



# CITY OF Tulsa

## Board of Adjustment

**Case Number:** BOA-23600

**Hearing Date:** 12/12/2023 1:00 PM

**Case Report Prepared by:**

Dylan Siers

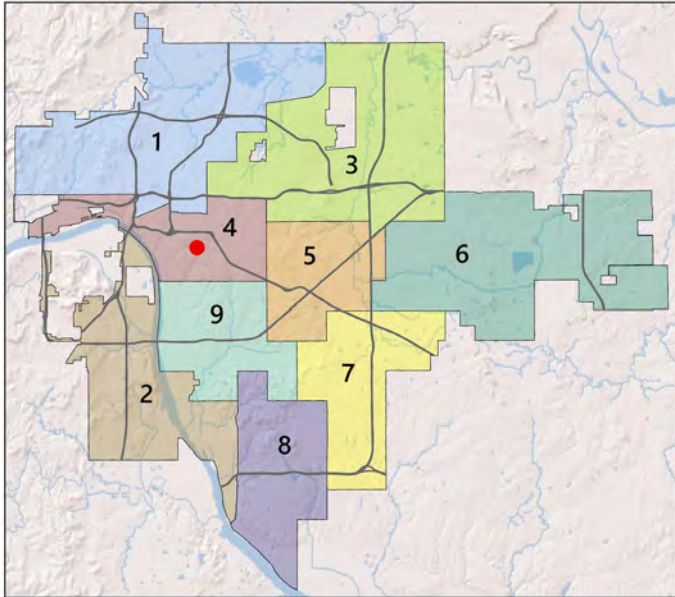
**Owner and Applicant Information:**

**Applicant:** Robert Bell

**Property Owner:** GAYTAN, BLAS

**Action Requested:** Special Exception to allow an Accessory Dwelling Unit in an RS-3 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 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. (Section 90.090-C)

**Location Map:**



**Additional Information:**

**Present Use:** Residential

**Tract Size:** 0.16 acres

**Location:** 1624 S TROOST AV E

**Present Zoning:** RS-3

**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:** 9307

**Case Number:** BOA-23600

**CD:** 4

**HEARING DATE:** 12/12/2023 1:00 PM

**APPLICANT:** Robert Bell

**ACTION REQUESTED:** Special Exception to allow an Accessory Dwelling Unit in an RS-3 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 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. (Section 90.090-C)

**LOCATION:** 1624 S TROOST AV E

**ZONED:** RS-3

**PRESENT USE:** Residential

**TRACT SIZE:** 7000.12 SQ FT

**LEGAL DESCRIPTION:** LT 6 BLK 14, ORCUTT ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

**RELEVANT PREVIOUS ACTIONS:**

**BOA-18035 – 1628 S Troost Ave – May 1998** - Board approved a variance to allow an accessory building covering an area that is over 20% of required rear yard, a variance of the required 3' setback for a detached accessory building to 1.5' to permit rebuilding a detached garage per plan submitted.

**BOA-22804 – 1611 S Trenton Ave - December 2019** - Board approved Variance to allow a lot to have less than 50% open space (Sec. 80.020-B); Variance to allow an accessory structure to exceed one story, 18 feet in height overall & 10 feet in height to the top of the top plate (Sec. 90.90.C); Variance to allow an accessory building to cover more than 30% of the rear setback (Sec. 90.090-C.2); Variance to allow accessory buildings to exceed 40% of the floor area of the principal structure (Sec. 45.030-B); Special Exception to allow an addition to a nonconforming structure (80.030-D)

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of a "Neighborhood":

Neighborhoods are "Mostly Residential Uses" which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low-intensity uses that support residents' daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off of an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access off of a lower-order street separated from the arterial, then it would be considered Neighborhood.

**STATEMENT OF HARDSHIP:** The purpose of allowing accessory dwelling units within Residential districts is to accommodate new housing units while preserving the character of existing neighborhoods, allow efficient use of the city's existing housing stock and infrastructure, and providing housing options and choices that respond to changing lifestyle needs. The code specifies that new buildings and modifications to existing buildings should be designed with sensitivity to their context in terms of building placement, proportions, building materials, and similar design features. The Accessory Dwelling proposed is being placed on the same foundation without expansion as the garage facility. The structure is utilizing a brick wainscot along with the same siding and roofing material as the primary residence. The owner has gone to great detail to blend the building materials associated with the accessory structure to that of the primary residence. Due to the non-conformity of the adjacent properties to the south and southwest, creating a condition of deficiency of Livability Space, it was determined to be extremely important to maintain the open space associated with the subject property. The findings verify that it is common for Accessory Dwellings to be located on the properties of the 1600 block of Troost and Trenton Avenue. It is further identified that to maintain the livability space of the parcel sets the tone of preserving a more desirable neighborhood character.

The introduction of an Accessory Dwelling on the subject tract is in compliance with the intent of the zoning code as outlined. The proposed use is in harmony with the existing development and character of the neighborhood.

**STAFF ANALYSIS:** Applicant is requesting to get a Special Exception to allow an Accessory Dwelling Unit in an RS-3 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 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. (Section 90.090-C)

Facts staff finds favorable for variance request:

- There have been similar projects near the subject property and the accessory dwelling unit is being built on the same foundation as the previous structure.

Facts Staff find unfavorable for the variance request:

- None.

**SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to allow an Accessory Dwelling Unit in an RS-3 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 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. (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 \_\_\_\_\_.

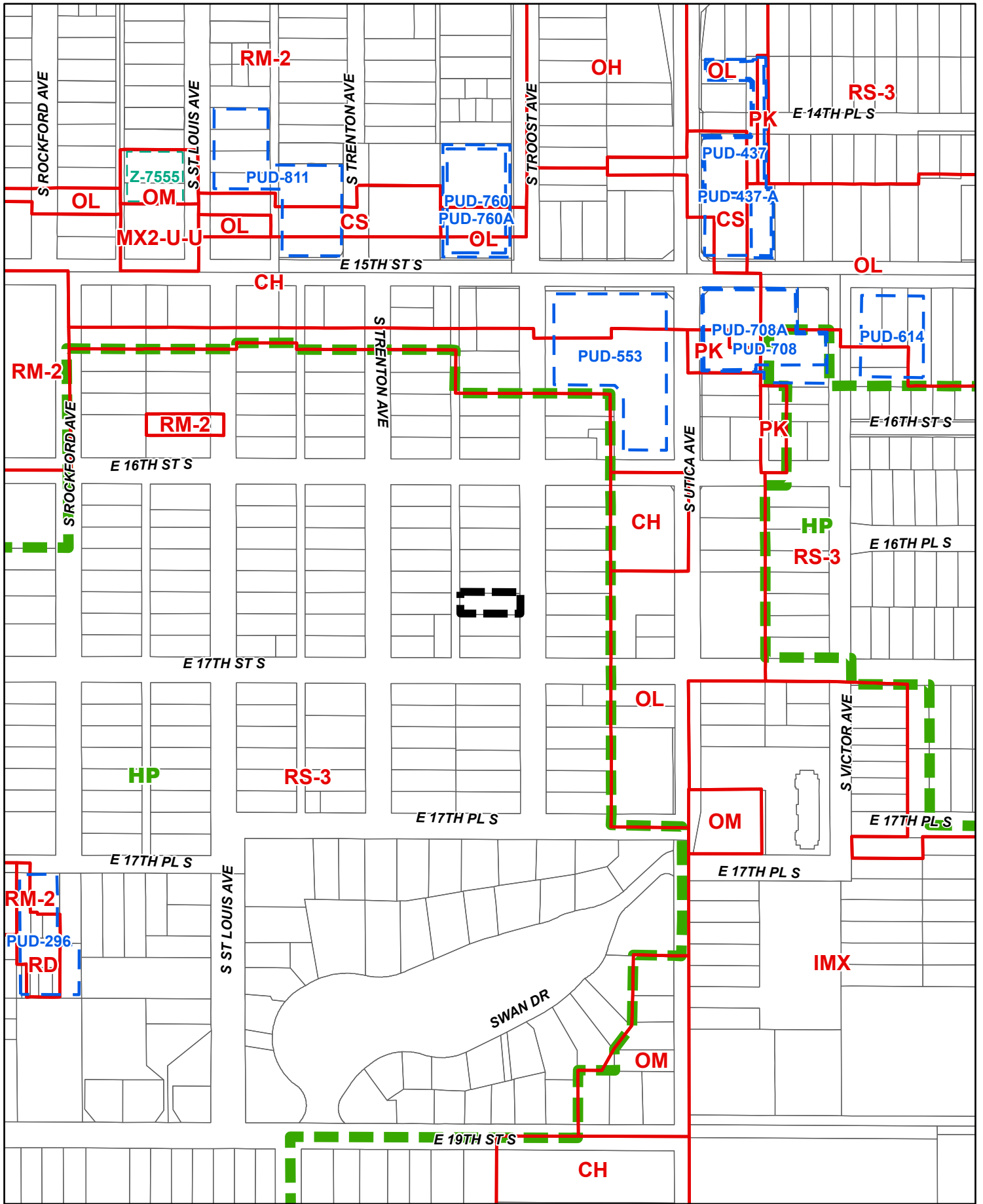
In granting the **Variance** the Board finds that the following facts, favorable to the property owner, have been established:

- 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;*

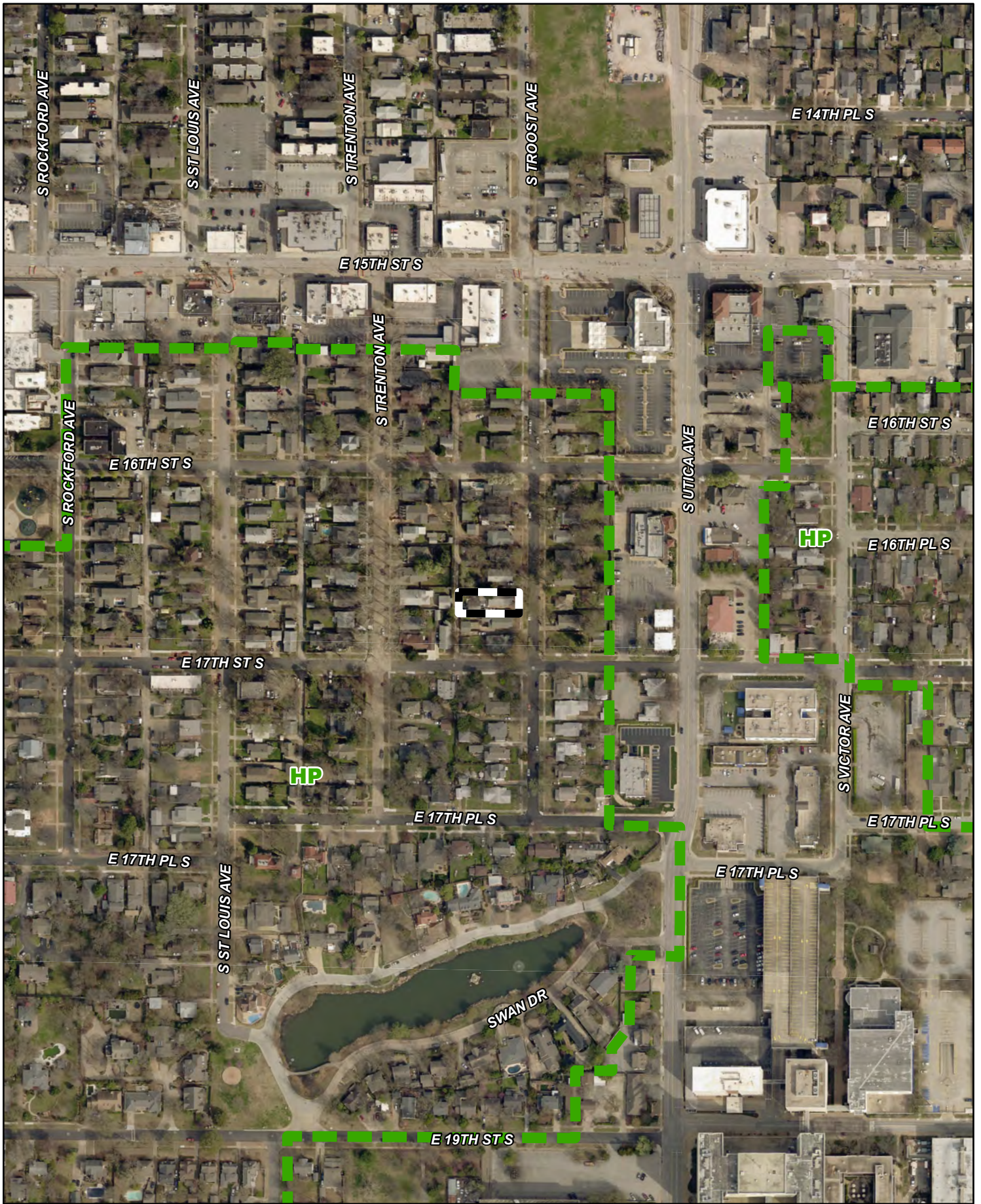
*f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and*

*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.”*





**BOA-23600**



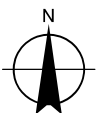
 Subject Tract

Feet  
0 200 400

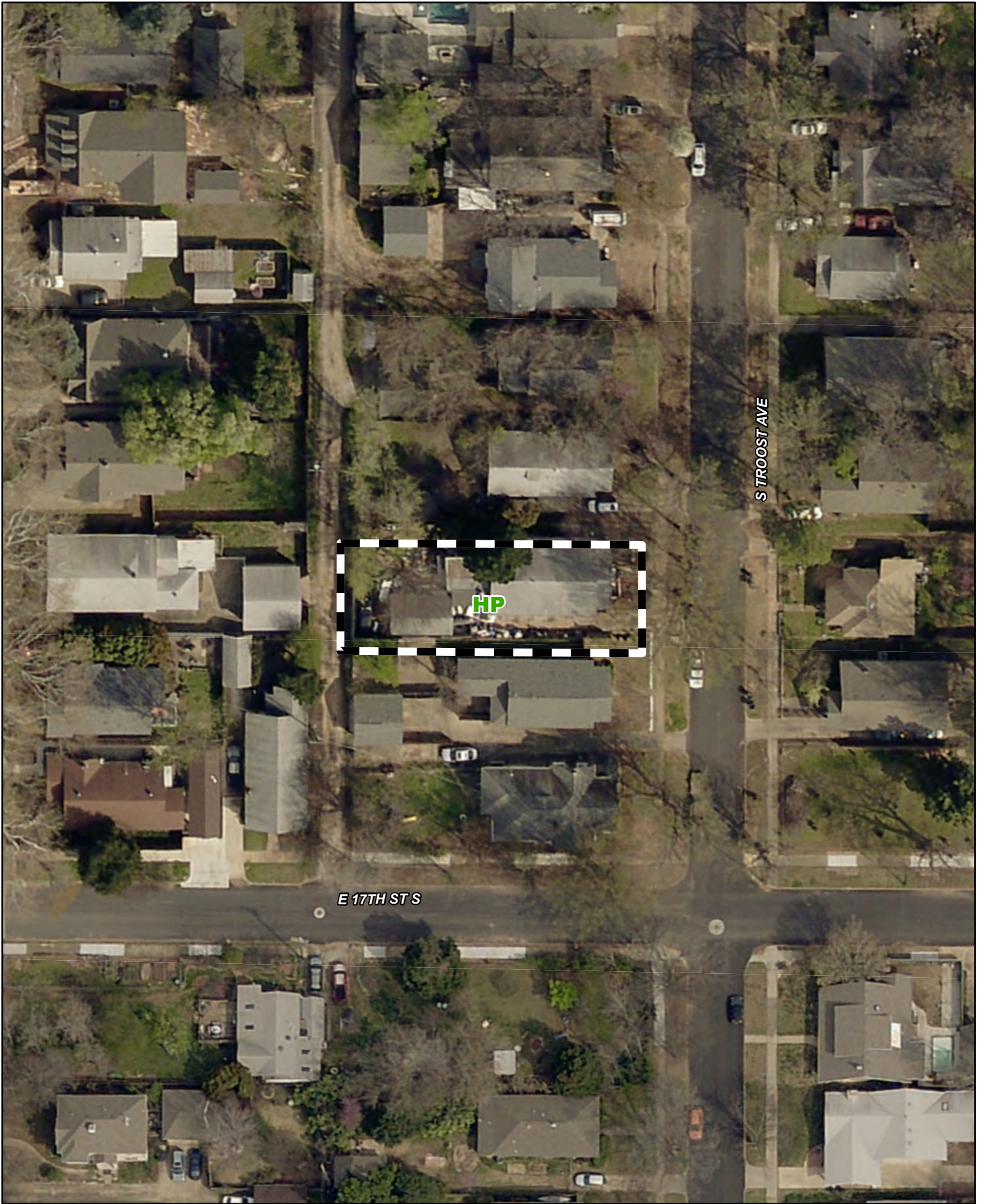
**BOA-23600**

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

Aerial Photo Date: 2021



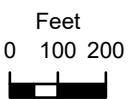
8.6



HP

S STROOST AVE

E 17TH ST S

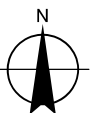


Subject Tract

**BOA-23600**

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

Aerial Photo Date: 2021



8.7

1624 S. Troost  
Tulsa OK 74120  
Special Exception  
Accessory Dwelling  
Findings of Fact

Criteria:

1. The special exception will be in harmony with the spirit and intent of the Zoning Code.
2. The special exception will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Findings:

1. The accessory dwelling is new construction to replace and on same foundation of a Garage Accessory building that was constructed prior to Zoning and physical condition required removal.
2. The existing foundation meets the required setbacks related to property lines and distance from primary dwelling.
3. A site plan and elevation drawing have been submitted with application.
4. A Variance Application has been submitted in conjunction with the Special Exception related to the height and size of the structure.
5. Lots 9 and 10 Orcutt Addition located at the southwest corner of the subject tract were divided into three parcels. These parcels are 4000, 5000 and 5000 square feet in size and have been developed with single family dwellings. Each parcel has been developed with little or no Livability Space and per code would be recognized as pre-existing non-conforming. (Attached is pictures of two of these lots)
6. Numerous properties within the 1600 block of Troost and Trenton Avenues, both streets within the Orcutt Addition, have been developed with Accessory Dwellings. (Attached is pictures of 5 accessory dwellings).
7. The Historic Preservation Staff specified that the accessory building is exempt from the HP Permit requirement because it is detached and not located in the street yard, so no preservation commission action is required. See attached email. It should be noted that the owner has designed the accessory building to comply with the Historic Preservation criteria.
8. The following Board of Adjustment cases for Accessory Dwellings in the area have been approved.
  - a. BOA-18035- 1628 S Troost Ave E - variance to allow an accessory building covering an area that is over 20% of required rear yard, a variance of the required 3' setback for a detached accessory building to 1.5' to permit rebuilding a detached garage per plan submitted.
  - b. BOA-22804- 1611 S Trenton Av E - Variance to allow a lot to have less than 50% open space (Sec. 80.020-B); Variance to allow an accessory structure to exceed one story, 18 feet in height overall & 10 feet in height to the top of the top plate (Sec. 90.90.C); Variance to allow an accessory building to cover more than 30% of the rear setback (Sec. 90.090-



- C.2); Variance to allow accessory buildings to exceed 40% of the floor area of the principal structure (Sec. 45.030-B); Special Exception to allow an addition to a nonconforming structure (80.030-D).
- c. BOA-23035 - 1524 S Trenton Ave E - Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); 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. (Section 90.090-C); Variance to allow the floor area of a Detached Accessory Dwelling Unit to exceed 500 square feet or 40% of the floor area of the principal residential structure (Section 45.030-A2; 45.031-D6.a); Variance to allow more than 30% coverage by a Detached Accessory Dwelling Unit in the rear setback in an RS-3 District (Section 90.090-C).

The purpose of allowing accessory dwelling units within Residential districts is to accommodate new housing units while preserving the character of existing neighborhoods, allow efficient use of the city's existing housing stock and infrastructure, and providing housing options and choices that respond to changing lifestyle needs.

The code specifies that new buildings and modifications to existing buildings should be designed with sensitivity to their context in terms of building placement, proportions, building materials, and similar design features.

The Accessory Dwelling proposed is being placed on the same foundation without expansion as the garage facility. The structure is utilizing a brick wainscot along with the same siding and roofing material as the primary residence. The owner has gone to great detail to blend the building materials associated with the accessory structure to that of the primary residence.

Due to the non-conformity of the adjacent properties to the south and southwest, creating a condition of deficiency of Livability Space, it was determined to be extremely important to maintain the open space associated with the subject property.

The findings verify that it is common for Accessory Dwellings to be located on the properties of the 1600 block of Troost and Trenton Avenue. It is further identified that to maintain the livability space of the parcel sets the tone of preserving a more desirable neighborhood character. The introduction of an Accessory Dwelling on the subject tract is in compliance with the intent of the zoning code as outlined. The proposed use is in harmony with the existing development and character of the neighborhood.

Exhibit A  
Houses with no Livability Space



4000 Square Foot Lot



5000 Square Foot Lot  
Exhibit B

Existing Accessory Dwelling  
Located on Troost and Trenton Avenues



Two Accessory Dwellings side by side on Trenton Ave. Northern structure is two stories.

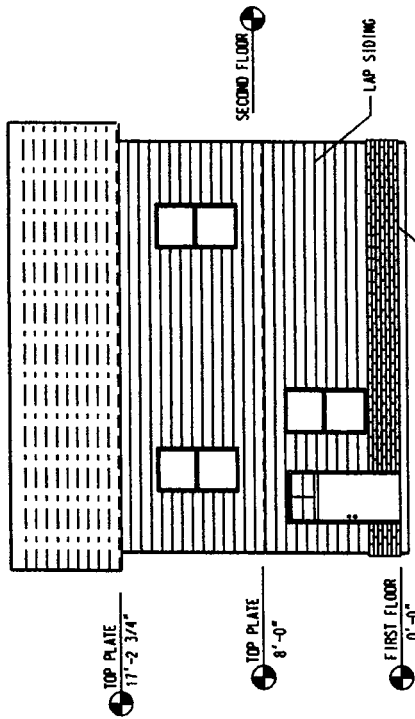
Hi Robert,

Thank you for your email! The preservation commission denied the application of paint to masonry, as our [Unified Design Guidelines](#) do not allow it (see A.2.5). He has the option to submit a revised application, submit an application for the removal of the paint, or appeal to the Board of Adjustment (see [Tulsa Zoning Code](#), Sec. 70.140). I can forward you the email I sent Blas on Friday.

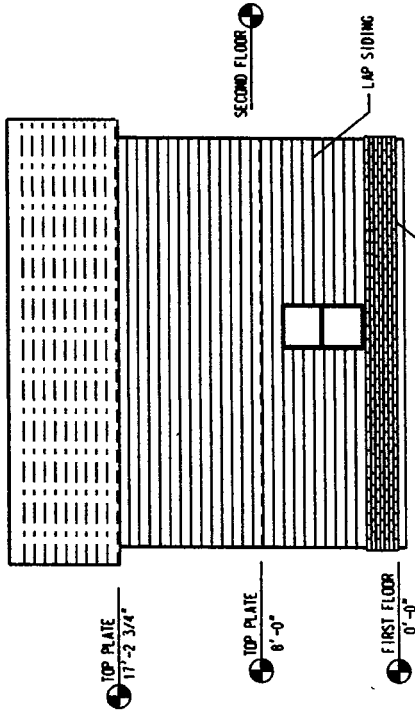
The accessory building is exempt from the HP Permit requirement because it is detached and not located in the street yard, so no preservation commission action is required.

Thank you,

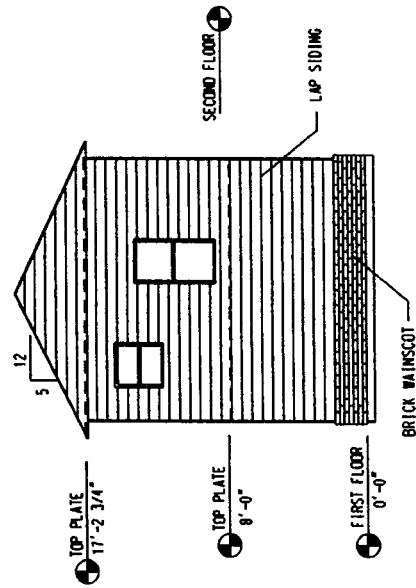
**Felicity Good, AICP | Senior Planner**  
**Tulsa Planning Office**  
Department of City Experience  
175 E. 2nd Street, Suite 480  
Tulsa, OK 74103-3216  
T: 918-596-7602  
E: [fgood@cityoftulsa.org](mailto:fgood@cityoftulsa.org)  
[www.tulsaplanning.org](http://www.tulsaplanning.org)



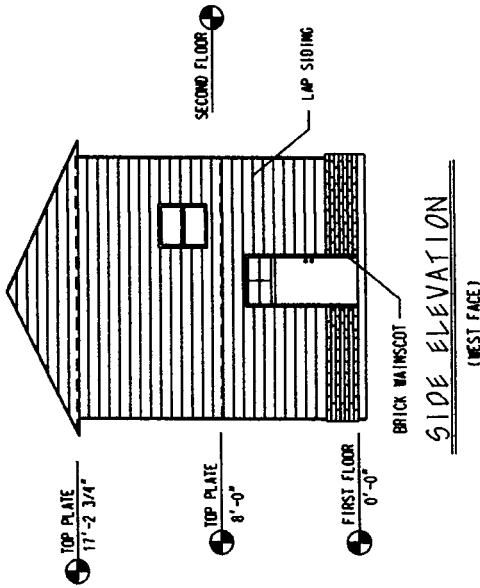
**FRONT ELEVATION**  
(NORTH FACE)



**BACK ELEVATION**  
(SOUTH FACE)



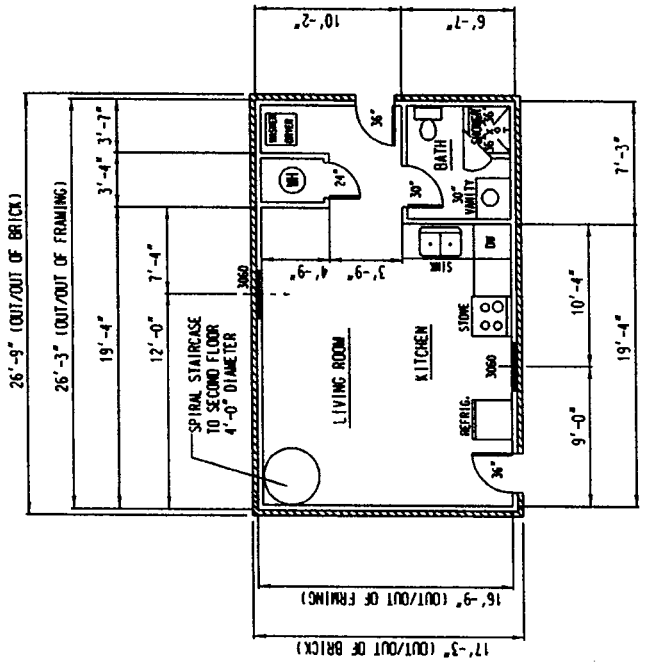
**SIDE ELEVATION**  
(EAST FACE)



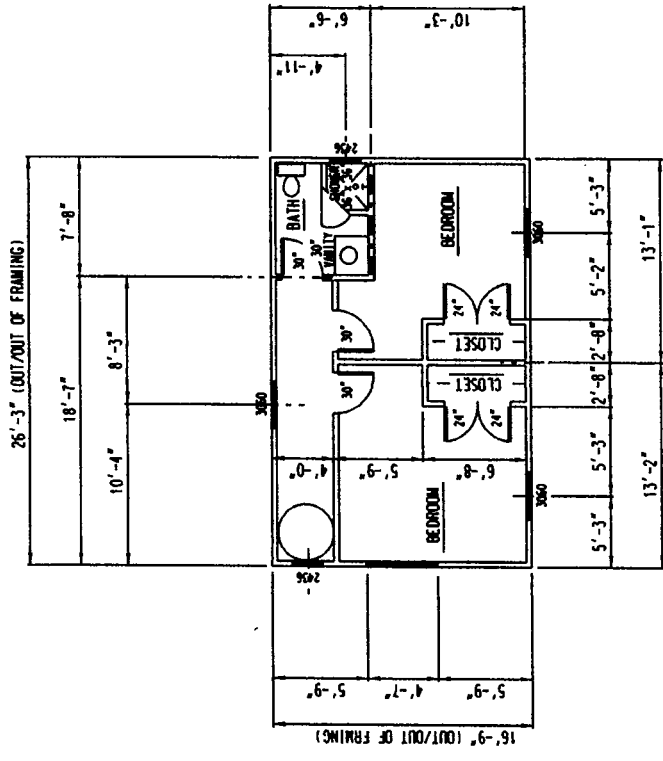
**SIDE ELEVATION**  
(WEST FACE)

NOTES:  
1. WORK THIS DRAWING WITH DRAWING "PP-1".  
2. THIS DRAWING MAY NOT BE TO SCALE.

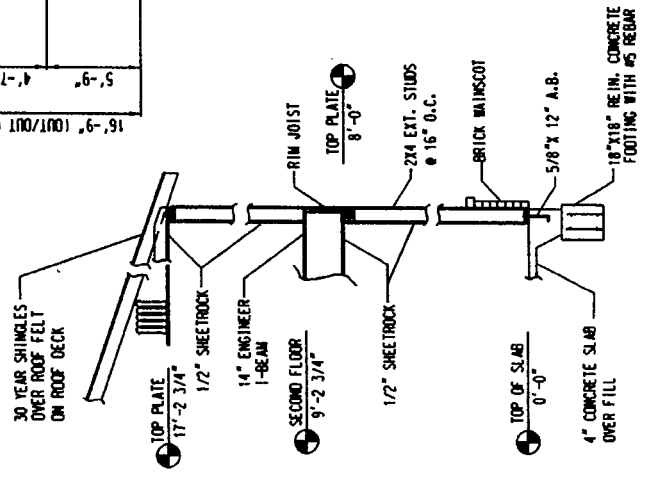
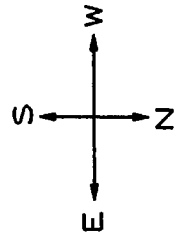
<b>BUILDING ADDRESS</b>	<b>LEGAL DESCRIPTION</b>	<b>Drawn</b>	<b>Date</b>	<b>Rev.</b>	<b>Drawing No.</b>
1624 S. TROOST AVE.	LOT 4, BLOCK 14	JK	9/24/23	0	EL-1
TULSA, OKLA. 74120	ORCUTT ADDITION				



FIRST FLOOR PLAN



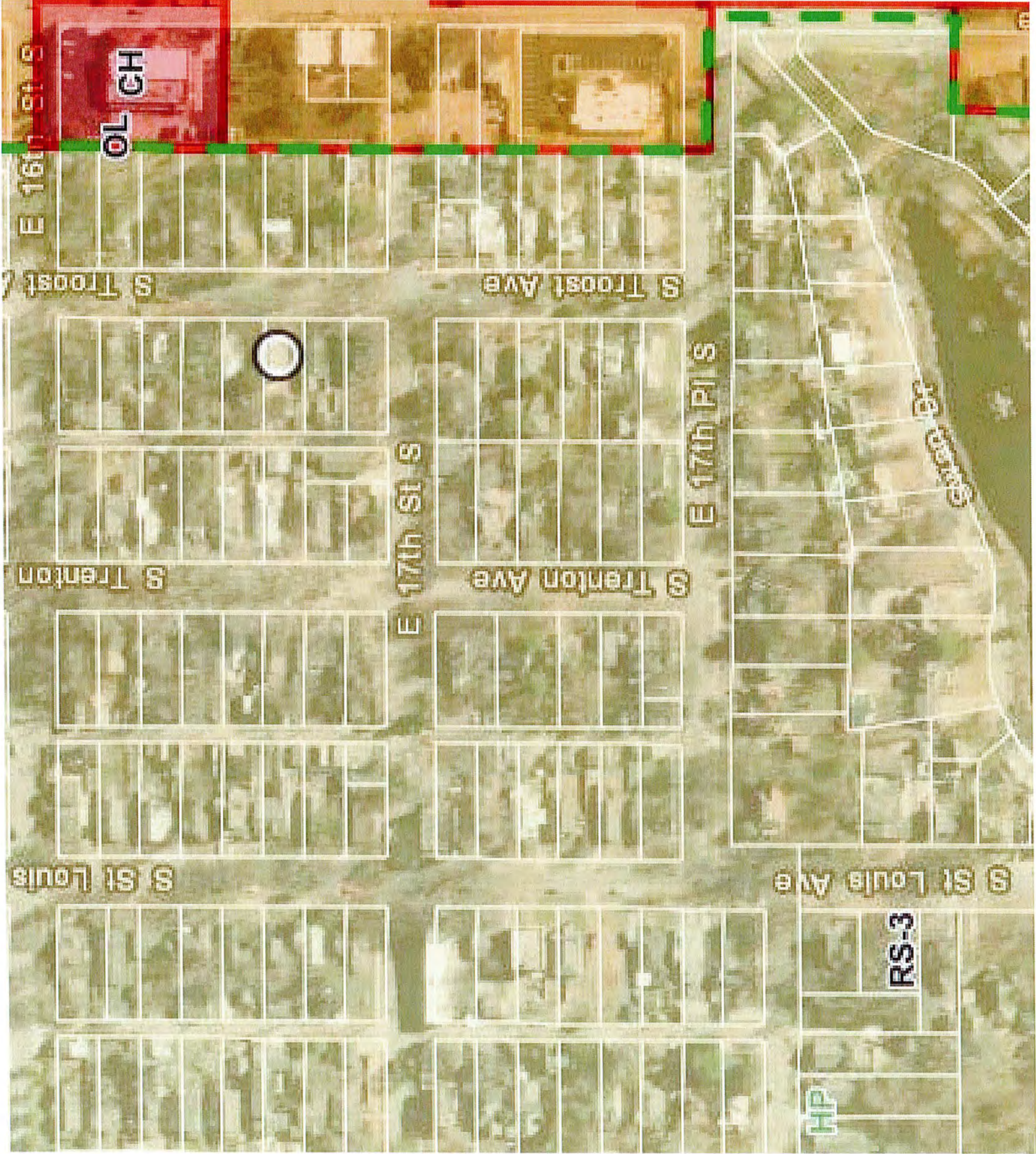
SECOND FLOOR PLAN

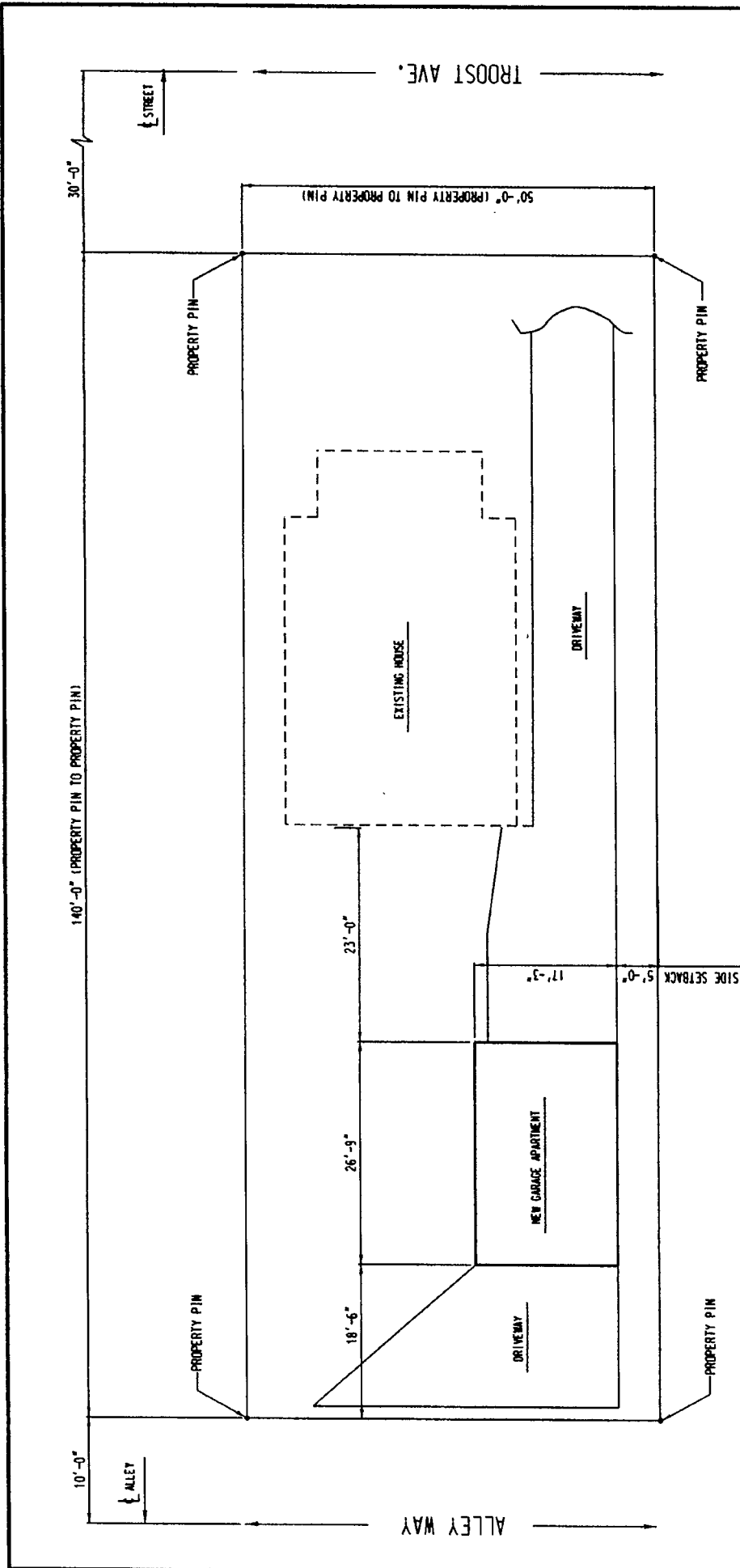


TYP. WALL SECTION

- NOTES:
1. EXTERIOR WALLS - 2X4 O.F. #2 OR BETTER @ 16" O.C.
  2. INTERIOR WALLS - 2X4 & 2X4 O.F. #2 OR BETTER. SEE PLAN FOR LOCATIONS.
  3. EXTERIOR & INTERIOR DOORS - 6'-8" TALL.
  4. WINDOWS - SIZES DESCRIPTION 3060 - 36"X60".
  5. WORK THIS DRAWING WITH DRAWING EL-1".
  6. THIS DRAWING MAY NOT BE TO SCALE.

<b>BUILDING ADDRESS</b>	<b>LEGAL DESCRIPTION</b>	<b>OWNER</b>	<b>DATE</b>	<b>REV. #</b>
1624 S. TROOST AVE. TULSA, OKLA. 74120	LOT 4. BLOCK 14 ORGUTT ADDITION	6K	9/24/2023	0
				<b>ISSUED FOR</b>
				FP-1



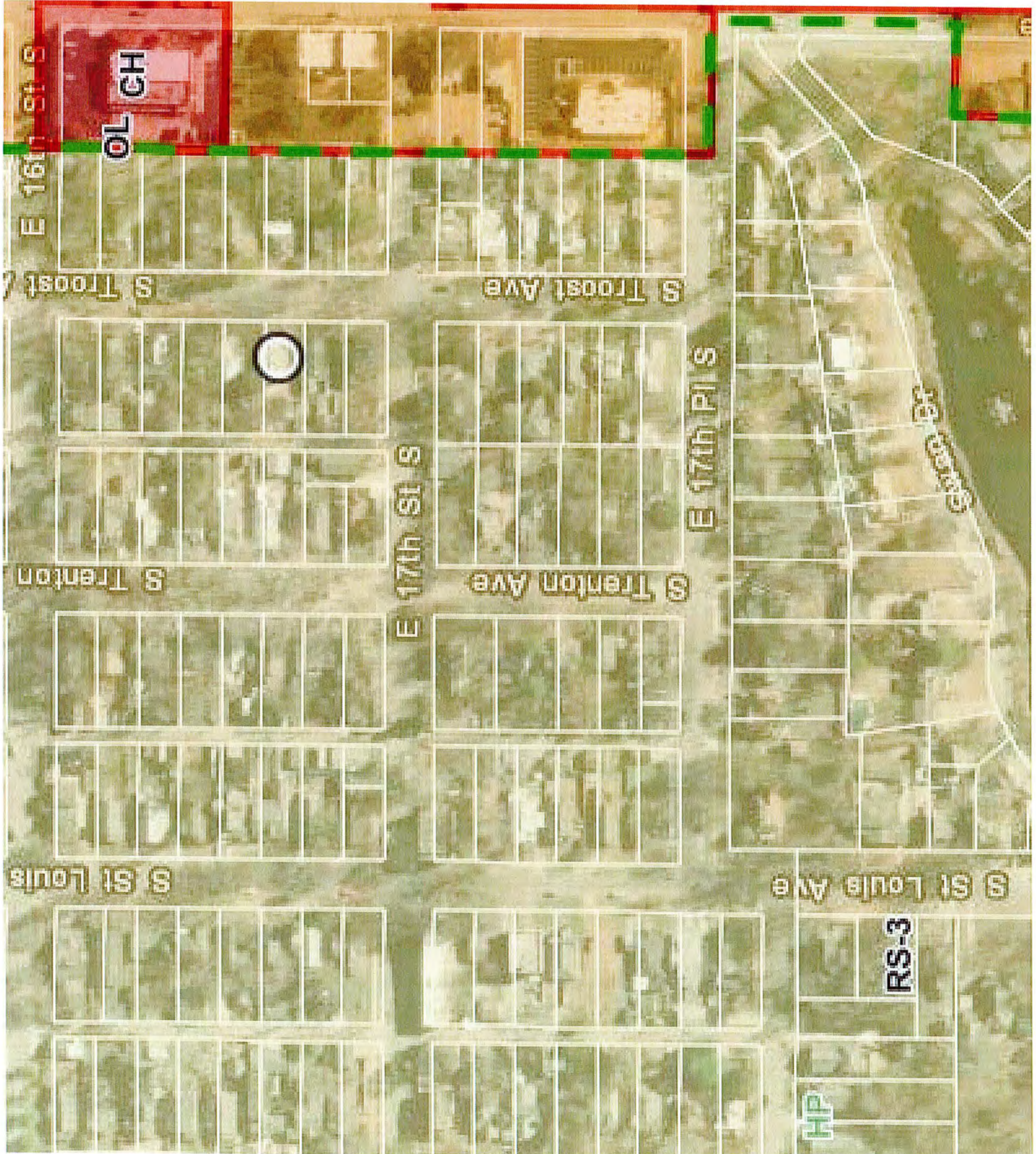


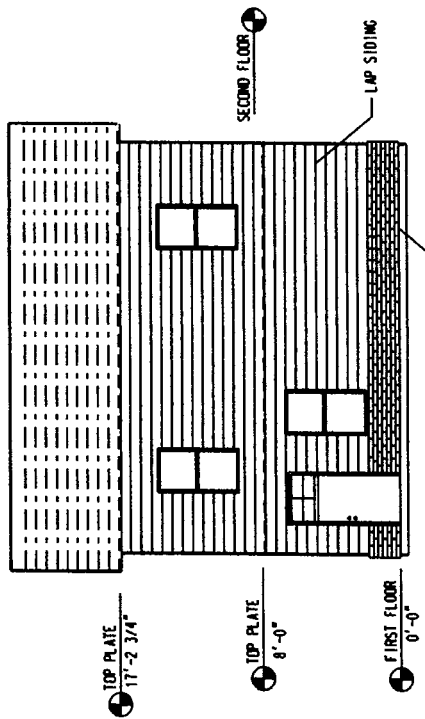
SITE PLAN

NOTES:  
 1. WORK THIS DRAWING WITH DRAWINGS TP-1", & EL-1".  
 2. THIS DRAWING MAY NOT BE TO SCALE.

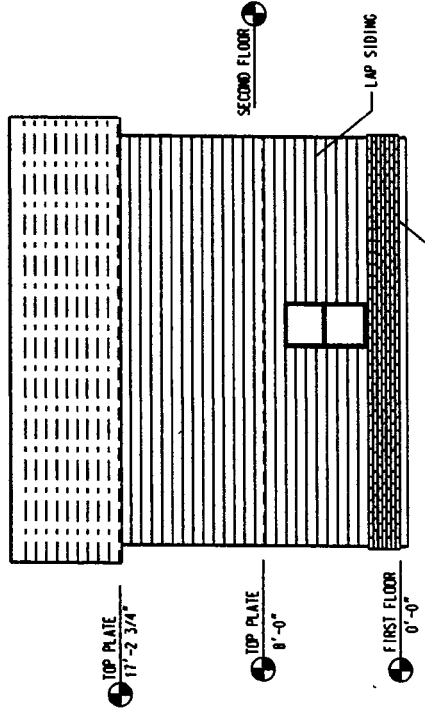
<b>BUILDING ADDRESS</b>	<b>LEGAL DESCRIPTION</b>	<b>HOMES BY BLAS LLC</b>	<b>Drawing No.</b>
1624 S. TROOST AVE. TULSA, OKLA. 74120	LOT 4, BLOCK 14 ORCUTT ADDITION	GARAGE APART. - SITE PLAN	SP-1
		Drawn: EK	Date: 9/25/2023
			Rev: 0



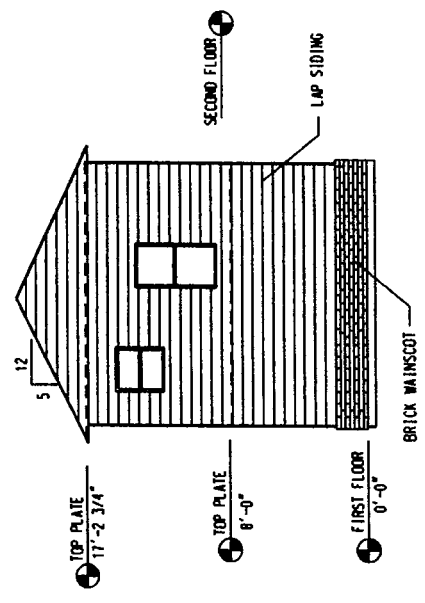




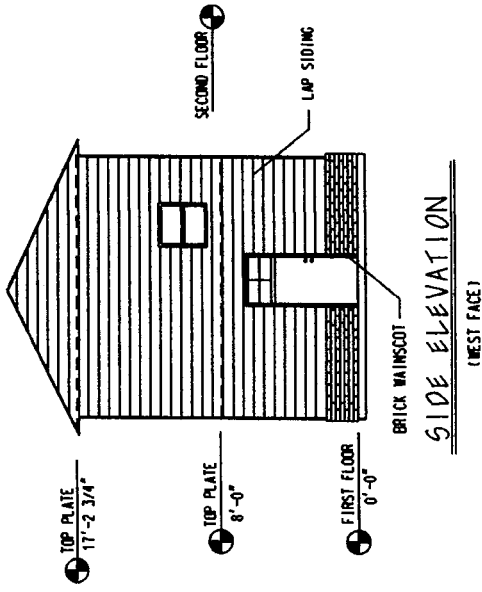
**FRONT ELEVATION**  
(NORTH FACE)



**BACK ELEVATION**  
(SOUTH FACE)



**SIDE ELEVATION**  
(EAST FACE)

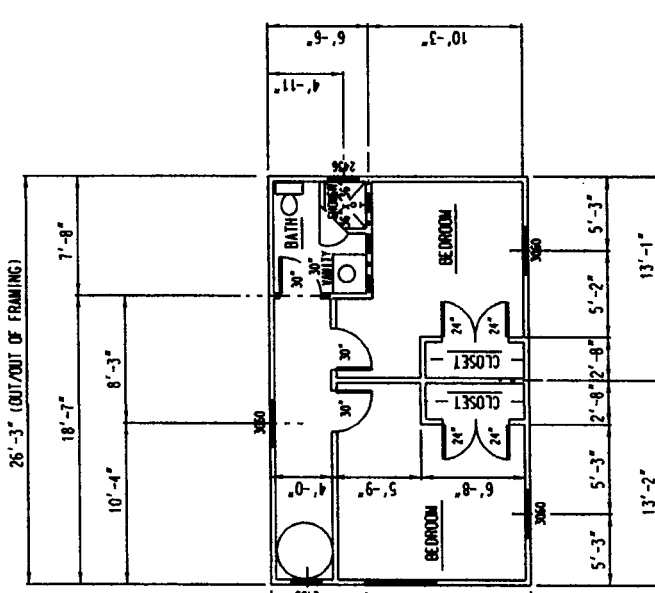


**SIDE ELEVATION**  
(WEST FACE)

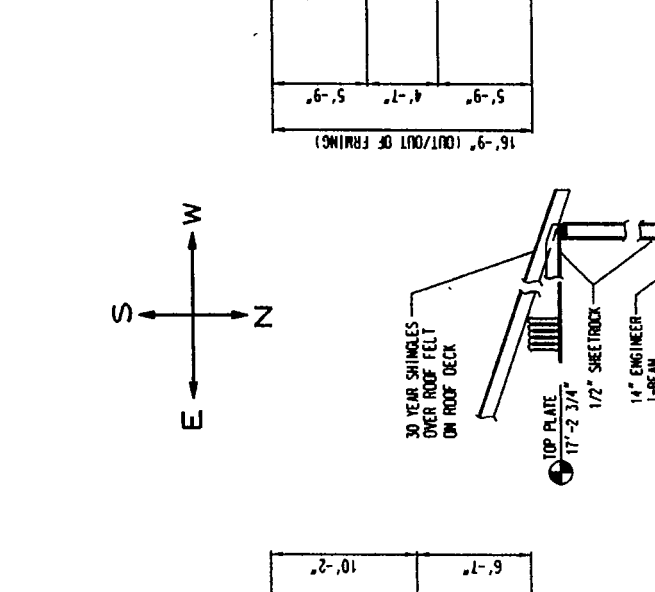
NOTES:  
1. WORK THIS DRAWING WITH DRAWING "FP-1".  
2. THIS DRAWING MAY NOT BE TO SCALE.

BUILDING ADDRESS	LEGAL DESCRIPTION	HOMES BY BLAS LLC
1624 S. TROOST AVE.	LOT 4, BLOCK 14	GARAGE APART.- ELEVATIONS
TULSA, OKLA. 74120	ORCUTT ADDITION	Dr-own EK Date 9/24/23 Rev. 0

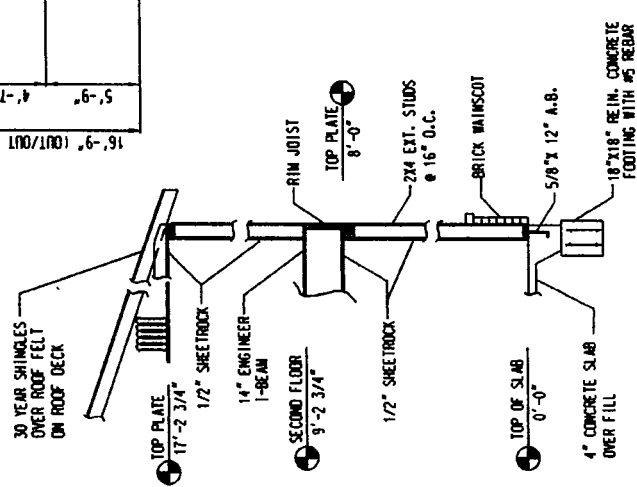
Drawing No. EL-1



FIRST FLOOR PLAN



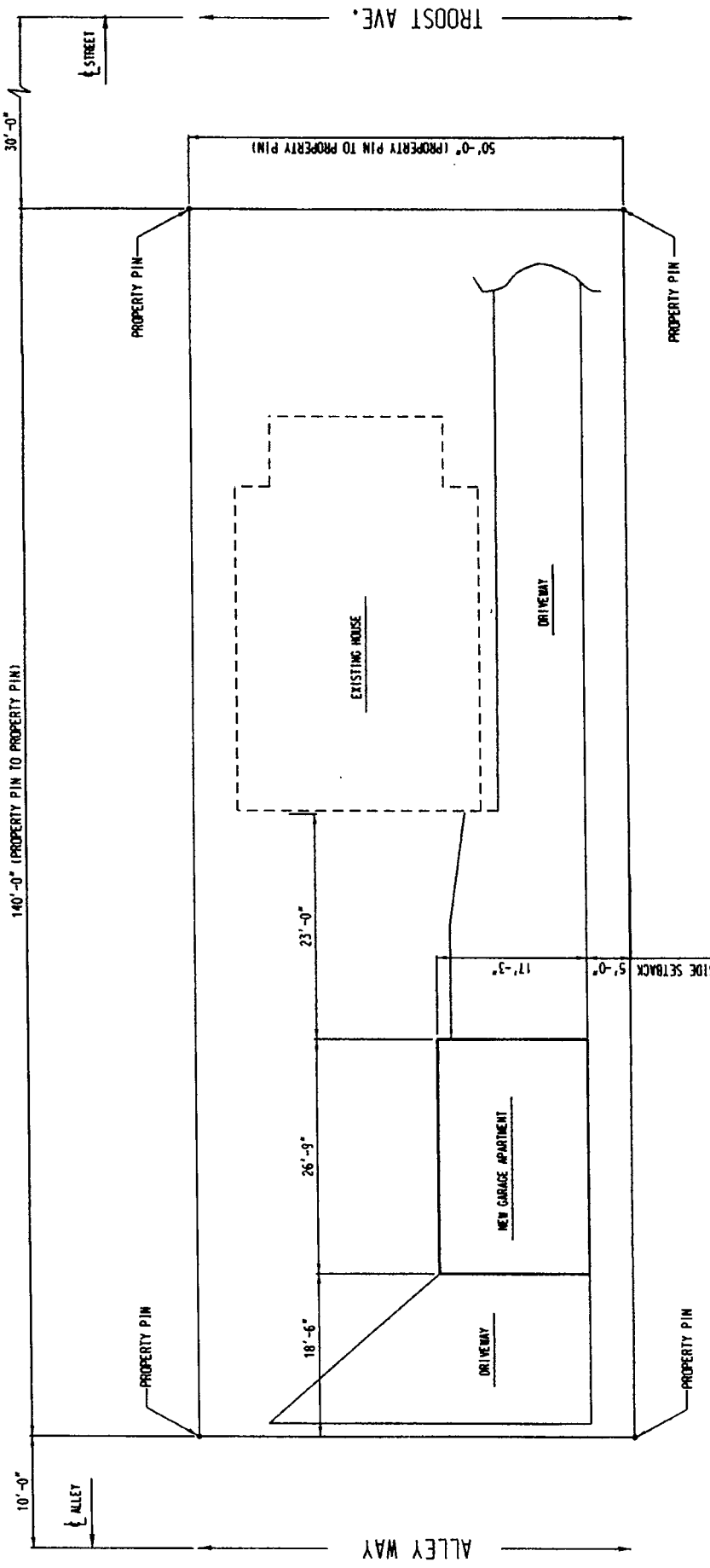
SECOND FLOOR PLAN



TYP. WALL SECTION

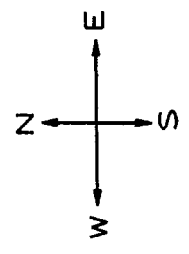
- NOTES:
1. EXTERIOR WALLS - 2x4 D.F. #2 OR BETTER @ 16" O.C.
  2. INTERIOR WALLS - 2x4 & 2x4 D.F. #2 OR BETTER. SEE PLAN FOR LOCATIONS.
  3. EXTERIOR & INTERIOR DOORS - 6'-8" TALL.
  4. WINDOWS - SIZES DESCRIPTION 3060 = 36" x 60".
  5. WORK THIS DRAWING WITH DRAWING EL-1".
  6. THIS DRAWING MAY NOT BE TO SCALE.

<b>BUILDING ADDRESS</b> 1624 S. TROOST AVE. TULSA, OKLA. 74120	<b>LEGAL DESCRIPTION</b> LOT 4, BLOCK 14 ORCUTT ADDITION	<b>HOMES BY BLAS LLC</b> GARGAGE APART.- FLOOR PLANS Rev. 0 Date 9/24/2023 Dr: own EK	<b>Drawing No.</b> FP-1
--	--	--	----------------------------



SITE PLAN

NOTES:  
 1. WORK THIS DRAWING WITH DRAWINGS TP-1" & TEL-1".  
 2. THIS DRAWING MAY NOT BE TO SCALE.



<b>BUILDING ADDRESS</b>	<b>LEGAL DESCRIPTION</b>	<b>HOMES BY BLAS LLC</b>	<b>Drawing No.</b>
1624 S. TROOST AVE.	LOT 4. BLOCK 14	GARAGE APART.- SITE PLAN	SP-1
TULSA, OKLA. 74120	ORCUTT ADDITION	Dr-own EK	Date 9/25/2023 Rev. 0

1624 S. Troost  
Tulsa OK 74120

Variance

Building Height Accessory Dwelling - Section 90-90C2 and  
Building Size Accessory Dwelling Section 45.03 for RS3 Zone  
Findings of Fact

Introduction

The facts show that the building height and the building size variance request are related. The relief requested from the conditions causing the hardship requiring the need for approval to allow a greater height to the structure create the criteria and a hardship that needs to be addressed through a Variance to the size limitations of the Accessory Dwelling.

Section 90.090-C.2.a.1, detached accessory buildings, may be located in rear setbacks in Single Family Residential 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.

The proposed accessory dwelling is to be constructed on the existing foundation related to the garage accessory building that has been established on the property for numerous years. A need exists as outlined in the findings to construct the building with two stories to remain within the boundaries of the existing foundation. The size of the building is 16'9" x 26'3" or 445 square feet per floor with a proposed top of the top plate being 17 feet and 2 ¾ inches. With a 5/12 roof pitch the total height at the top of the roof will be 21.5 feet. The total height remains equal to or less than the height of the primary dwelling as indicated by the attached exhibits.

Section 45.030-A.2, for an RS-3 zoned lots, for detached accessory buildings, including accessory dwelling units, and accessory buildings not erected as an integral part of the principal residential building may not exceed 40% of the floor area of the principal residential structure. Based on the floor area of the house (1,680 square feet, first floor plus basement according to county assessor) the property is allowed 672 square feet of detached accessory structure floor area. The submitted floor plan identified that ½ of the second story was to be unfinished attic space. The original proposed finished area would comply with the allowed square footage. Staff made a determination that the unfinished area, being within 4 enclosed walls, would have to be counted as a part of the square footage. This determination makes the total square footage, determined to the outer wall of the structure, to be 901 square feet and 229 square feet above the criteria of Section 45.030.

## Criteria and Findings:

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.
  - a. The purpose of allowing accessory dwelling units within Residential districts is to accommodate new housing units while preserving the character of existing neighborhoods, allow efficient use of the city's existing housing stock and infrastructure, and providing housing options and choices that respond to changing lifestyle needs.
  - b. The proposed accessory dwelling is limited to the existing foundation of the garage associated with the subject property. This limitation is related to two separate hardships affecting the design of the proposed improvement. This foundation minimally complies with the required setbacks to the north and west property boundaries. Expansion of the structure to the south not only encroaches into the existing driveway but would also create encroachment to the required setbacks from the primary residence.
  - c. Due to the limited size of the area of the garage facility an area for a bedroom needs to be added to the structure to provide the basics of the areas of a dwelling unit to comply with the intent as identified in the zoning code.
  - d. The only areas available for expansion of the structure are to the east or to increase the height of the structure. The service infrastructure is located east of the garage structure that provides utility services to the garage and to the primary dwelling. The required relocation of these services will be considered an undue hardship to the owner.
  - e. It recognized that due to the three pre-existing dwellings constructed in an area of 14,000 square feet located at the southwest corner of the subject tract that decreasing the existing livability space of the subject tract will create a hardship and impact to the character of the neighborhood (see aerial photos).
  - f. The protection of the existing livability space on Lot 4 is important to re-establishing the intent of the zoning code for the properties to the north. It could further be determined that the increased height of the proposed structure could establish a barrier that would alleviate any justification for expansion of this pre-existing condition.
  - g. With the determination that any enclosed space is counted towards the total square footage of the facility, it would be an extreme hardship to create half the 2<sup>nd</sup> story with open walls. This would make the structure very dysfunctional for maintenance and to the aesthetics of the property. Therefore, the addition of the 250 square feet is not only necessary but practical,
2. That the literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose.
  - a. The area requested for a variance is less the 450 square feet. This height and floor area design of the structure has received Board of Adjustment approval on other parcels within the subdivision. The proposed structure at the size and height requested is in character with the subdivision and like properties. The benefits to the approval of the height expansion is in far greater conformance to the code than the impacts of decreasing the livability space of the subject Lot.

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.
  - a. The relief requested is related to the need to maintain the site plan of the existing improvements located on Lot 4 Block 14 Orcutt Addition and therefore are site specific to the subject property.
4. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner.
  - a. The creation of the 3 Lots less than 5000 square feet was totally out of the control of current and past owner of the subject property.
  - b. These properties were developed prior to zoning or development criteria and the standards being addressed were not considered with the original development of the site.
5. That the variance to be granted is the minimum variance that will afford relief.
  - a. The height and area relief is the minimum necessary to address the need for proper development of structure to maintain characteristics as identified.
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.
  - a. To the contrary, in consideration of the conditions as outlined in item 1 above, the variance to be granted will support the protection of the character of the neighborhood and protect the adjacent property.
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.
  - a. Cases within a block of the subject property.

BOA-22804- 1611 S Trenton Av E - Variance to allow a lot to have less than 50% open space (Sec. 80.020-B); Variance to allow an accessory structure to exceed one story, 18 feet in height overall & 10 feet in height to the top of the top plate (Sec. 90.90.C); Variance to allow an accessory building to cover more than 30% of the rear setback (Sec. 90.090-C.2); Variance to allow accessory buildings to exceed 40% of the floor area of the principal structure (Sec. 45.030-B); Special Exception to allow an addition to a nonconforming structure (80.030-D).

BOA-23035 - 1524 S Trenton Ave E - Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); 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. (Section 90.090-C); Variance to allow the floor area of a Detached Accessory Dwelling Unit to exceed 500 square feet or 40% of the floor area of the principal residential structure (Section 45.030-A2; 45.031-D6.a); Variance to allow more than 30% coverage by a Detached Accessory Dwelling Unit in the rear setback in an RS-3 District (Section 90.090-C).

- b. The Board of Adjustment has previously concluded that the height of an accessory building within the subject neighborhood is not a detriment to the area or spirit of the code. The two cases outlined did not protect the livability space, but that need for the subject property is related to the development of Lots 9 and 10 Orcutt Addition which is located at the southwest corner of the subject tract.

The attached photos help identify the impacts of Lots 9 and 10 to the western end of the subject block. They identify the height of nearby accessory dwellings and that the proposed structure is compatible with the existing developments. The pictures of the site identify that the proposed structure will meet the standard of the Historic Preservation guidelines and conform to an aesthetically pleasing site. The photos also show that the height of the proposed structure is equal to or less than the primary dwelling on the lot and the dwelling on adjacent properties further showing the compatibility of proposed variance.

8. The Historic Preservation Staff specified that the accessory building is exempt from the HP Permit requirement because it is detached and not located in the street yard, so no preservation commission action is required. See attached email. It should be noted that the owner has designed the accessory building to comply with the Historic Preservation criteria.



Exhibit A  
Proposed Structure

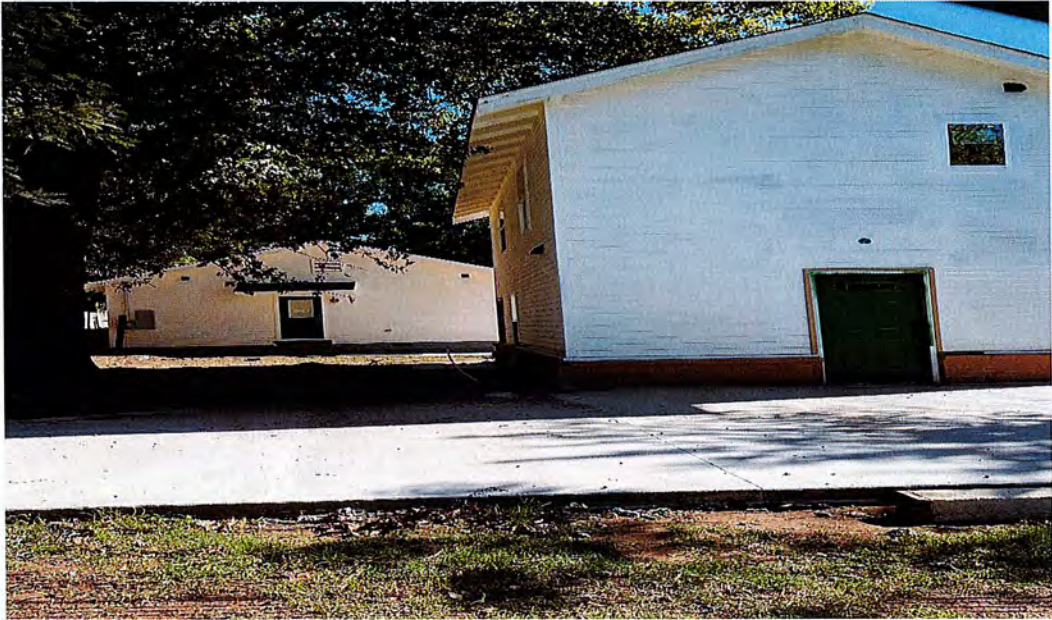


Exhibit B  
Lots 9 and 10  
Site Garage Facility

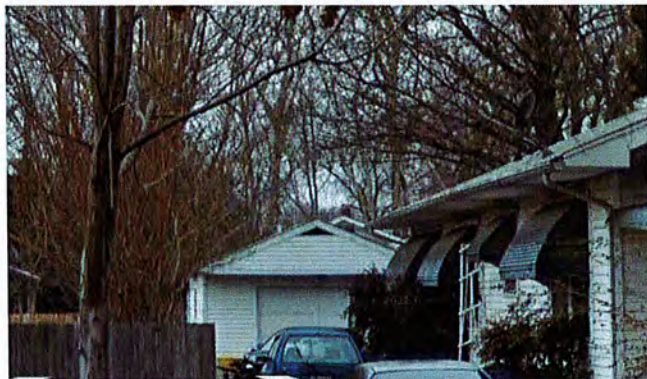
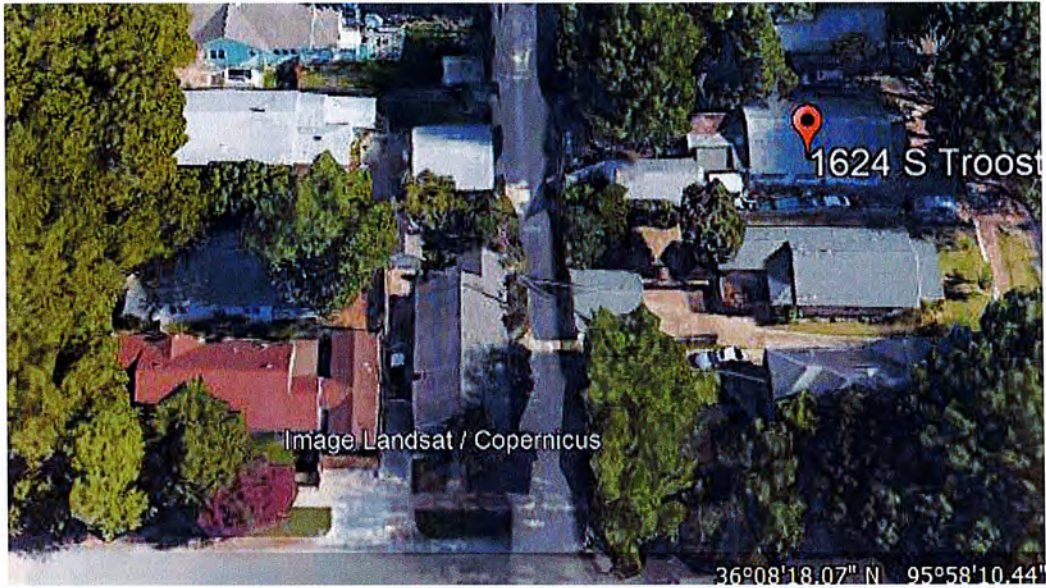
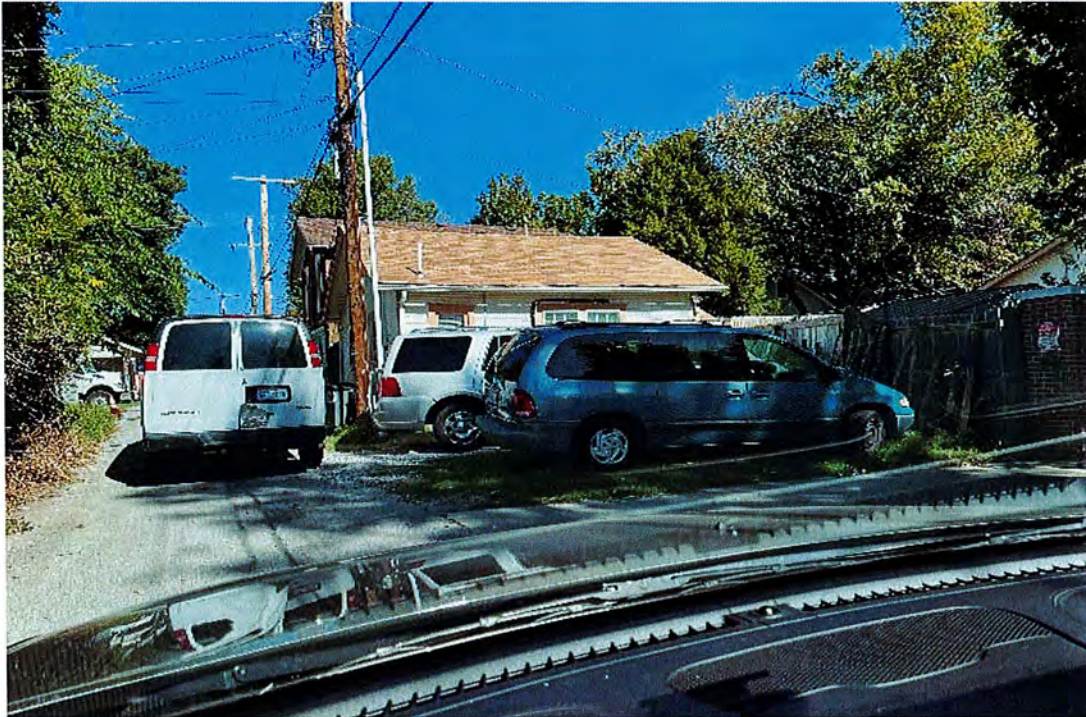


Exhibit C

Existing Two-Story Accessory Dwelling  
Located on Trenton Avenue



Two Accessory Dwellings side by side on Trenton Ave. Northern structure is two stories.