



**CITY OF**  
**Tulsa**  
**Board of Adjustment**

**Case Number:** BOA-23622

**Hearing Date:** 01/09/2024 1:00 PM

**Case Report Prepared by:**

Austin Chapman

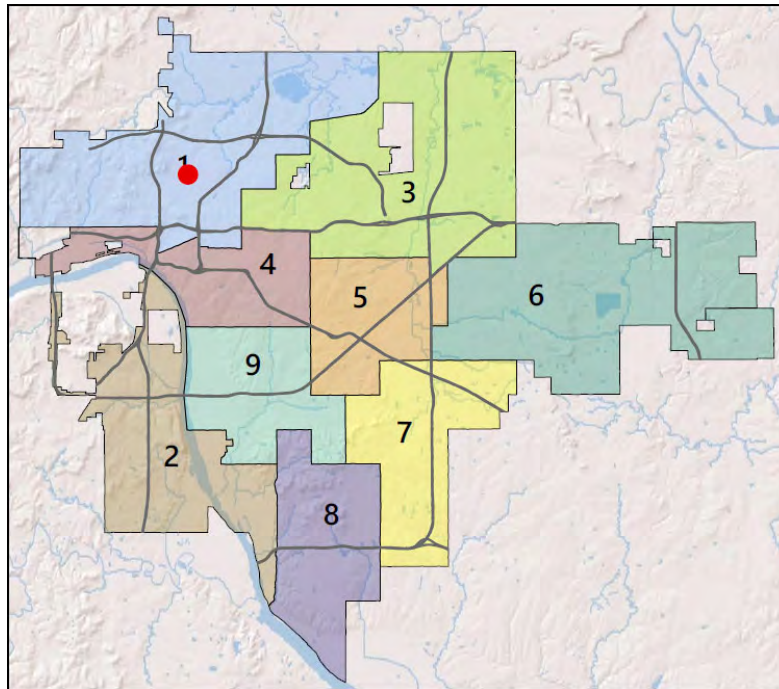
**Owner and Applicant Information:**

**Applicant:** Victor Birmingham

**Property Owner:** BIRMINGHAM, VICTOR T

**Action Requested:** 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-A)

**Location Map:**



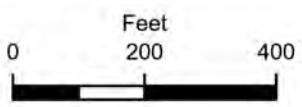
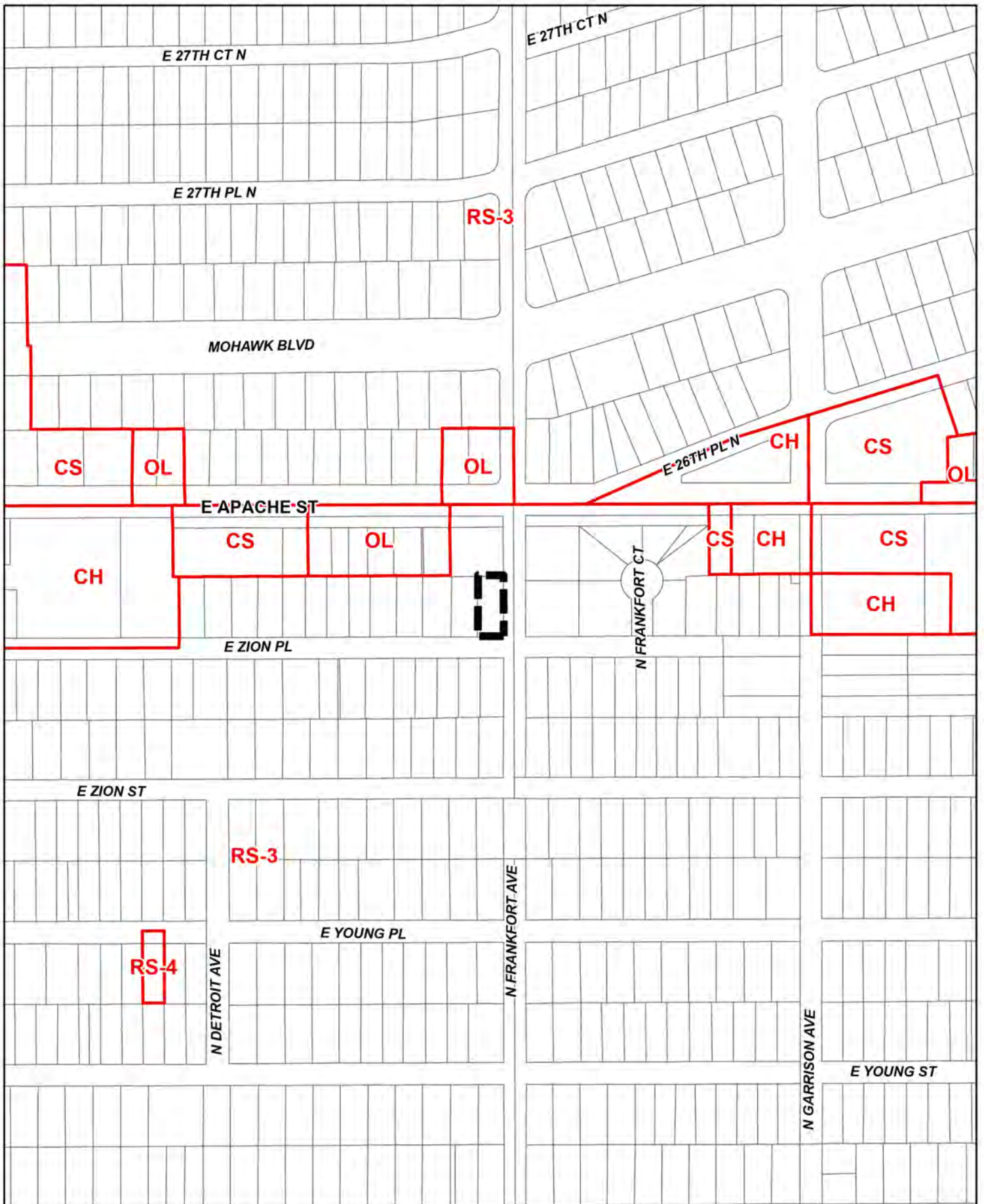
**Additional Information:**

**Present Use:** residence

**Tract Size:** 0.21 acres

**Location:** 349 E ZION PL N

**Present Zoning:** RS-3

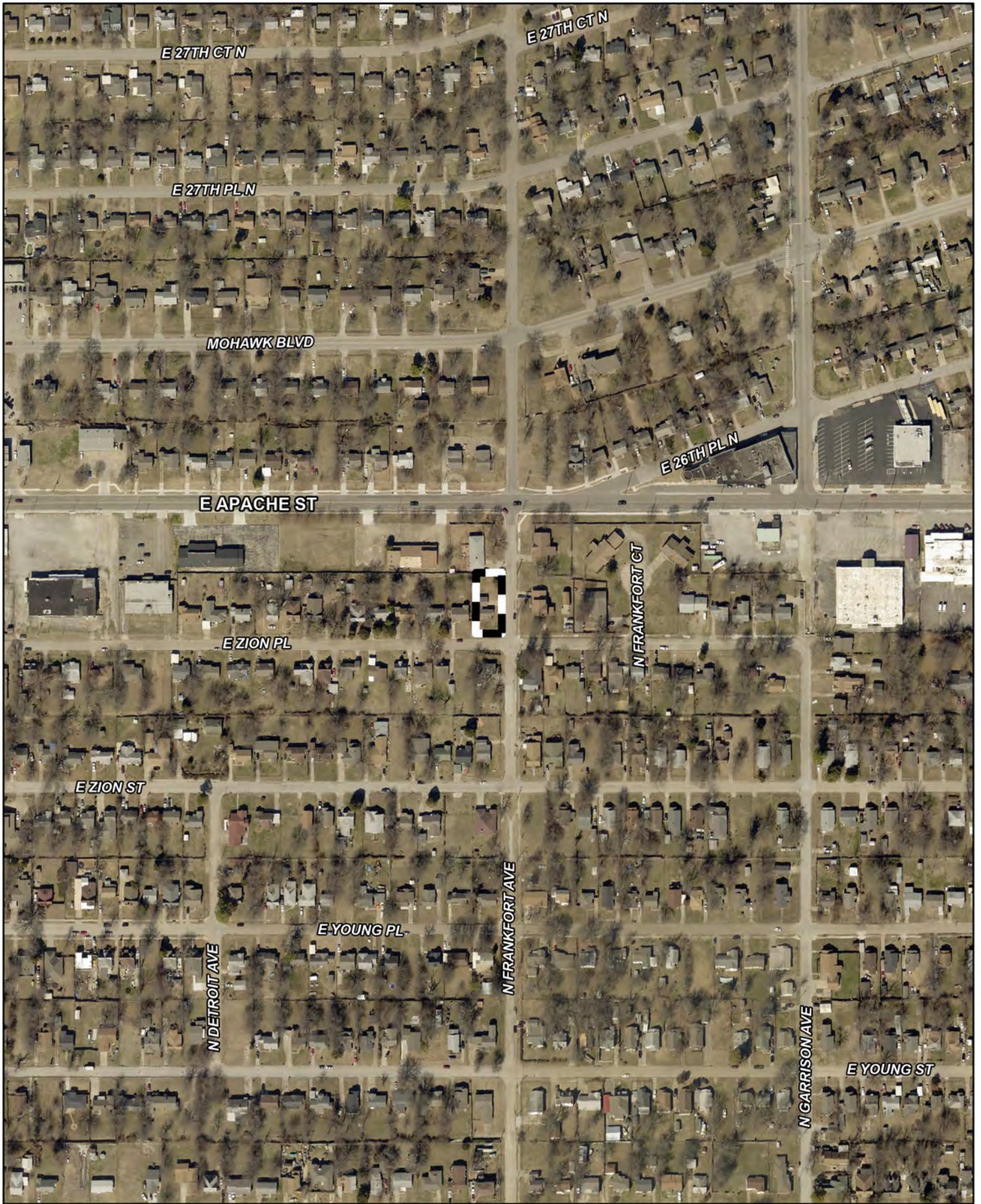


**BOA-23622**



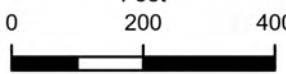
10.2





Subject Tract

Feet  
0 200 400



**BOA-23622**

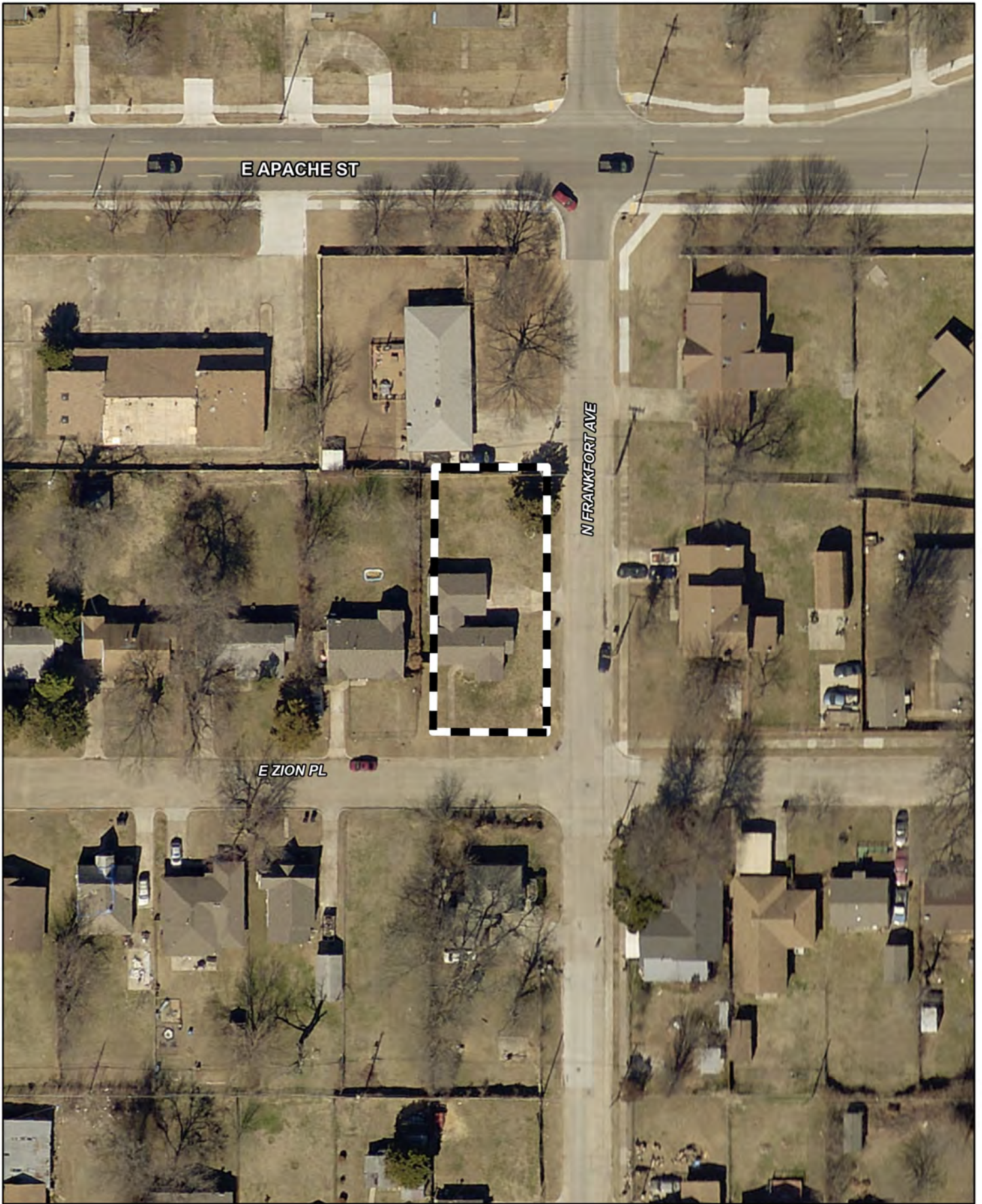
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2021



10.3





E APACHE ST

N FRANKFORT AVE

E ZION PL

**BOA-23622**

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

Aerial Photo Date: 2021



Feet  
0 100 200

 Subject Tract

10.4



**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:** 0225  
**CD:** 1

Case Number: **BOA-23622**

**HEARING DATE:** 01/09/2024 1:00 PM

**APPLICANT:** Victor Birmingham

**ACTION REQUESTED:** 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-A,)

**LOCATION:** 349 E. Zion Pl. N.

**ZONED:** RS-3

**PRESENT USE:** Residence

**TRACT SIZE:** 9239.11 SQ FT

**LEGAL DESCRIPTION:** E65 1/2 LT 20 BLK 1, ACRE GARDENS 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 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 applicant believes there use to be a garage in that location, and needs a larger garage to park his vehicles.

**STAFF ANALYSIS:** Applicant is requesting a Variance to allow the floor area of Detached Accessory Buildings to exceed 500 square feet or 40% of the floor area of the principal residential structure (Section 45.030-A.2).

**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.

Facts staff finds favorable for variance request:

- Proposed garage could be an addition to the house and a variance would not be required in that case. The existing house is small compared to the size of the lot. Which is 9,200 square feet.

Facts Staff find unfavorable for the variance request:

- None.

**SAMPLE MOTION:**

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-A,)

- 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***



***Subject property***



DEVELOPMENT SERVICES  
175 E 2ND ST., STE 405  
TULSA, OK 74103  
918-596-9458

# CITY OF TULSA

## CORRECTIONS SUMMARY



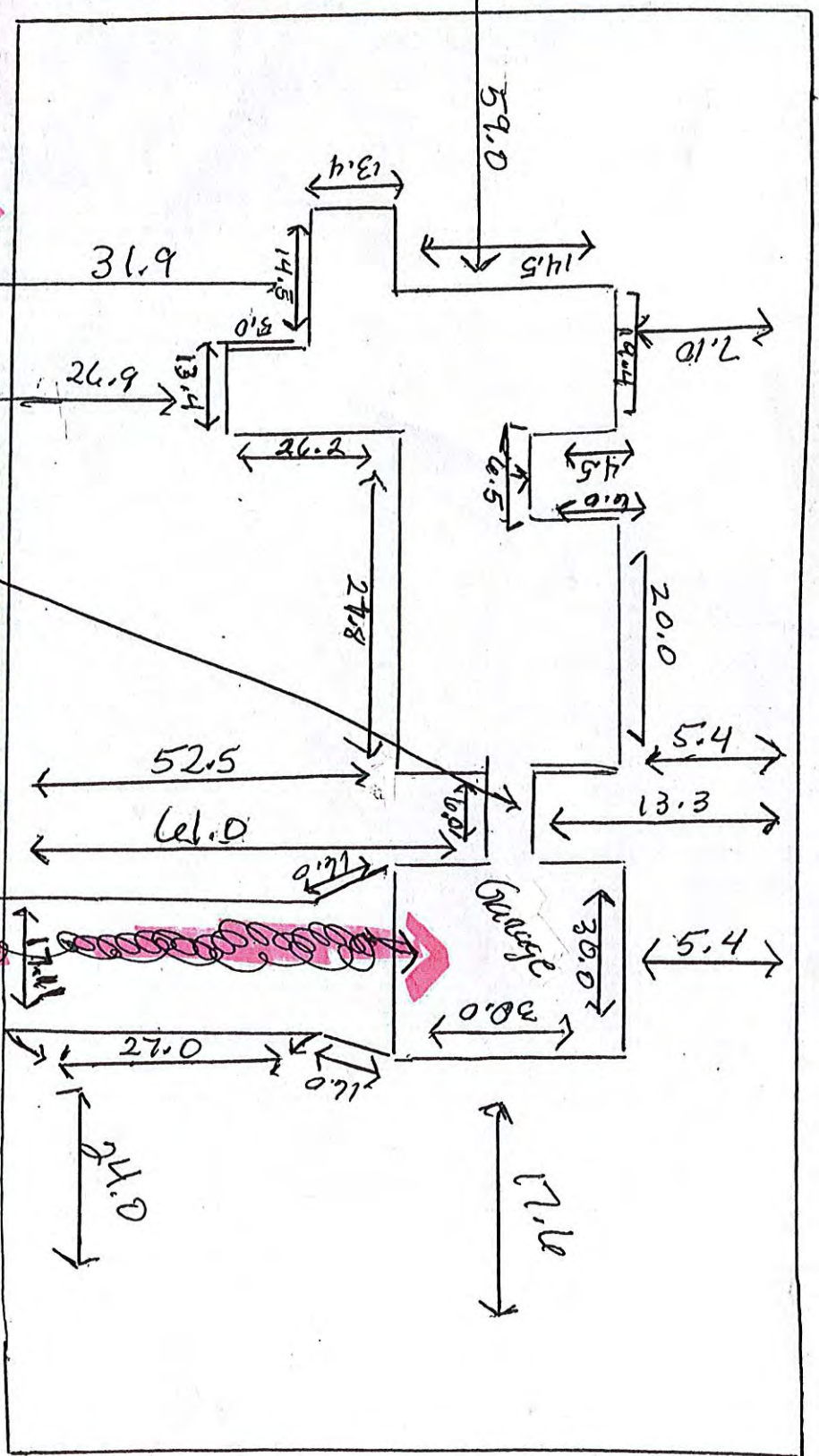
**Subject:** Zoning Review  
**Page Label:** 1  
**Status:**  
**Author:** DWhiteman  
**Date:** 4/12/2023 4:03:37 PM  
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Section 45.030-A.2: Accessory Building Size, RS-2, RS-3, RS-4, RS-5 and RM Districts  
In RS-2, RS-3, RS-4, RS-5 and RM zoned lots 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 COMMENT: According to the county assessor's website, the floor area of the principal residential building is 1,304 square feet; therefore, the maximum allowable floor area of all accessory buildings for your lot is 522 square feet (1,304 square feet x 40%). The proposed accessory building floor area will be 900 square feet. This exceeds the allowable size of accessory buildings on your lot and cannot be approved as proposed.

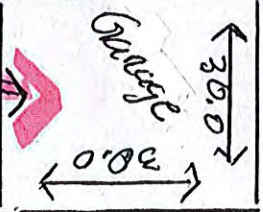
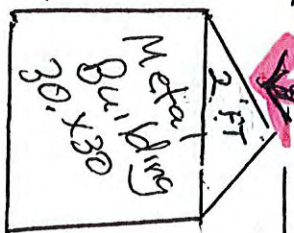


65.5 Zion Pl S

349 E Zion Pl



Sidewalk  
15' x 0'  
Long  
4" Thick



65.5 N

140 FT