



CITY OF
Tulsa
Board of Adjustment

Case Number: BOA-23610

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

Case Report Prepared by:

Sean Wallace

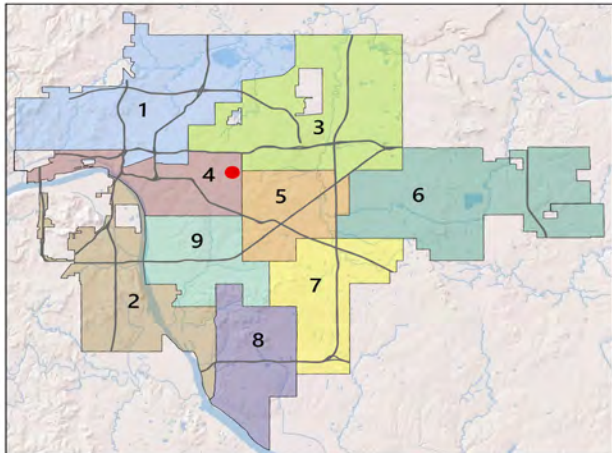
Owner and Applicant Information:

Applicant: Jeremy Wilkinson

Property Owner: Jeanett Hernandez

Action Requested: Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5); Variance to reduce the required 2,500 square feet of open space per unit and 60-foot lot width for a duplex use in the RS-3 District (Sec. 5.030, Table 5-3)

Location Map:



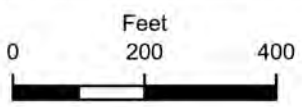
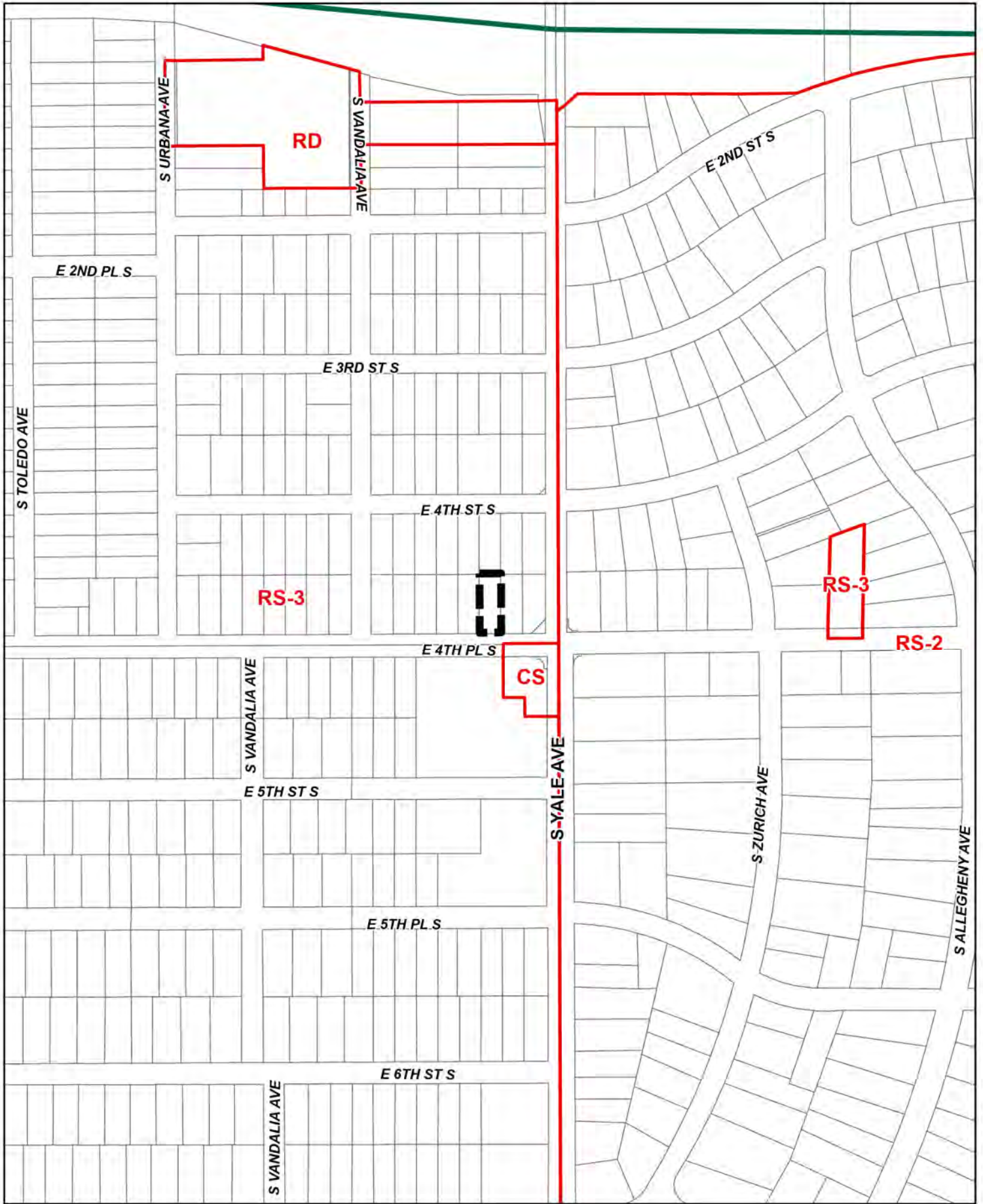
Additional Information:

Present Use: vacant

Tract Size: 0.16 acres

Location: 4723 E. 4th Place S

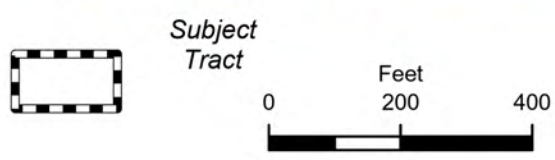
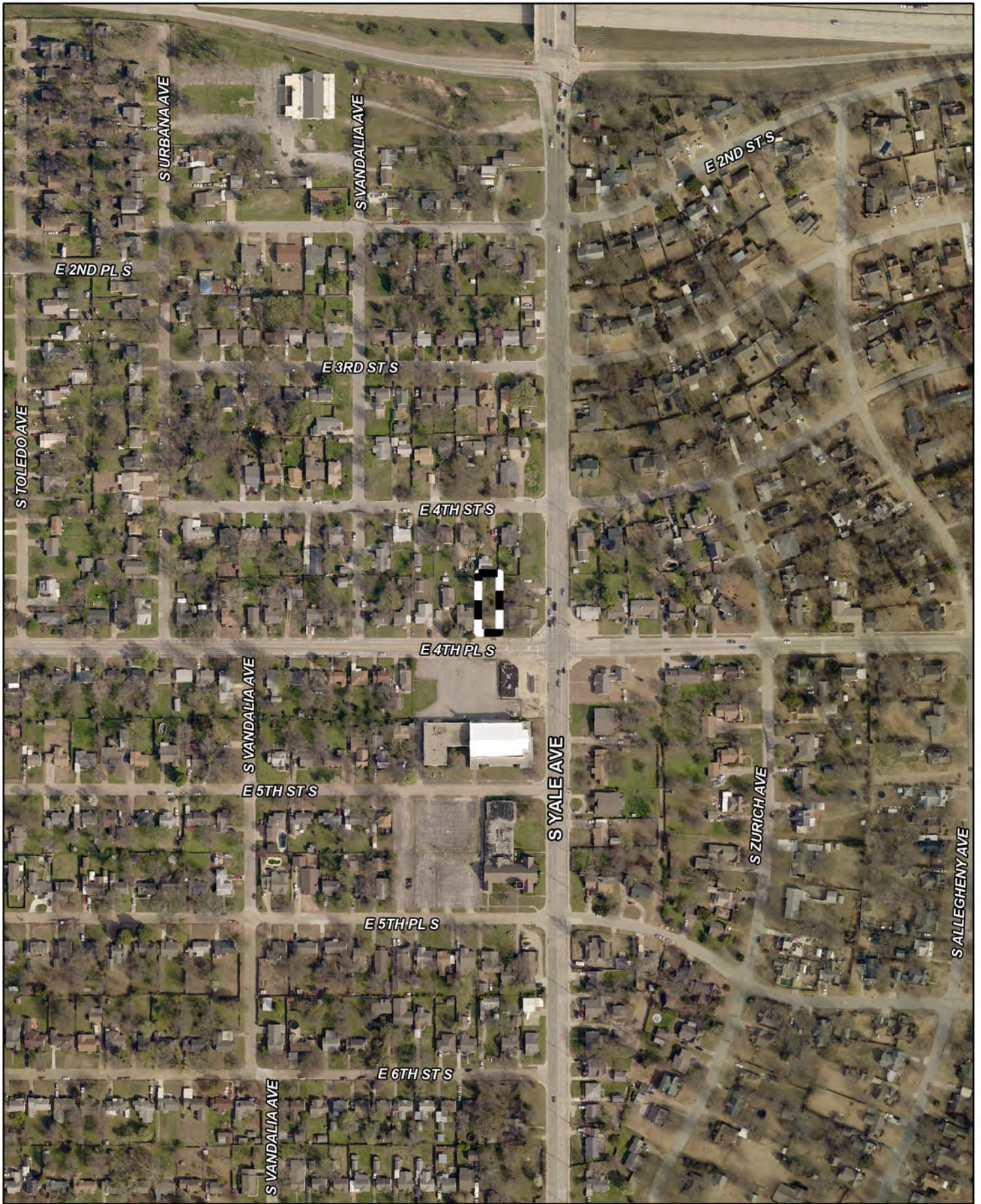
Present Zoning: RS-3



BOA-23610



7.2



BOA-23610

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



Aerial Photo Date: 2021

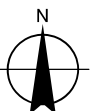


Subject
Tract

BOA-23610

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

Aerial Photo Date: 2021



0 55 110 220 Feet

7.4

**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9304

Case Number: **BOA-23610**

CD: 4

HEARING DATE: 1/9/2023 1:00 PM

APPLICANT: Jeremy Wilkinson

ACTION REQUESTED: Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5); Variance to reduce the required 2,500 square feet of open space per unit and 60-foot lot width for a duplex use in the RS-3 District (Sec. 5.030, Table 5-3).

LOCATION: 4723 E. 4th Place S

ZONED: RS-3

PRESENT USE: vacant

TRACT SIZE: 7000.12 SQ FT

LEGAL DESCRIPTION: LT 389 BK 2, RODGERS HGTS SUB 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.”

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 an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access off a lower-order street separated from the arterial, then it would be considered Neighborhood.

STATEMENT OF HARDSHIP: The neighborhood was platted with 50-foot-wide lots. The lot is now in a RS-3 minimum 60-foot width. Variance on the minimum open space to allow for parking specifically to reduce risk of backing onto an arterial street with high traffic flow.

STAFF ANALYSIS: The applicant is requesting a Special Exception to permit a duplex in an RS-3 district, as well as, a Variance to reduce the required 2,500 square feet of open space per unit and 60-foot lot width for a duplex use in the RS-3 District.

Table 5-2.5: R District Building Type Regulations for Household Living

USE CATEGORY	R DISTRICT BUILDING TYPE REGULATIONS											Supplemental Regulations
	RE	RS-					RD	RT	RM-			
Subcategory	1	2	3	4	5			0	1	2	3	
Specific Uses												
Building Type												
RESIDENTIAL												
Household Living												
Single household												
Detached house	P	P	P	P	P	P	P	P	P	P	P	S
Patio House	-	-	-	P	P	P	P	P	P	P	P	Section 40.290
Townhouse												
2-unit townhouse	-	-	-	S	S	P	P	P	P	P	P	Section 40.390
3+ unit townhouse	-	-	-	-	-	-	-	P	P	P	P	Section 40.390
Manufactured housing unit	S	S	S	S	S	S	S	S	S	S	S	P
Manufactured housing subdivision	-	-	-	-	-	-	-	-	-	-	-	P
Mobile home	-	-	-	-	-	-	-	-	-	-	-	P
Mixed-use building	-	-	-	-	-	-	-	-	S	S	S	-
Vertical mixed-use building	-	-	-	-	-	-	-	-	S	S	S	-
Two households on single lot												
Duplex	-	-	-	S	S	S	P	P	P	P	P	-
Mixed-use building	-	-	-	-	-	-	-	-	P	P	P	-

Table 5-3: R District Lot and Building Regulations

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
Minimum Lot Area (sq. ft.)													
Detached house	22,500	13,500	9,000	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	5,500
Patio house	-	-	-	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	-
Townhouse	-	-	-	4,500	4,500	2,200	2,750	1,600	1,600	1,600	1,600	1,600	-
Cottage house development	-	-	-	-	-	10,000	10,000	10,000	10,000	10,000	10,000	10,000	-
Duplex	-	-	-	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	-
Multi-unit house	-	-	-	-	-	3,300	6,900	5,500	5,500	5,500	5,500	5,500	-
Apartment/Condo	-	-	-	-	-	-	-	-	10,000	10,000	6,000	24,000	-
Mobile home park	-	-	-	-	-	-	-	-	-	-	-	-	[1]
Other allowed buildings/uses													
Permitted by right	22,500	13,500	9,000	6,900	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500
Special exceptions	22,500	13,500	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000
Min. Lot Area per Unit (sq. ft.)													
Detached house	22,500	13,500	9,000	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	-
Patio house	-	-	-	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	-
Townhouse	-	-	-	4,500	4,500	2,200	2,750	1,600	1,600	1,600	1,600	1,600	-
Cottage house development	-	-	-	-	-	2,500	2,500	2,500	2,500	2,500	2,500	2,500	-
Duplex	-	-	-	3,450	2,750	1,650	2,750	2,750	2,750	2,750	2,750	2,750	-
Multi-unit house	-	-	-	-	-	1,100	1,800	1,800	1,800	1,375	1,100	900	-
Apartment/Condo	-	-	-	-	-	-	-	-	2,900	1,750	1,100	400	-
Other allowed buildings/uses													
Permitted by right	-	-	-	-	-	-	-	-	5,500	5,500	5,500	5,500	5,500
Special exceptions	22,500	13,500	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000
Minimum Lot Width (ft.)													
Detached house	150	100	75	60	50	30	50	50	50	50	50	50	-
Patio house	-	-	-	60	50	30	50	50	50	50	50	50	-
Townhouse	-	-	-	30	25	20	25	20	20	20	20	20	-
Cottage house development	-	-	-	-	-	75	75	75	75	75	75	75	-
Duplex	-	-	-	60	50	30	50	50	50	50	50	50	-
Multi-unit house	-	-	-	-	-	30	50	50	50	50	50	50	-
Min. Building Setbacks (ft.)													
Street [3]													
Arterial or fwy service rd.	35	35	35	35	35	35	35	35	10	10	10	10	35
Other streets	35	35	30	25	20	20	25	10	10	10	10	10	25
Side (interior) [4]	15	5	5	5	5	5	5	5[5]	5[6]	5[6]	5[6]	5[7]	10
Rear [4]	25	25	25	20	20	20	20	20	20	20	10	20	15
Min. Open Sp./Unit (sq. ft.)	12,000	7,000	5,000	4,000[8]	2,500	600	2,000	1,200	1,200	600	200	-	2,500
Max. Building Height (feet)	35	35	35	35	35	35	35	35	35	35	35	-	35

[8] Minimum required open space for duplex in RS-3 is 2,500 square feet per unit.

Facts staff finds favorable for variance request:

- Lot width is an existing condition that was established prior to the Zoning Code.

Facts Staff find unfavorable for the variance request:

- None.

SAMPLE MOTION:

Special Exception:

Move to _____ (approve/deny) a Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5).

- 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 reduce the required 2,500 square feet of open space per unit and 60-foot lot width for a duplex use in the RS-3 District (Sec. 5.030, Table 5-3).

- 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.”*

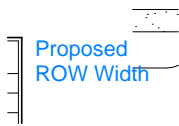


DEVELOPMENT SERVICES
175 E 2ND ST., STE 405
TULSA, OK 74103
918-596-9456

CITY OF TULSA

CORRECTIONS SUMMARY

Text Box (1)



Subject: Text Box
Page Label: 1
Author: Jeff Taylor
Date: 11/1/2023 10:56:00 AM
Status:
Color: ■
Layer:
Space:

Proposed ROW Width

Zoning Comment (3)



Subject: Zoning Comment
Page Label: 1
Author: Jeff Taylor
Date: 11/1/2023 2:19:12 PM
Status:
Color: ■
Layer:
Space:

Section 5.020 Use Regulations - Principal uses allowed in R districts in accordance with Table 5-2.

Review Comments: Duplexes are only allowed on an RS-3 zoned lot by special exception. Apply to BOA for a special exception to allow a duplex in a RS-3 zoned lot. Contact Tulsa Planning Office 918-596-7526.



Subject: Zoning Comment
Page Label: 1
Author: Jeff Taylor
Date: 11/1/2023 1:56:25 PM
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Section 5.030-A Table of Regulations
The lot and building regulations of Table 5-3 apply to all principal uses and structures in R districts, except as otherwise expressly stated in this zoning code. General exceptions to these regulations and rules for measuring compliance can be found in Chapter 90. Regulations governing accessory uses and structures can be found in Chapter 45.

Review Comments: Per table 5-3 an RS-3 zoned lot requires a Minimum lot width of 60 feet. You are proposing a lot width of 50 feet for a Duplex. If you are unable to meet the Minimum lot width requirements mentioned above, then you will need to apply to the City of Tulsa Board of Adjustment (BOA) for a Variance to reduce the required Minimum lot width requirements.



Subject: Zoning Comment
Page Label: 1
Author: Jeff Taylor
Date: 11/1/2023 2:07:58 PM
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Table 5-3 Minimum Open Space-Duplex
Footnote [8] required open space for duplex in RS-3 is 2,500 square feet per unit.

Review Comments: Minimum required open space for duplex in RS-3 is 2,500 square feet per unit which would be 5,000 sq ft total. Apply to BOA for a variance to allow less than 2,500 sq ft of open space on this lot per unit.

