



CITY OF
Tulsa
Board of Adjustment

Case Number: BOA-23599

Hearing Date: 11/14/2023 1:00 PM

Case Report Prepared by:

Austin Chapman

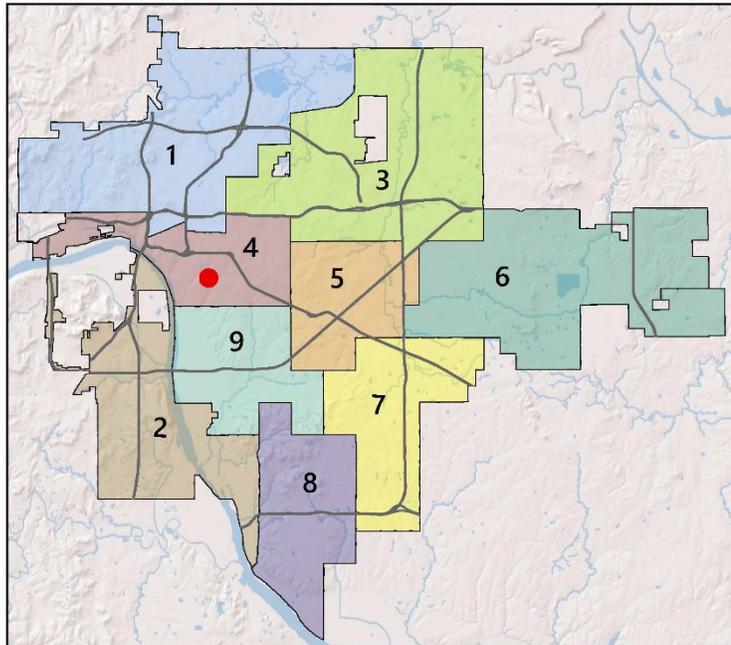
Owner and Applicant Information:

Applicant: Phillip Doyle

Property Owner: Adam & Crystal Wing

Action Requested: Special Exception to allow an Accessory Dwelling Unit in an RS-2 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-B); Variance to allow more than 25% coverage by an Accessory Dwelling Unit in the rear setback in the RS-2 District (Section 90.090-C); Variance to allow a detached Accessory 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-C)

Location Map:



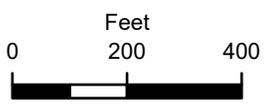
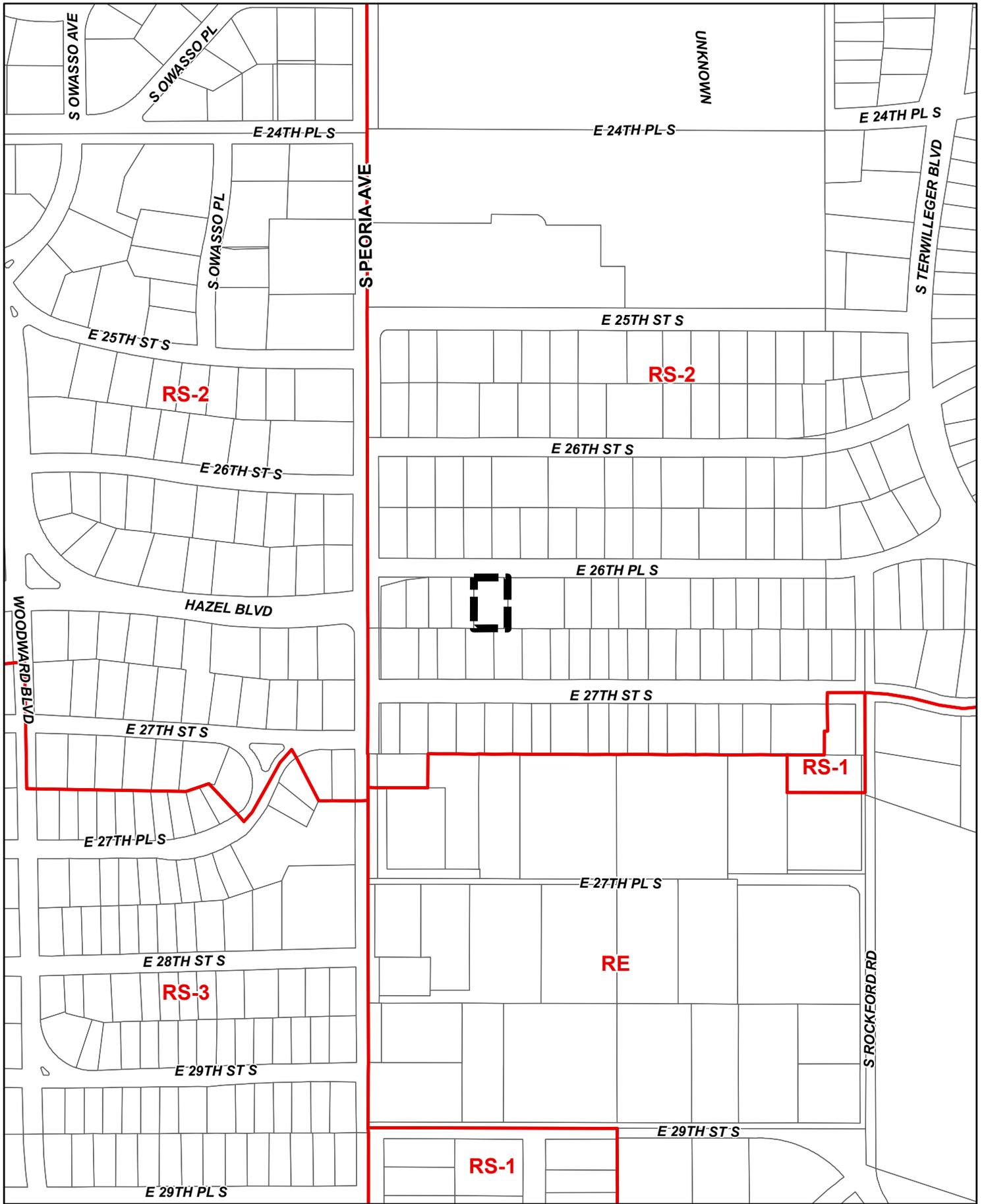
Additional Information:

Present Use: Residential

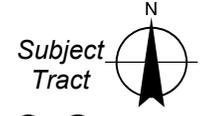
Tract Size: 0.28 acres

Location: 1324 E. 26 Pl. S.

Present Zoning: RS-2

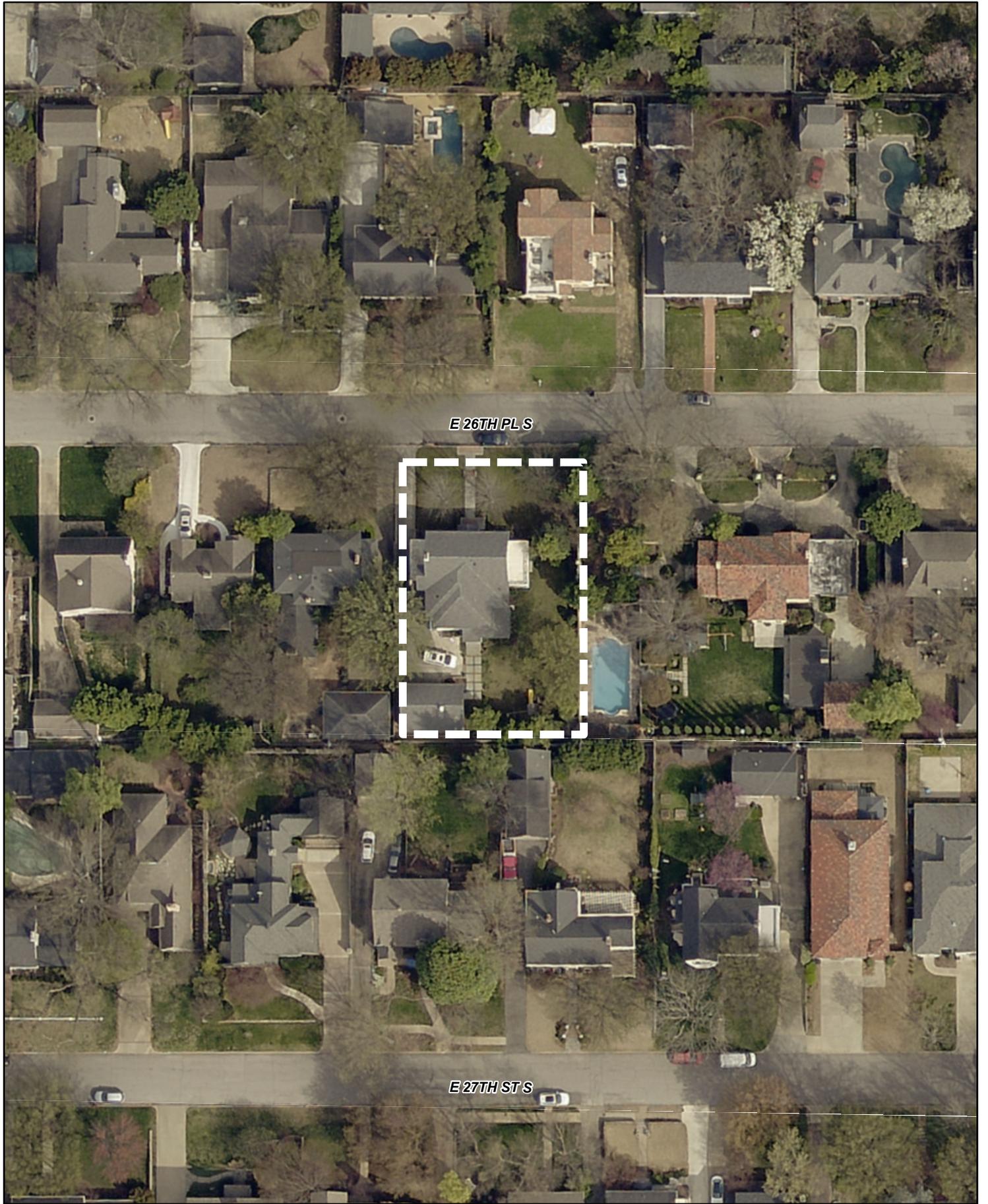


BOA-23599



Subject
Tract

9.2



E 26TH PLS

E 27TH ST S

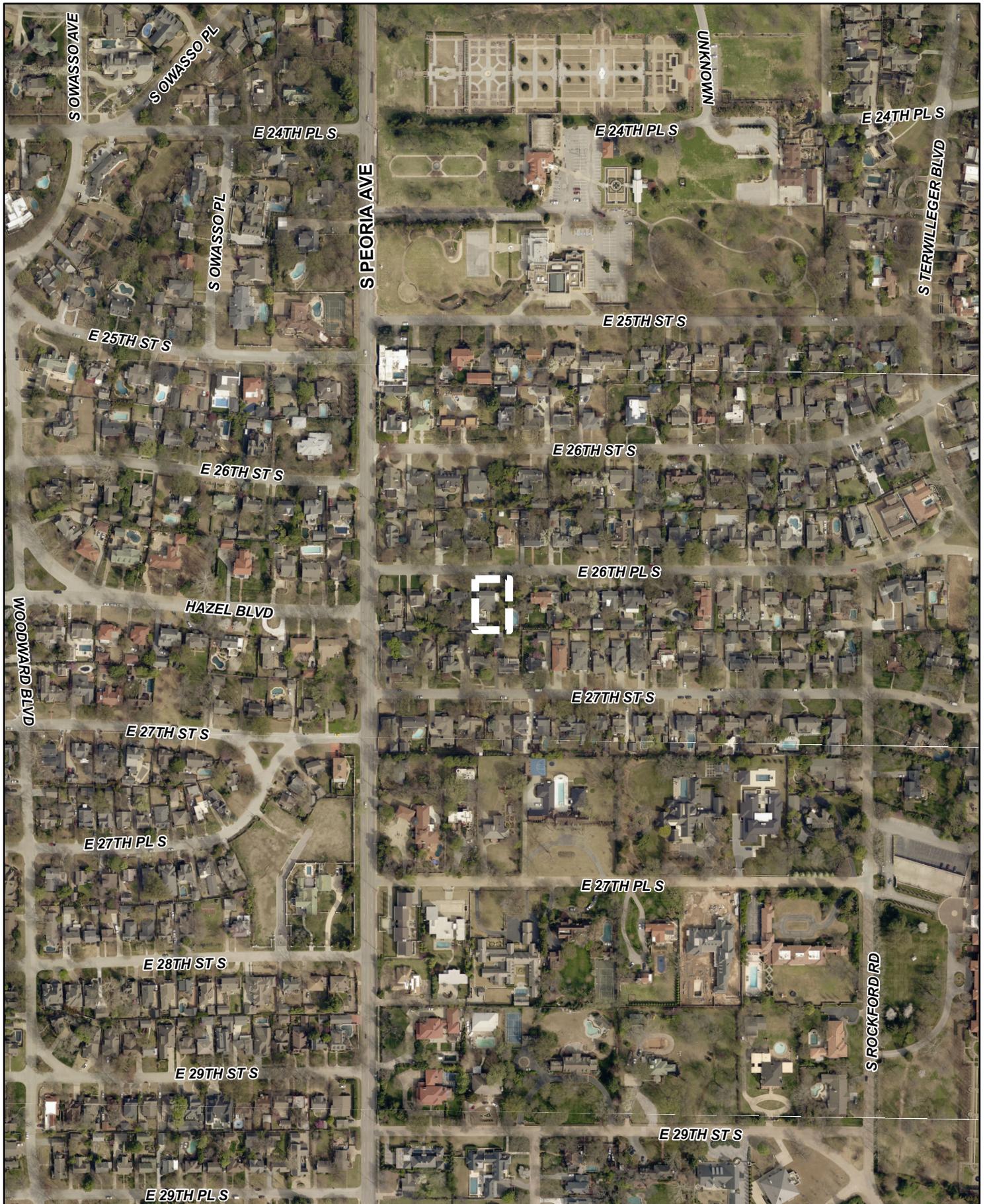
BOA-23599

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

Aerial Photo Date: 2020/2021



9.3



BOA-23599

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

Aerial Photo Date: 2020/2021



9.4

**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9318

Case Number: **BOA-23599**

CD: 4

HEARING DATE: 11/14/2023 1:00 PM

APPLICANT: Phillip Doyle

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LOCATION: 1324 E. 26 Pl. S.

ZONED: RS-2

PRESENT USE: Residential

TRACT SIZE: 12148.93 SQ FT

LEGAL DESCRIPTION: W1/2 LT 14 & ALL LT 15 BLK 1, TRAVIS 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 a "Neighborhood"

STATEMENT OF HARDSHIP:

Please describe how your hardship meets the following criteria:

1. *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: **ADU and Cabana need to be on the South side of the property to utilize existing garage footprint and not impeded surface drainage from East Neighbor.***
2. *That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose: **Literal enforcement not necessary to achieve purpose.***
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: **Drainage issue and historic detached garage are unique to property.***
4. *That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner: **Existing garage and drainage are pre-existing.***
5. *That the variance to be granted is the minimum variance that will afford relief: **It is the minimum square footage.***
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 line with the neighborhood.***
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.": **No detriment to public good- structure is designed to feel as small as possible.***

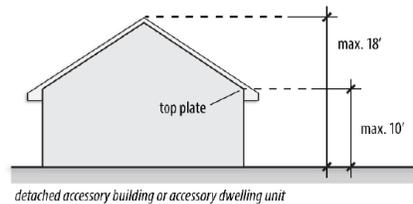
STAFF ANALYSIS: The applicant is requesting a Special Exception to allow an Accessory Dwelling Unit in an RS-2 District (45.031-D); Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-B; 45.031.6.a);

A copy of sections 45.030 and 45.031 are included in your packet.

Variance to allow more than 25% coverage by an Accessory Dwelling Unit in the rear setback in the RS-2 District (Section 90.090-C); **Variance** to allow a detached Accessory 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-C)

- (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%

The applicant is seeking a 2-story accessory building that is 23-feet in height at its peak; would be covering 1,538 square feet (68 %) of the rear setback and has 1,662 square feet of building area (49% of the principal structure).

Facts staff finds favorable for variance request:

- The drainage issue stated by the applicant could constitute a unique condition to the subject property that is not generally applicable to other similarly zoned properties. .

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-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.

Variance:

Move to _____ (approve/deny) a **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-B); **Variance** to allow more than 25% coverage by an Accessory Dwelling Unit in the rear setback in the RS-2 District (Section 90.090-C);

Variance to allow a detached Accessory 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-C)

- 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



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

CITY OF TULSA

CORRECTIONS SUMMARY

ZCO-158888-2023 (1324 E 26TH PL S Tulsa, OK 74114).pdf Markup Summary #1

Zoning Comment (3)



Subject: Zoning Comment
Page Label: [1] 1(18x24)
Author: Jeff Taylor
Date: 9/19/2023 3:07:22 PM
Status:
Color: ■
Layer:
Space:

45.031-D Special Exception required from BOA to allow an ADU on a RS-2 zoned lot.



Subject: Zoning Comment
Page Label: [1] 1(18x24)
Author: Jeff Taylor
Date: 9/19/2023 3:22:08 PM
Status:
Color: ■
Layer:
Space:

90.090-B,2 Accessory Building coverage in rear setback is 1083 sq ft which exceeds the 25% coverage allowed in the rear setback.



Subject: Zoning Comment
Page Label: [1] 1(18x24)
Author: Jeff Taylor
Date: 9/19/2023 3:22:20 PM
Status:
Color: ■
Layer:
Space:

90.090-B,2 Accessory Building height exceeds 1 story and 18' in overall height. Top plate is more than 10' in height to the top of the top plate.

45.030A ACCESSORY BUILDING SIZE

40% PRINCIPAL HOUSE FLOOR AREA =	
3,385 SF x .4 = 1,354 SF ALLOWED	
EXISTING DETACHED STRUCTURE AREA =	560 SF
2ND STORY ADDITION =	+560 SF
COVERED PORCH ADDITION =	+542 SF
PROPOSED DETACHED STRUCTURE AREA =	1,662 SF

TABLE 90-2: COVERAGE OF REAR SETBACK

AREA IN REAR YARD SETBACK IS LESS THAN 25% (RS-2 DISTRICT).	
ALLOWED: (90 x 25 x 25%) = 562.5 SF	
ACTUAL:	1,538 SF

GENERAL NOTES:

- All work shall conform to the International Residential code (2015) and all other governing laws, codes, ordinances and regulations. See structural drawings for additional design criteria.
- These plans and specification documents are intended for one project only at one particular site only. Any additional use or reproduction without the written permission of the design firm is forbidden. Changes to plan and specification documents shall be made only by the approval of this office and/or owner. Changes should be submitted in writing.
- All exterior dimensions are to the face of the exterior frame wall and/or concrete or stemwall.
- All interior plan dimensions are to face of framing, centerline or an extension of an exterior dimension.
- Written dimensions take precedence over scaled dimensions.
- All contractors shall field verify all existing and new conditions, materials, elevations and dimensions. Any discrepancies, or omissions shall be immediately reported to this office and /or owner before construction proceeds.
- All contractors shall examine all drawings and existing conditions to determine locations and dimensions of any and all chases, inserts, openings, sleeves, depressions and of other project requirements.
- All wood in contact with concrete shall be pressure treated (PT).
- Provide for passive control of radon entry as membrane beyond outside face of the slab so as to seal openings or crack that connect the house interior to the sub-slab soil. Seal all penetrations, joints, tears and cuts with tape or mastic.
- General contractor shall coordinate and provide for termite protections and inspection as outlined in R318 (2015 IRC).
- Provide safety glazing at all Hazardous Locations as defined in section R308.4 (2015 IRC).
-

LEGAL DESCRIPTION:

W/ LOT 14 & ALL LOT 15, BLOCK 1 OF TRAVIS HEIGHTS ADDITION, City of Tulsa, Tulsa County State of Oklahoma

CODE:

2015 International Residential code

ZONING:

RS-2 district

HEATED SQUARE FOOTAGE:

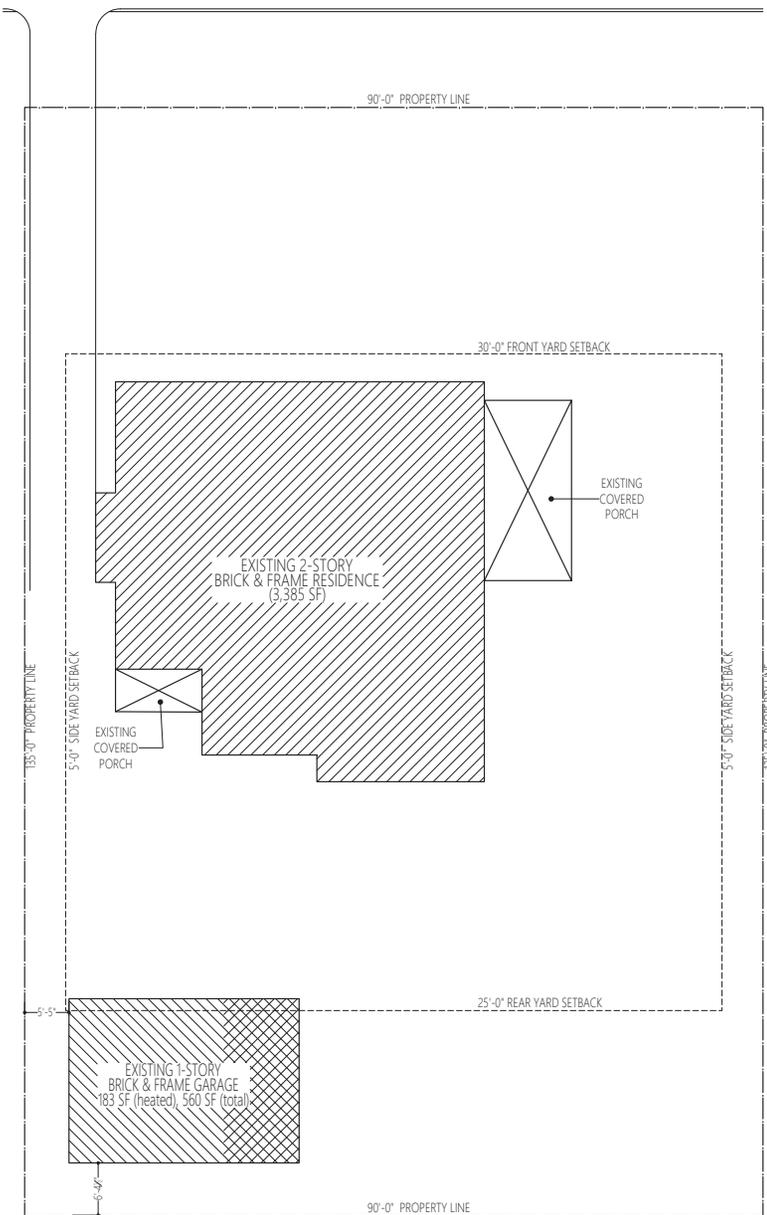
Existing residence:	3,385 SF
Existing accessory building:	183 SF
New accessory addition:	560 SF
Total:	4,128 SF

LEGEND:

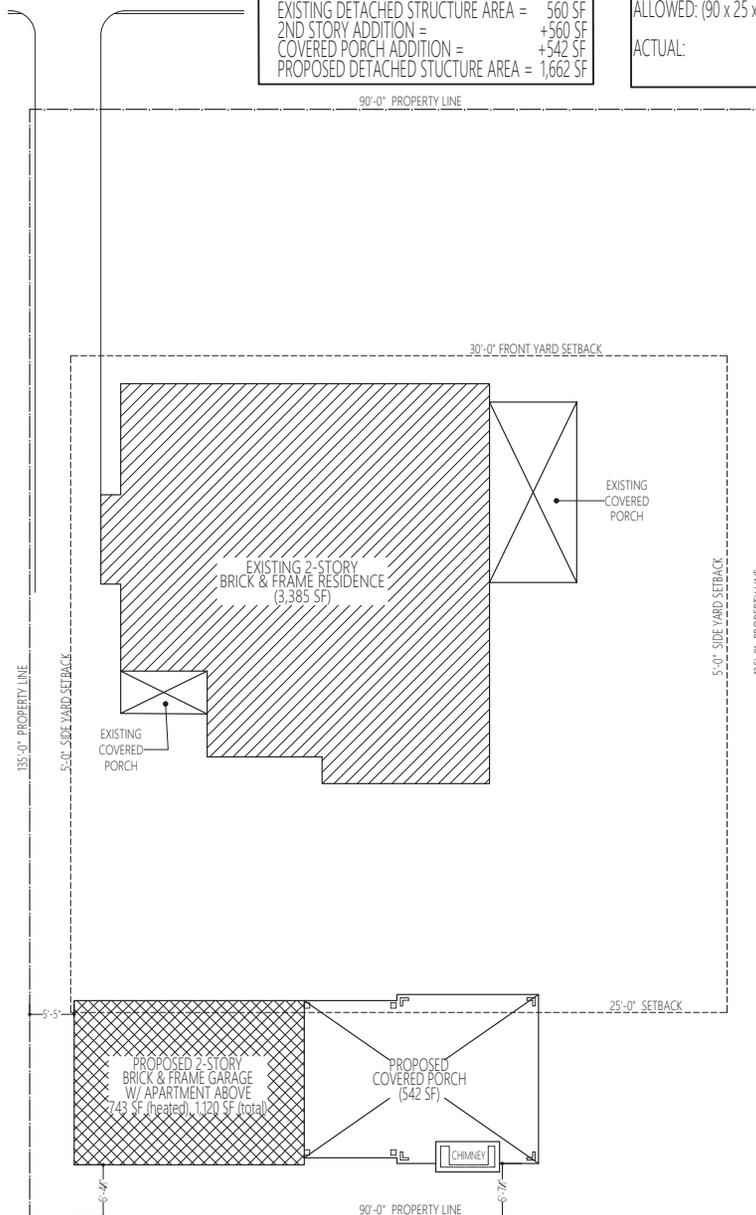
- [X] Drawing name and location
- (X) Reference grid for dimensions
- X/X/X Section through plan
- [X] Carpentry detail
- (X) Construction note/detail
- (X) Door number
- (X) Window type
- (X) Reference area
- T.O. "Top of" measure from
- CL "Center line" measure to

SHEET INDEX:

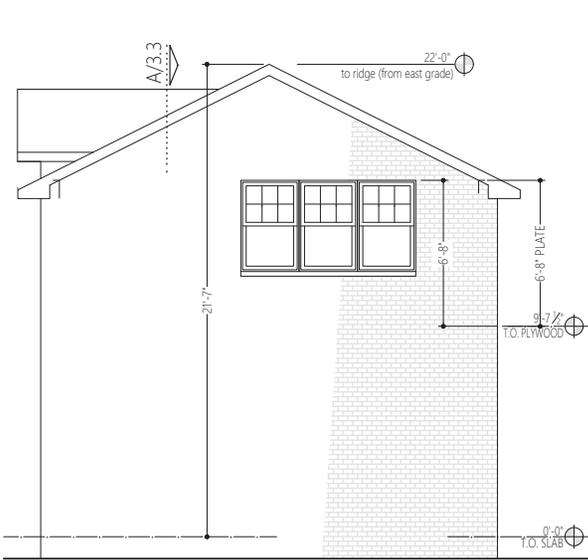
- 1 | Title sheet, site plan



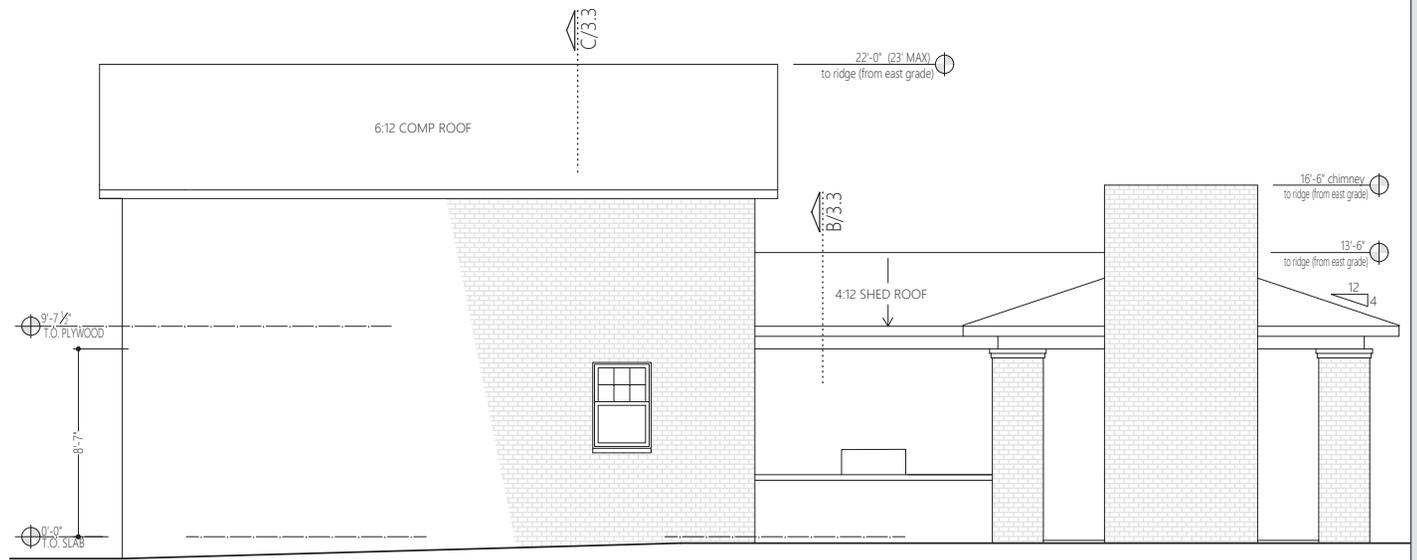
B SITE PLAN - EXISTING
3/32" = 1'-0"



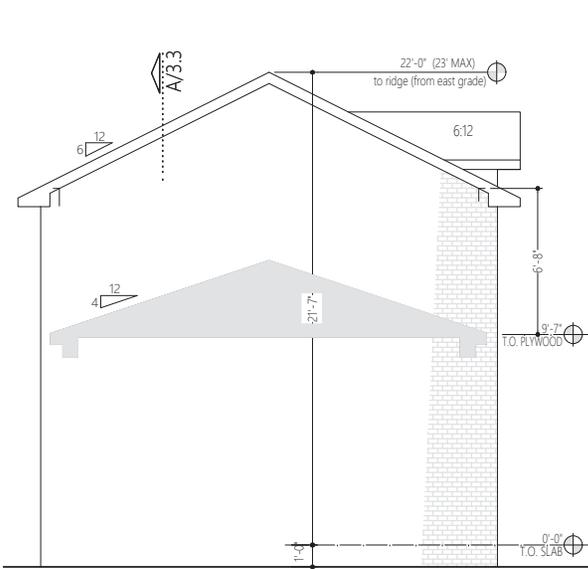
A SITE PLAN - NEW
3/32" = 1'-0"



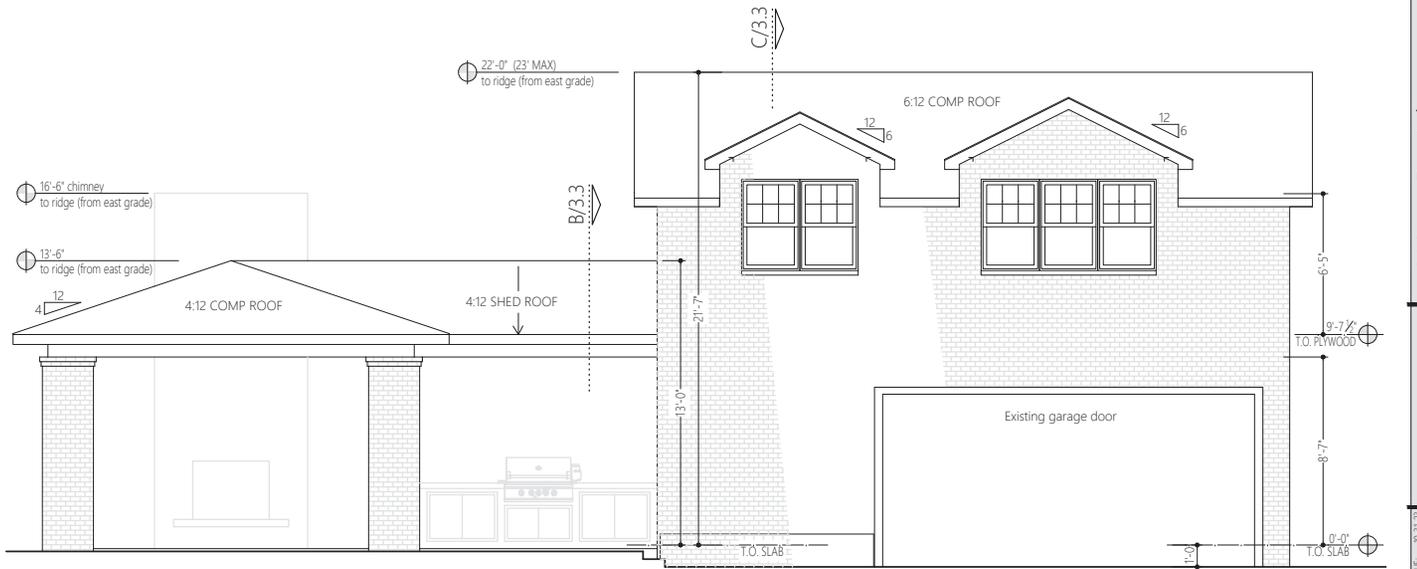
D WEST ELEVATION
 $\frac{1}{4}'' = 1'-0''$



C SOUTH ELEVATION
 $\frac{1}{4}'' = 1'-0''$



B EAST ELEVATION
 $\frac{1}{4}'' = 1'-0''$



A NORTH ELEVATION
 $\frac{1}{4}'' = 1'-0''$