoning:** RS-3

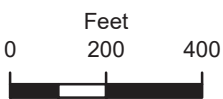
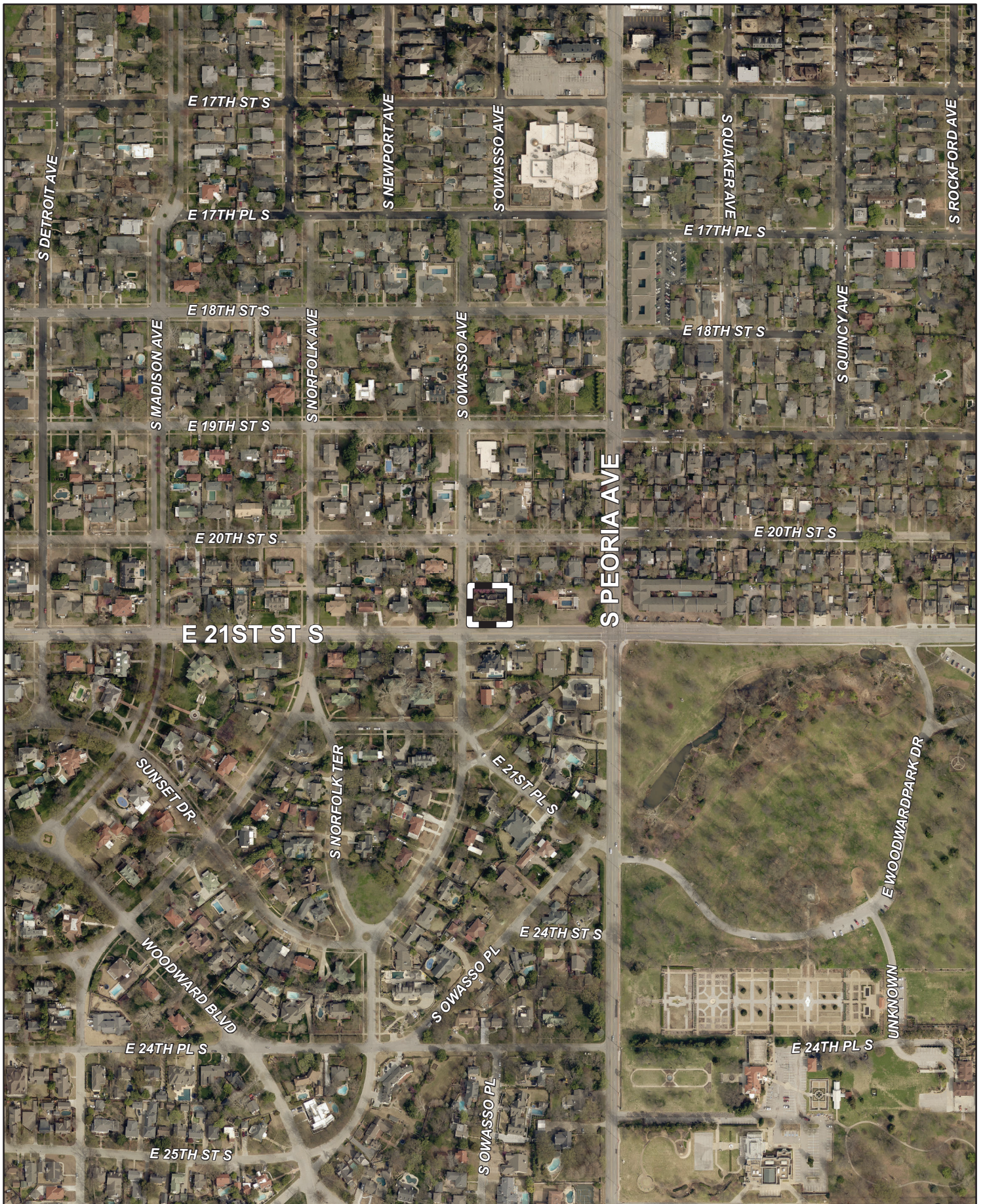


**SUBJECT TRACT**

**BOA-23528**

19-12 12





Subject Tract

**BOA-23528**

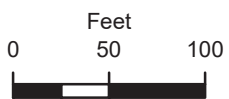
19-12 12

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

Aerial Photo Date: 2020/2021



2.3



 Subject Tract

**BOA-23528**

19-12 12

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

Aerial Photo Date: 2020/2021



2.4

# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9212

**Case Number:** BOA-23528

**CD:** 4

**HEARING DATE:** 05/23/2023 1:00 PM

**APPLICANT:** Joel Collins

**ACTION REQUESTED:** Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); 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 (Section 90.090-C2); Variance to permit the entrance of an Accessory Dwelling Unit to face a side lot line (Sec. 45.030-D.8.a); Variance to allow an accessory Dwelling Unit to be less than 10-feet behind the detached house (Sec. 45.030-D.8.b)

**LOCATION:** 1207 E 21 ST S

**ZONED:** RS-3

**PRESENT USE:** Single-family Residential

**TRACT SIZE:** 15376.74 SQ FT

**LEGAL DESCRIPTION:** LT 5 & W 25 OF LT 6 BLK 4, MAPLE HGTS 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.

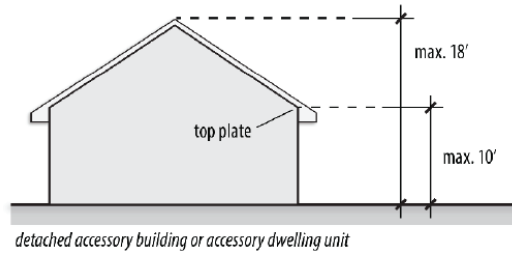
**STATEMENT OF HARDSHIP:** The location of the existing residence is set 65.6-feet off the front property line leaving only 27-feet in rear of the property. It is not practical to locate in front of house. This is needed as more rear yard space is taken by the structure the structure. This is the minimum to allow a 2-car garage size.

**STAFF ANALYSIS:** The applicant is requesting a Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); 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 (Section 90.090-C2); Variance to permit the entrance of an Accessory Dwelling Unit to face a side lot line (Sec. 45.030-D.8.a); Variance to allow an accessory Dwelling Unit to be less than 10-feet behind the detached house (Sec. 45.030-D.8.b)

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

**Proposed Height:** Two Stories, 22-feet total height

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

- Though the detached garage does not require a Historic Preservation Permit, the improvements to the residence have received a Historic Preservation permit.

**Facts Staff find unfavorable for the variance request:**

None.

**SAMPLE MOTION:**

***Special Exception:***

Move to \_\_\_\_\_ (approve/deny) a 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 (Section 90.090-C2); Variance to permit the entrance of an Accessory Dwelling Unit to face a side lot line (Sec. 45.030-D.8.a); Variance to allow an accessory Dwelling Unit to be less than 10-feet behind the detached house (Sec. 45.030-D.8.b)

- 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 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 (Section 90.090-C2); Variance to permit the entrance of an Accessory Dwelling Unit to face a side lot line (Sec. 45.030-

D.8.a); Variance to allow an accessory Dwelling Unit to be less than 10-feet behind the detached house (Sec. 45.030-D.8.b);

- 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 facing East**



**Subject property facing North**



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-C](#).

### 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 [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 §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;
  - b. Reduce any sidewalk or walkway designed for the passage of pedestrians to less than 5 feet in width;



**LEGEND**

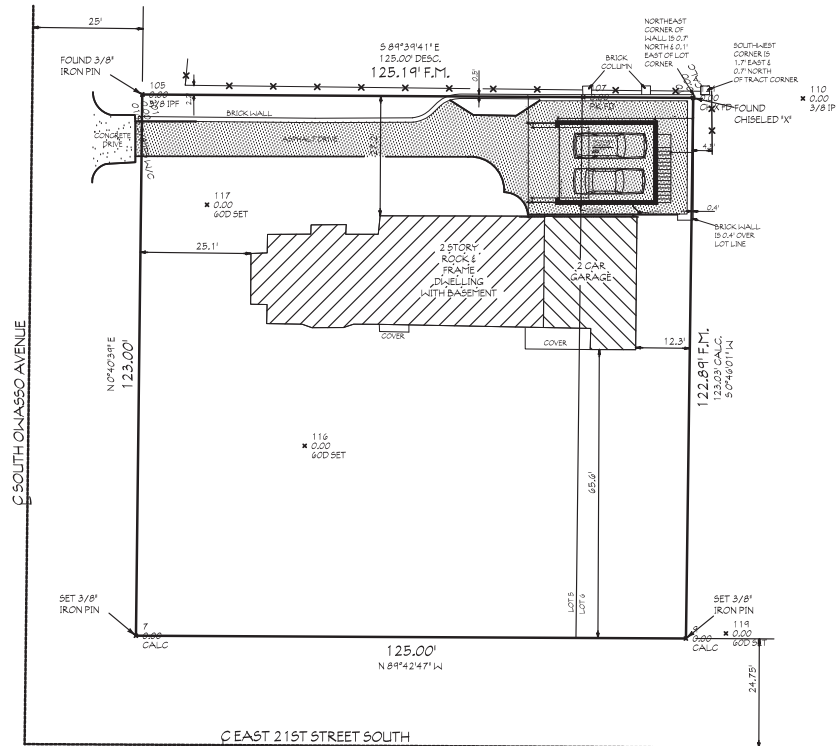
- E/E UTILITY EASEMENT
- M/P METERING POINT
- C.B. CHORD BEARING
- B/E BURIED ELECTRIC & TELEPHONE CABLE EASEMENT (APPROXIMATE LOCATION)
- D/E DRAINAGE EASEMENT



BEFORE YOU DIG, CALL OKE FOR LOCATION OF UNDERGROUND UTILITIES. 1-800-522-6843

**GENERAL NOTES**

- BASIS OF BEARINGS: BASED ON THE SOUTH LINE OF BLOCK 4 BEING ASSUMED N 89°42'47" W.
- NO BUILDING LINES OR EASEMENTS ARE SHOWN ON THE RECORDED PLAT OF MAPLE HEIGHTS ADDITION, PLAT NO. 185.
- THE PROPERTY DESCRIBED HEREON CONTAINS 0.35 ACRES, MORE OR LESS.
- FIELD WORK COMPLETED FEBRUARY 14, 2012.
- FM = FIELD MEASURED COURSE, CALC = CALCULATED COURSE, DESC = DESCRIBED COURSE.



**PLAT OF SURVEY**

INVOICE NO.: 5TK 12-59283  
CLIENT: LEA WOLFE

**LEGAL DESCRIPTION:**

LOT FIVE (5) AND THE WEST TWENTY-FIVE (25) FEET OF LOT SIX (6), BLOCK FOUR (4), MAPLE HEIGHTS, AN ADDITION IN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

**SURVEYOR'S STATEMENT**

WHITE SURVEYING COMPANY, AN OKLAHOMA CORPORATION, AND THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE THAT IN OUR PROFESSIONAL OPINION THE ABOVE PLAT OF SURVEY IS AN ACCURATE REPRESENTATION OF A CAREFUL BOUNDARY SURVEY OF THE PROPERTY DESCRIBED HEREON AND FEET OR EXCESS THE MINUTE TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION. WE FURTHER STATE THAT THE ABOVE AND FOREGOING PLAT OF SURVEY ACCURATELY SHOWS THE LOCATION OF THE BOUNDARY CORNERS AND THEIR IDENTIFICATION, THE DIMENSIONS OF THE PROPERTY, THE LOCATIONS OF ALL BUILDINGS ON PERMANENT FOUNDATIONS, ALL RECORDED PLAT EASEMENTS AND BUILDING SETBACK LINES (IF APPLICABLE), AND ALL OTHER SUCH EASEMENTS WHICH HAVE BEEN DISCLOSED BY A CURRENT TITLE OPINION OR COMMITMENT FOR TITLE INSURANCE AND COPIES THEREOF PROVIDED TO US PRIOR TO THE TIME OF THIS SURVEY; THAT UNDERGROUND OR ABOVE GROUND UTILITIES WERE NOT FIELD LOCATED AND THEREFORE ARE NOT SHOWN ON THIS PLAT OF SURVEY UNLESS SPECIFICALLY REQUESTED PRIOR TO THE TIME OF THIS SURVEY; THAT EXCEPT AS SHOWN THERE ARE NO ENCROACHMENTS FROM ADJOINING PREMISES ONTO THE PROPERTY DESCRIBED HEREON OR ONTO ADJOINING PREMISES FROM THE PROPERTY DESCRIBED HEREON BY VISIBLE PERMANENT IMPROVEMENTS; AND THAT THIS PLAT OF SURVEY IS PREPARED SOLELY FOR THE PARTIES LISTED HEREON AS OF THIS DATE AND MAY NOT BE USED FOR ANY SUBSEQUENT LOAN CLOSING, REFINANCE, OR OTHER TRANSACTION.

WHITE SURVEYING COMPANY  
CERTIFICATE OF AUTHORIZATION  
NO. CA1098  
(RENEWAL 6/30/2013)

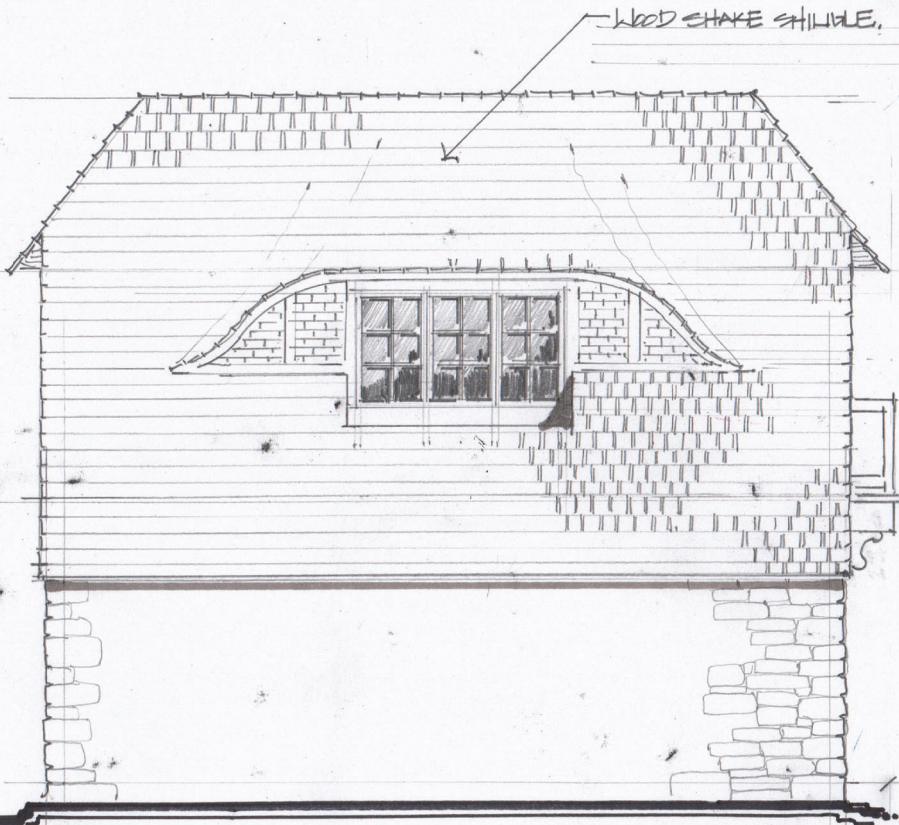
BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
REGISTERED PROFESSIONAL LAND SURVEYOR OKLAHOMA NO. 1052



**WHITE SURVEYING COMPANY**  
providing land surveying services since 1940  
9936 E. 55th Place • Tulsa, OK 74146 • 800.262.0682 • 918.663.6924 • 918.664.8366 fax

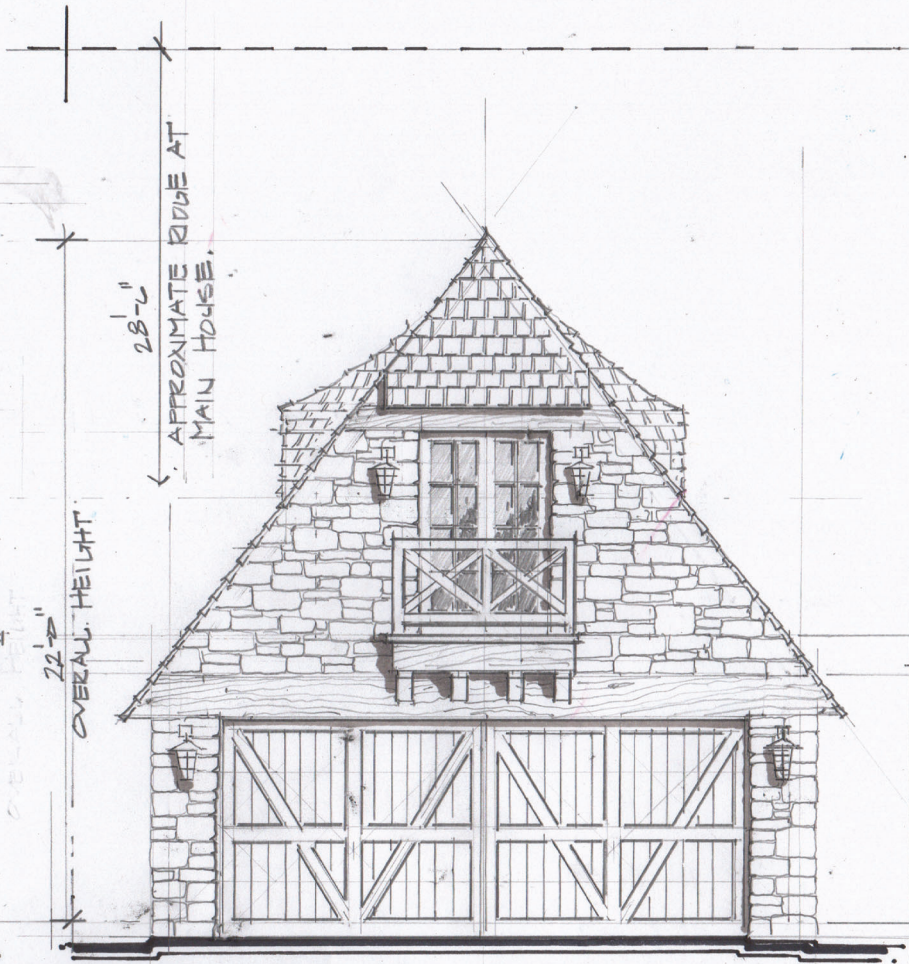
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LEFT SIDE ELEVATION AT NEW GARAGE.

SCALE 1/4" = 1'-0"



FRONT ELEVATION AT NEW GARAGE.

SCALE 1/4" = 1'-0"

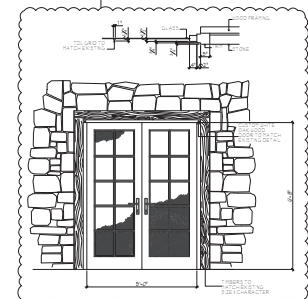
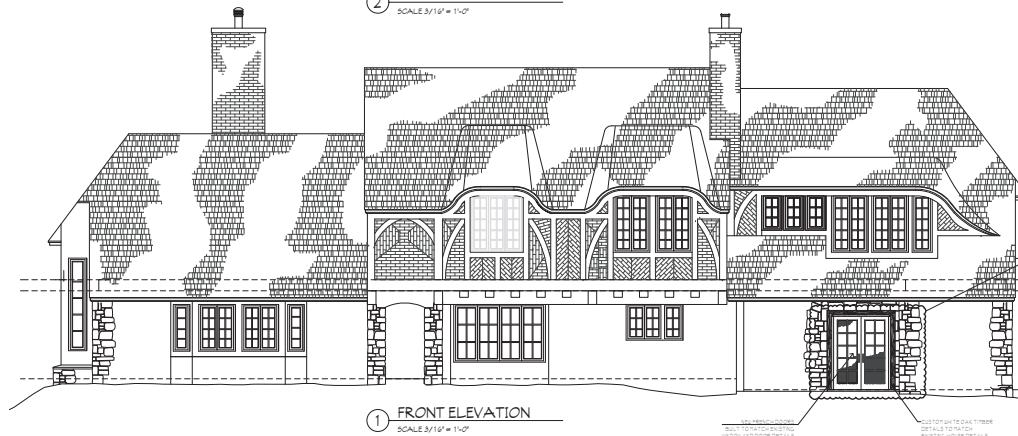
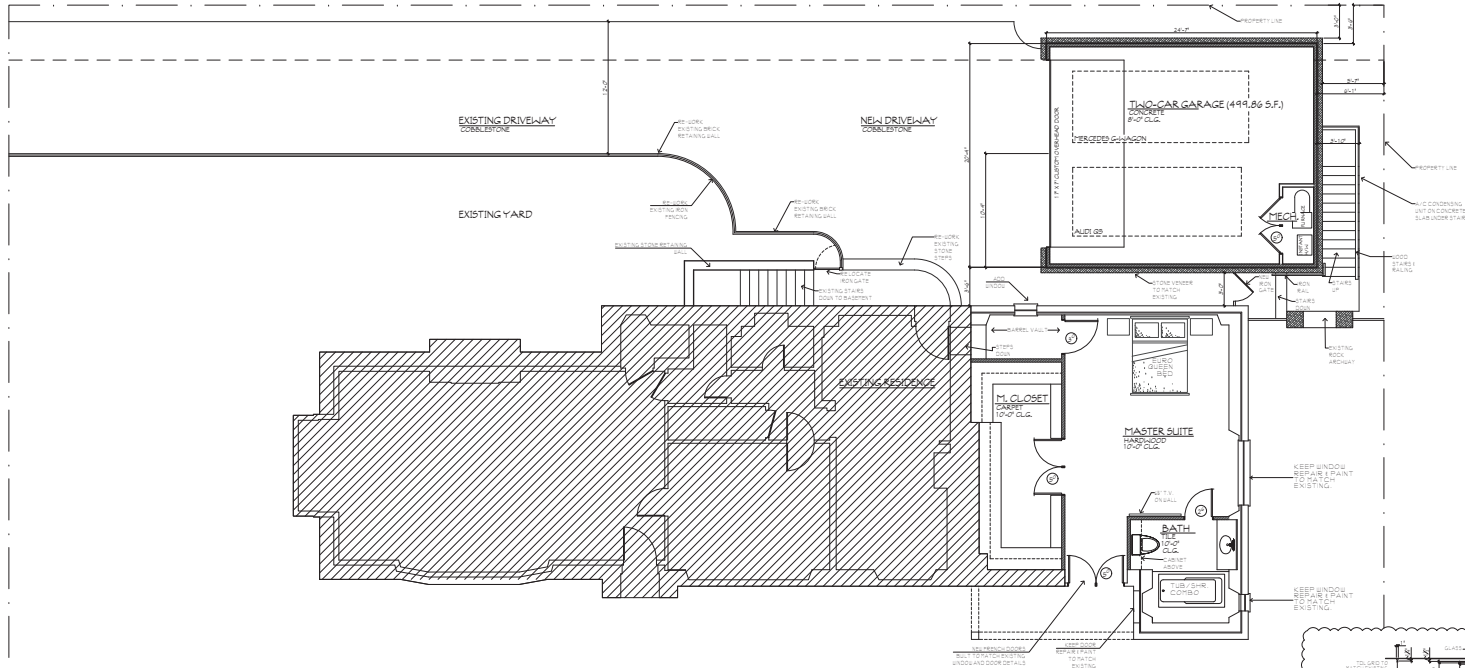
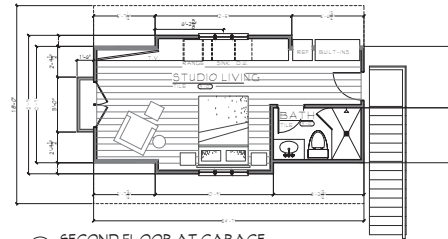
PROJECT  
**A CUSTOM DESIGN FOR LEA WOLFE**

TULSA OKLAHOMA

DESIGNER  
**j. Collins & Associates**

SQUARE FOOTAGE SUMMARY

FIRST FLOOR (FAS) = 1381-S.F.  
 GARAGE REMODEL = 971-S.F.  
 NEW DETACHED GARAGE (FRAME) = 500-S.F.



	WALL SECTION
	BUILDING SECTION
	INTERIOR ELEVATION
	HALL TYPE
	ROOM NUMBER
	DOOR NUMBER
	WINDOW NUMBER
	CEILING HEIGHT
	FINISH FLOOR
	ROOF PITCH
	CUT HALL
	CUT HALL

LEGEND

A.F.F.	ABOVE FINISH FLOOR
C	CENTER LINE
C.L.	CLOSET
C.J.	CONTROL JOINT
C.L.G.	CEILING
D.B.L. R.B.	DOUBLE ROD & SHELF
D.S.H.	DISH WASHER
E.S.H.	ESKAL.
F.F.	FINISH FLOOR
F.P.R.	FIRE PLACE
H.W.	HOT WATER
M.E.C.	M.ECHANICAL CLOSET
O.H.D.	OVER HEAD DOOR
P.D.R.	POW-DER ROOM
R.S.	ROD & SHELF
R.S.K.	R.R.E.G.I.S.T.R.A.R
T.O.J.	T.O.P. OF J-INCHES

ISSUED FOR PERMIT

DRAWN BY  
 J.V.C.  
 SCALE  
 3/16" = 1'-0"  
 DATE  
 02/19/2023  
 REVISED  
 04/20/2023

TITLE  
**PLANS & ELEV'S**  
 PAGE  
**A1.01**







