



Board of Adjustment

**Staff Report
Special Exception Case BOA-23621**

Hearing Date: January 23, 2024
Prepared by: Dylan Siers
dsiers@cityoftulsa.org
918-596-7584

Owner and Applicant Information

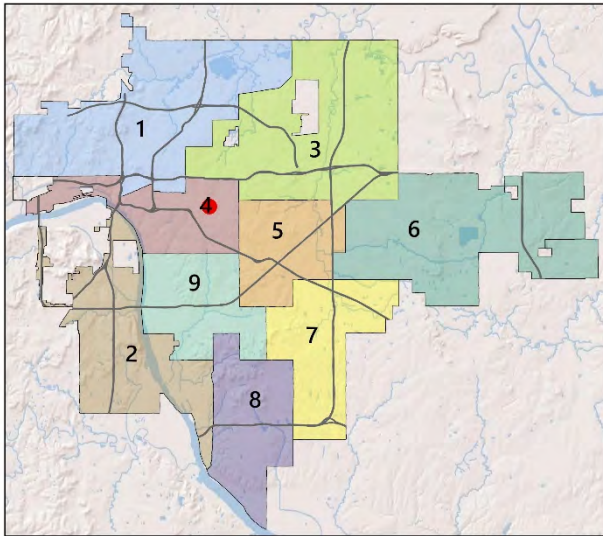
Applicant: Tom Neal
Property Owner: Mark A. and Jennifer R. Plaster

Property Location

1244 S. Indianapolis Ave. E.
Tract Size: ±0.41 acres

Location within the City of Tulsa

(shown with City Council districts)



Elected Representatives

City Council: District 4, Laura Bellis
County Commission: District 2, Karen Keith

Public Notice Required

Newspaper Notice – min. 10 days in advance
Mailed Notice to 300’ radius – min. 10 days in advance
Posted Sign – min. 10 days in advance

Request Summary

Special exception to permit Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); 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).

Zoning

Zoning District: RS-3

Comprehensive Plan Considerations

Land Use

Land Use Plan: Neighborhood
Small Area Plans: None
Development Era: Early Automobile

Transportation

Major Street & Highway Plan:
planitulsa Street Type: N/A
Transit: N/A
Existing Bike/Ped Facilities: None
Planned Bike/Ped Facilities: None

Environment

Flood Area: N/A
Tree Canopy Coverage: 20-30%
Parks & Open Space: N/A

Staff Analysis

The applicant is requesting a Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D) and 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)

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.

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.

The applicant is proposing a 796 square foot structure which is greater than the allowed 515 square feet.

Relevant Case History

- None

Statement of Hardship

The existing ADU was destroyed by a tree, and there are multiple ADU’s in the neighborhood.

Comprehensive Plan Considerations

Land Use Plan

The subject property is designated as a Neighborhood Land use designation.

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.

Surrounding Properties:

<u>Location</u>	<u>Existing Zoning/Overlay</u>	<u>Existing Land Use Designation</u>	<u>Existing Use</u>
North	RS-3	Neighborhood	Residential
East	RS-3	Neighborhood	Residential
South	RS-3	Neighborhood	Residential
West	CH	Multiple Use	Commercial

Small Area Plans

The subject property is not a part of a small area plan.

Development Era

The subject property is in an area developed during the Early Automobile era.

The Early Automobile Era area includes those parts of the city that developed prior to and after World War II but prior to the major annexations of the 1960s. These neighborhoods developed during the rise of the automobile, but generally maintain a rectilinear street grid with homes on smaller lots.

Transportation

Major Street & Highway Plan: N/A

Comprehensive Plan Street Designation: N/A

Transit: N/A

Existing Bike/Ped Facilities: N/A

Planned Bike/Ped Facilities: N/A

Arterial Traffic per Lane: N/A

Environmental Considerations

Flood Area: The subject property is not a part of a flood area.

Tree Canopy Coverage: Tree canopy in the area is 20% – 30%. For areas on the map with between 20% and 50% canopy coverage, significant effort should be given to the preservation of mature stands of trees. Tree canopy removal should be minimized, and replacement of trees that need removing should be encouraged.

Parks & Open Space: N/A

Sample Motion

Special Exception:

I move to approve or 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:

I move to approve or deny a 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)

- 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 the hardship to be _____.

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.

Property Description

LT 20 BLK 2, HARVARD HGTS, City of Tulsa, Tulsa County, State of Oklahoma

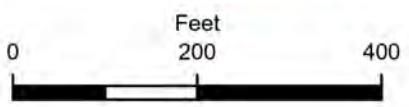
Photos:



Subject Property

Exhibits

- Case map
- Aerial (small scale)
- Aerial (large scale)
- Tulsa Comprehensive Plan Land Use Map
- Exhibits from applicant



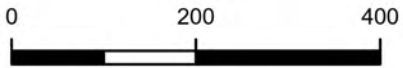
BOA-23621





Subject Tract

Feet



BOA-23621

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

Aerial Photo Date: 2021



5.7

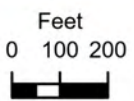


S HARVARD AVE

S INDIANAPOLIS AVE

E 13TH ST S

S INDIANAPOLIS AVE



Subject Tract

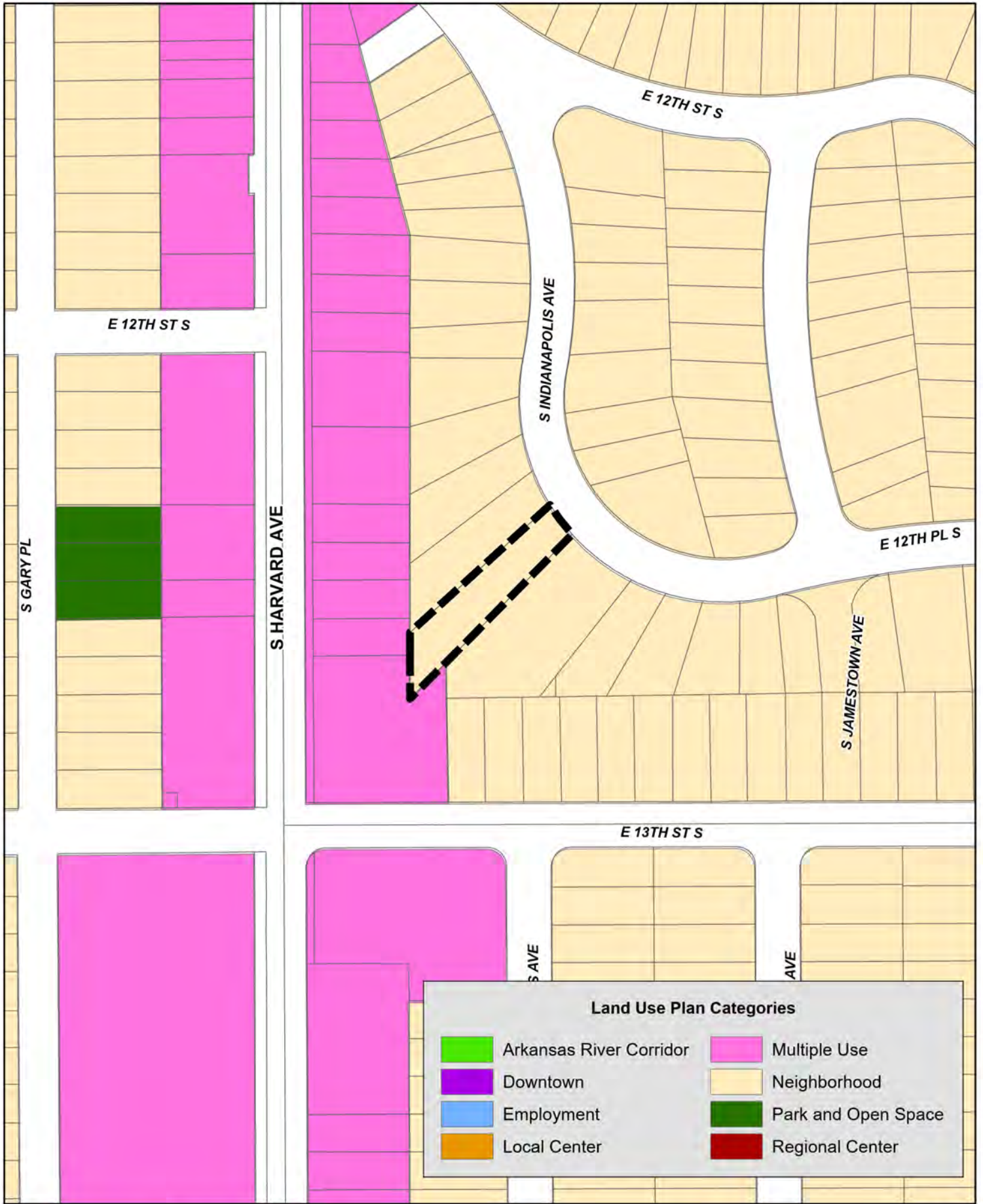
BOA-23621









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

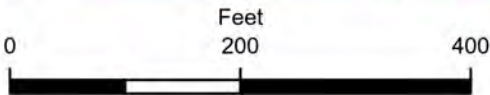
Aerial Photo Date: 2021



5.8



Land Use Plan Categories			
	Arkansas River Corridor		Multiple Use
	Downtown		Neighborhood
	Employment		Park and Open Space
	Local Center		Regional Center



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Summary of Comments on Scanned by Scan2Net

Page: 1

Number: 1 Author: DWhiteman Subject: Zoning Review Date: 11/15/2023 3:58:42 PM

Section 45.031-D Regulations 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.

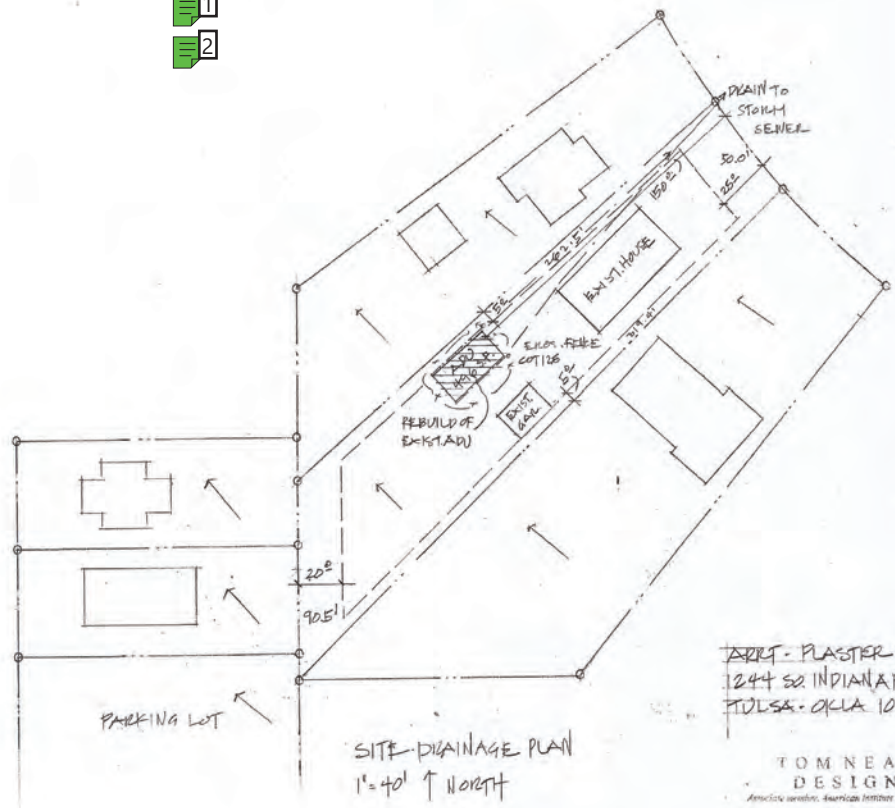
Review Comments: Apply to the Board of Adjustment for a special exception to allow an Accessory Dwelling Unit in an RS-3 zoned area. Contact the Tulsa Planning Office at 918-596-7526 for Board of Adjustment scheduling and procedures. This still applies even though you are rebuilding an existing structure.

Number: 2 Author: DWhiteman Subject: Zoning Review Date: 11/15/2023 4:12:43 PM

Section 45.030-A.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.

Review comments: You are proposing a combined floor area of 796 sq ft of detached accessory structures. The proposed plus existing detached structures exceed 500 square feet and 40% of the size of the house. Based on the size of your house per the county assessor's website, (1,288 sq ft) you are allowed 515 square feet of combined detached accessory structure floor area on your lot. Apply to the Board of Adjustment for a variance to allow the combined floor area for the detached accessory structures to exceed 40% of the floor area of the house. This still applies even though you are rebuilding an existing structure.

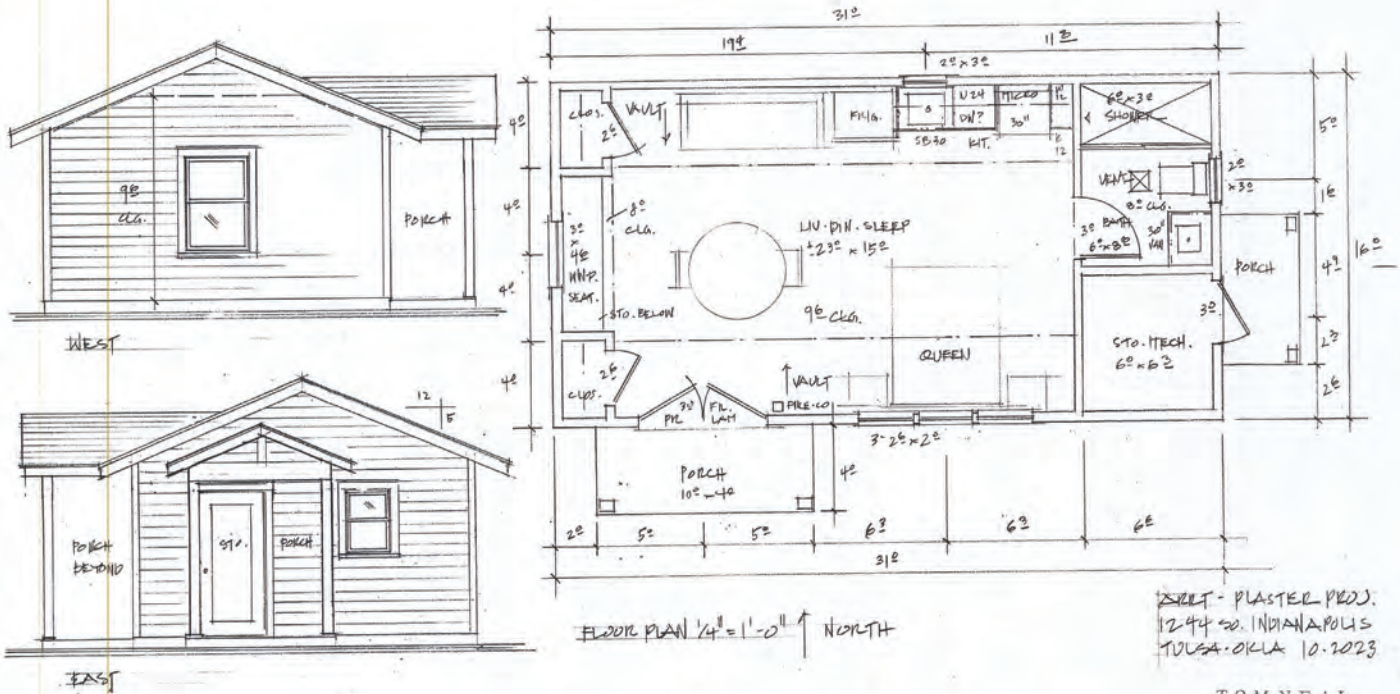
1
2



SITE DRAINAGE PLAN
1" = 40' ↑ NORTH

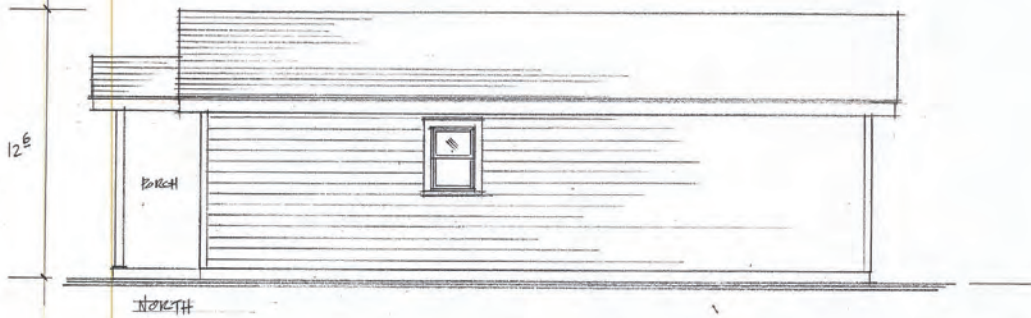
ART - PLASTER PROJ.
1244 SE INDIANAPOLIS
TULSA - OKLA 10-2023

TOM NEAL
DESIGN
Associate Architect, American Institute of Architects
915.214.1172

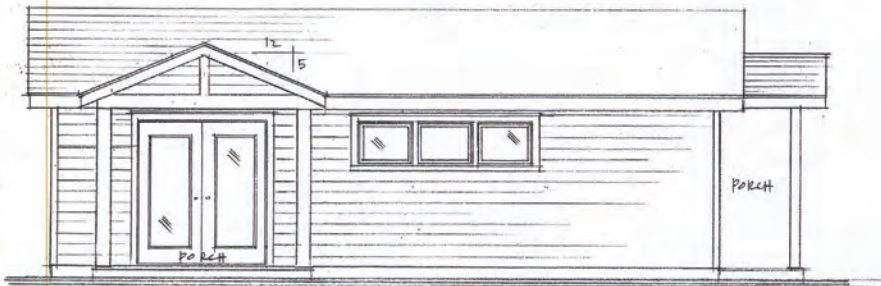


SHEET - PLASTER PROJ.
 12.44.50. INDIANAPOLIS
 TULSA. OKLA. 10.2023

TOMNEAL
 DESIGN
 Associate member, American Institute of Architects
 915.211.7372



NORTH



SOUTH 1/4" = 1'-0"

AKRT - PLASTER PROJ.
 1244 SO. INDIAN APPLIS
 TULSA - OKLA 10.2023

TOM NEAL
 DESIGN
 LICENSE NUMBER: AMERICAN INSTITUTE OF ARCHITECTS
 917.211.2772

