

## Staff Report BOA-23683

**Hearing Date:** April 23, 2024 **Prepared by:** Dylan Siers

dsiers@cityoftulsa.org 918-596-7584

### **Owner and Applicant Information**

Applicant: MP Advocates

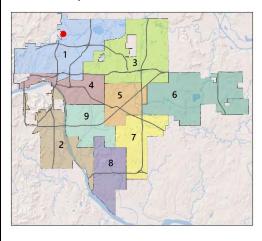
Property Owner: 61:4 Properties & Management LLC

### **Property Location**

6307 N. Cheyenne Ave. W.; 6321 N. Cheyenne Ave. W.; 6308 N. Boulder Ave. W.; 6318 N. Boulder Ave. W.; 6398 N. Boulder Ave.W.; 6337 N. Denver Ave. W.; 6346 N. Main St.

### **Location within the City of Tulsa**

(shown with City Council districts)



### **Elected Representatives**

<u>City Council:</u> District 1, Vanessa Hall-Harper <u>County Commission:</u> District 1, Stan Sallee

### **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 a duplexes 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 for a duplex use in the RS-3 District (Sec. 5.030, Table 5-3)

### Zoning

Zoning District: RS-3 Zoning Overlays: N/A

### **Comprehensive Plan Considerations**

### **Land Use**

Land Use Plan: Neighborhood

Small Area Plans: None

Development Era: Late Automobile

### **Transportation**

Major Street & Highway Plan: N/A

planitulsa Street Type: N/A

Transit: N/A

Existing Bike/Ped Facilities: N/A

Planned Bike/Ped Facilities: N/A

### **Environment**

Flood Area: N/A

Tree Canopy Coverage: 10-20%

Parks & Open Space: N/A

### Staff Analysis

Special Exception to permit a duplex on 7 lots as a part of this application 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 for a duplex use in the RS-3 District (Sec. 5.030, Table 5-3):

### Duplex

A duplex is a principal residential building occupied by 2 dwelling units, both of which are located on a single lot that is not occupied by other principal residential buildings. The 2 dwelling units are attached and may be located on separate floors or side-by-side.

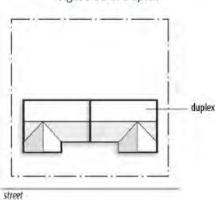


Figure 35-5: Duplex

Applicant is seeking to reduce the open space requirement from 5,000 square feet (2,500 per unit) to 3,625 (1,812.50 per unit).

### Section 90.080 Open Space per Unit

90.080-A Open space per unit refers to the amount of outdoor open space required to be provided on a lot for each dwelling unit on the subject lot. Multiply the minimum open space-per-unit requirement by the number of dwelling units to determine the total amount of open space required on a lot. In applying minimum open space-per-unit requirements to fraternity, sorority and rooming/boarding house uses, each 600 square feet of floor area is counted as one dwelling unit.

**90.080-B** The following may be counted toward satisfying minimum open space-per unit requirements:

- Outdoor areas that are not occupied by buildings, driveways or parking areas and are generally useable by residents;
- Driveways and parking areas located in the rear yard of a detached house or duplex; and
- 3. Green roofs covering 25% or more of the subject building's overall roof area.

### Relevant Case History

None

### **Statement of Hardship**

The subject properties are platted lots in the Northgate Second and Third additions, recorded in the 1960's, prior to the adoption of the first Tulsa zoning code. Although they conform to today's bulk and area requirements for RS-3 zoned single family lots, the lots in Northgate are shallower and have less area than most RS-3 lots platted throughout the city, and therefore are more difficult to develop with duplexes than in other neighborhoods. The code allows for a duplex in RS-3 zoning if it meets the requirements for a special exception. All other requirements would be met if not for the minimum open space provision for which we are seeking relief. The shallowness of these lots, and others throughout the Northgate Additions, are unique from other property within the same zoning classification.

### **Comprehensive Plan Considerations**

### **Land Use Plan**

The subject property is designated as neighborhood.

<u>Neighborhoods</u> 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 from a lower-order street separated from the arterial, then it would be considered Neighborhood.

### Surrounding Properties:

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

### **Small Area Plans**

The subject properties are not in a small area plan.

### **Development Era**

The subject property is in an area developed during the Late Automobile Era (1950s-present), which has grown since the mainstreaming of automobile-centric lifestyles, with a high degree of separation between residential and nonresidential uses, and low levels of street connectivity. In these areas, transportation is nearly exclusively concentrated on the mile-by-mile arterial grid, and major streets are often both transportation corridors and destination corridors, which can lead to traffic congestion. Nonresidential uses are predominantly located at the intersections of major arterial streets. Priorities in these areas include commercial revitalization, placemaking, community gathering opportunities, conservation of natural areas, a high degree of privacy, one-stop shopping, and commuting routes.

### **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 within a flood plain.

<u>Tree Canopy Coverage</u>: Tree canopy in the area is 10-20%. The area would benefit from additional trees, which also capture and treat runoff before it enters the river.

Parks & Open Space: None

### Sample Motion

### Special Exception

I move to approve or deny a Special Exception to permit a duplexes in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5):

per the conceptual	plan(s) shown on pa	age(s) of the	he agenda pacl	ket.
subject to the follow	wing conditions (inc	luding time limit	ation, if any):	

### Variance

I move to approve or deny a Variance to reduce the required 2,500 square feet of open space per unit for a duplex use in the RS-3 District (Sec. 5.030, Table 5-3);

The board finds th	e hardship to be		

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

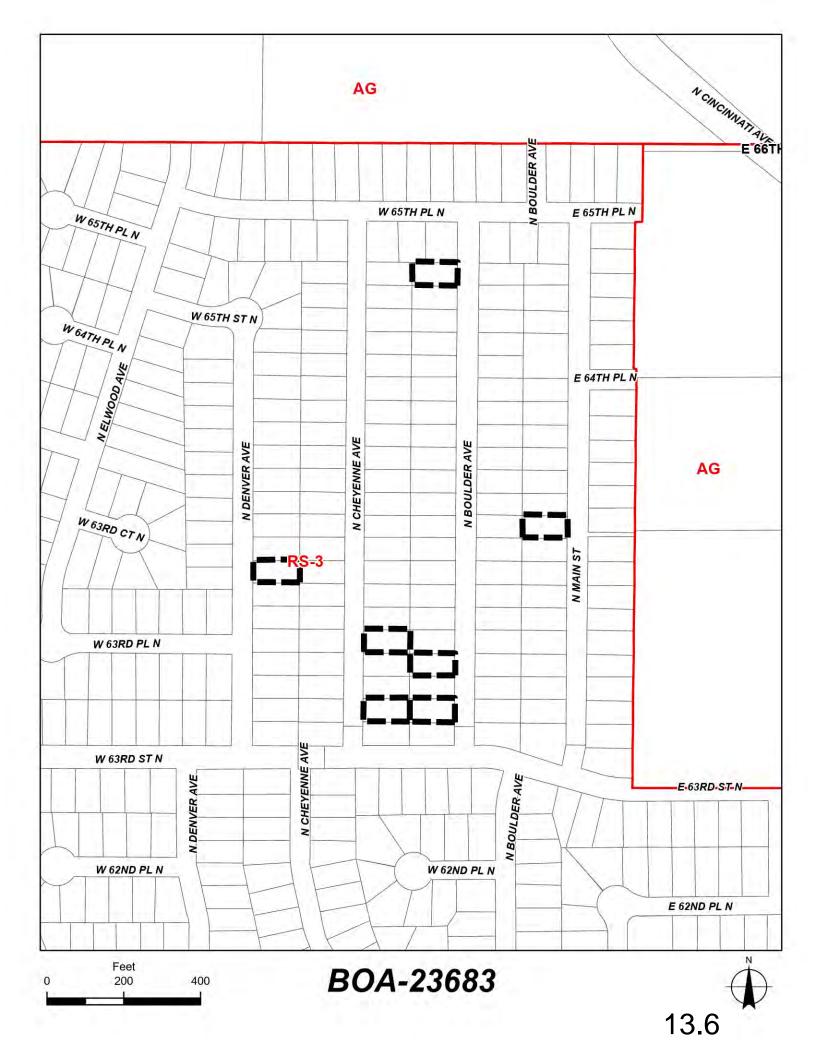
- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal 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.

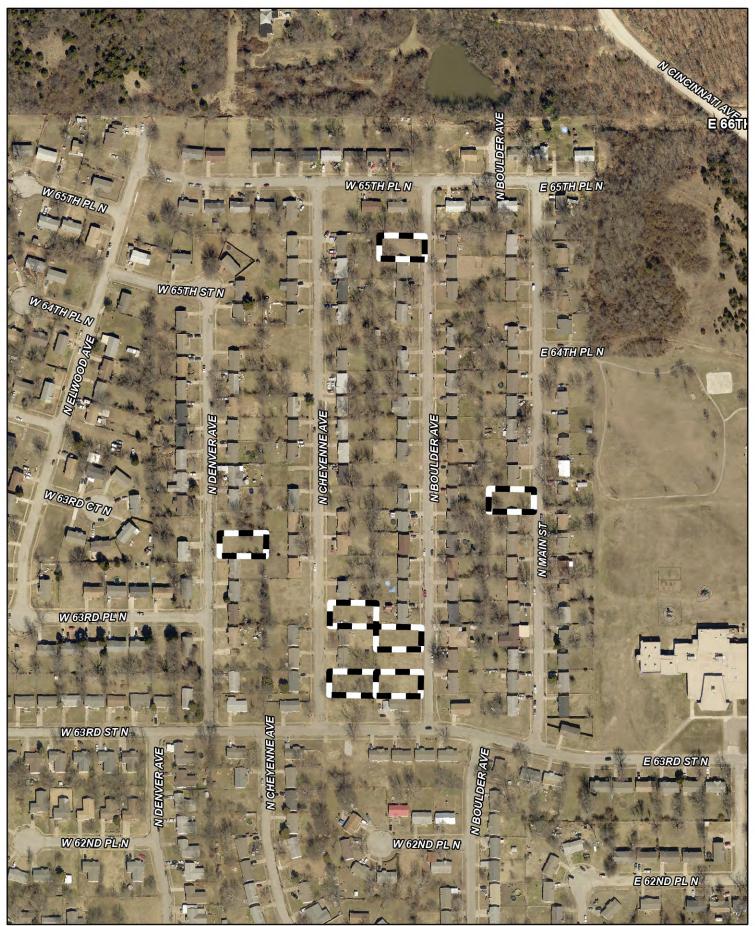
### **Property Description**

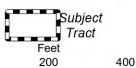
Lot 14, Block 5, Lot 3, 20, 22, 25, 28, Block 6, Northgate Second Addn, Lot 22, Block 2, Northgate Third Addn City of Tulsa, Tulsa County, State of Oklahoma

### **Exhibits**

Case map Aerial (small scale) Aerial (large scale) Tulsa Comprehensive Plan Land Use Map

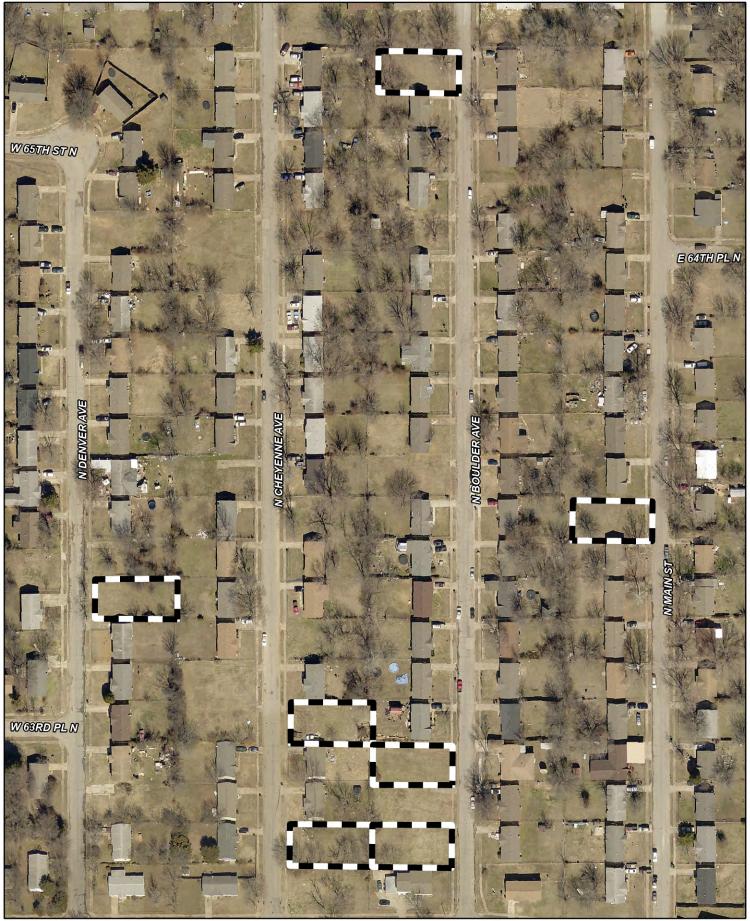


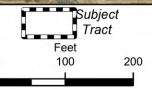




**BOA-23683** 

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



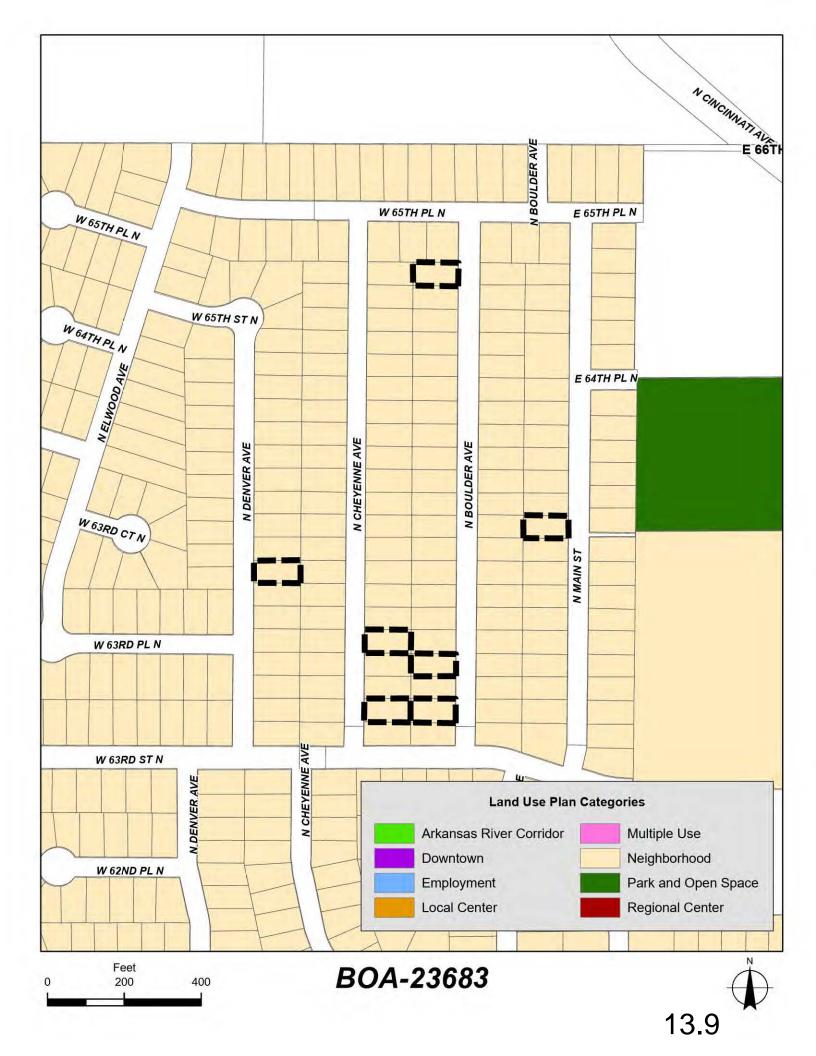


BOA-23683

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

Aerial Photo Date: 2021





#	ADDRESS	CITY ZIP	PARCELNO	LEGAL DESCRIPTION
1	6307 N CHEYENNE AV W	TULSA, OK 74126	53825-02-02-02010	LT 25 BLK 6 NORTHGATE SECOND ADDN
2	6321 N CHEYENNE AV W	TULSA, OK 74126	53825-02-02-02040	LT 28 BLK 6 NORTHGATE SECOND ADDN
3	6308 N BOULDER AV W	TULSA, OK 74126	53825-02-02-01980	LT 22 BLK 6 NORTHGATE SECOND ADDN
4	6318 N BOULDER AV W	TULSA, OK 74126	53825-02-02-01960	LT 20 BLK 6 NORTHGATE SECOND ADDN
5	6398 N BOULDER AV W	TULSA, OK 74126	53825-02-02-01790	LT 3 BLK 6 NORTHGATE SECOND ADDN
6	6337 N DENVER AV W	TULSA, OK 74126	53850-02-02-02700	LT 22 BLK 2 NORTHGATE THIRD ADDN
7	6346 N MAIN ST	TULSA, OK 74126	53825-02-02-01450	LT 14 BLK 5 NORTHGATE SECOND ADDN

### Request:

We are requesting a special exception to allow for construction of a duplex on seven (7) RS-3 zoned lots (Table 2-2.5); Additionally, we are requesting a variance of the minimum open space requirement from 2,500 sq.ft. per unit to 1,800 sq.ft. per unit (Table 2-3 [8]) on each of those lots.

### Hardship:

1. 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.

The subject properties are platted lots in the Northgate Second and Third additions, recorded in the 1960's, prior to the adoption of the first Tulsa zoning code. Although they conform to today's bulk and area requirements for RS-3 zoned single family lots, the lots in Northgate are shallower and have less area than most RS-3 lots platted throughout the city, and therefore are more difficult to develop with duplexes than in other neighborhoods.

2. The literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose.

The code allows for a duplex in RS-3 zoning if it meets the requirements for a special exception. All other requirements would be met if not for the minimum open space provision for which we are seeking relief.

3. 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.

The shallowness of these lots, and others throughout the Northgate Additions, are unique from other property within the same zoning classification.

4. The alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner.

These vacant lots were not platted by the current property owner.

5. The variance to be granted is the minimum variance that will afford relief.

Our request is the minimum relief needed to build the same modest size duplex on each of the lots.

6. 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 of development of adjacent property.

The proposed duplex aesthetic has been designed to match the context of the neighborhood.

7. 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.

The proposed variances will not be detrimental to the public good nor impair the purposes of the zoning code/comprehensive plan.



### M+P ADVOCATES

MAPPING | PLANNING | DESIGN T: 918.695.7215

E: MPLUSPNET@GMAIL.COM

PREPARED FOR: 61:4 PROPERTIES AND MANAGEMENT LLC

PROJECT ID: P-2313

NORTHGATE CONTEXT

EXTERIOR ELEVATION (REAR)

SCALE: 1/8" = 1'-0"



**EXTERIOR ELEVATION (FRONT)** SCALE: 1/8" = 1'-0"

	1
WIDTH/DEPTH (UNDER ROOF/TO FACE)	50'-0"/ 52'-0"
HEATED AREA (TO OUTSIDE FACE)	2,100 sq.ft.
UNHEATED (GARAGE) AREA	500 sq.ft.
COVERED PORCH AREA	68 sq.ft.

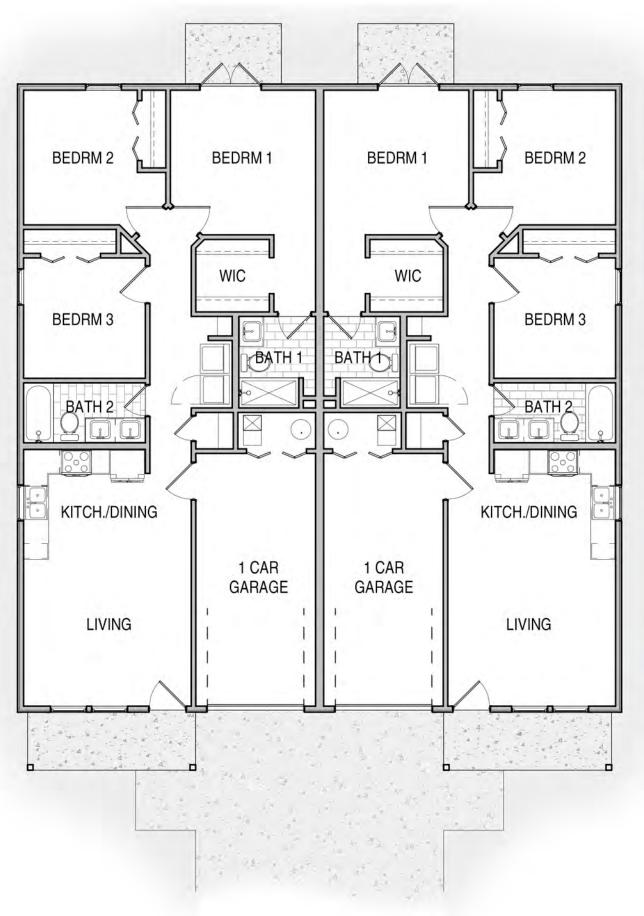
PUBLISH DATE: 2024-02-09

THIS SHEET SET AND THE DRAWINGS CONTAINED HEREIN SHALL NOT BE MODIFIED OR REPRODUCED WITHOUT THE EXPLICIT, WRITTEN CONSENT OF M+F ADVOCATES.

**BOA EXHIBIT** 

BOA-1

13.12



PROPOSED FLOOR PLAN

SCALE: 1/8" = 1'-0"









EXTERIOR ELEVATION (FRONT)

SCALE: 1/8" = 1'-0"

M+P ADV

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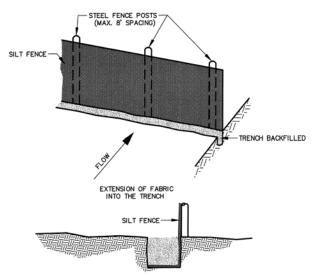
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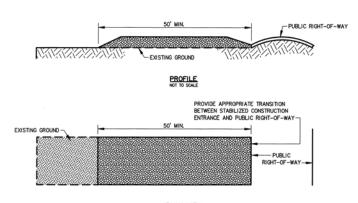
SHEET:

**BOA EXHIBIT** 

BOA-2



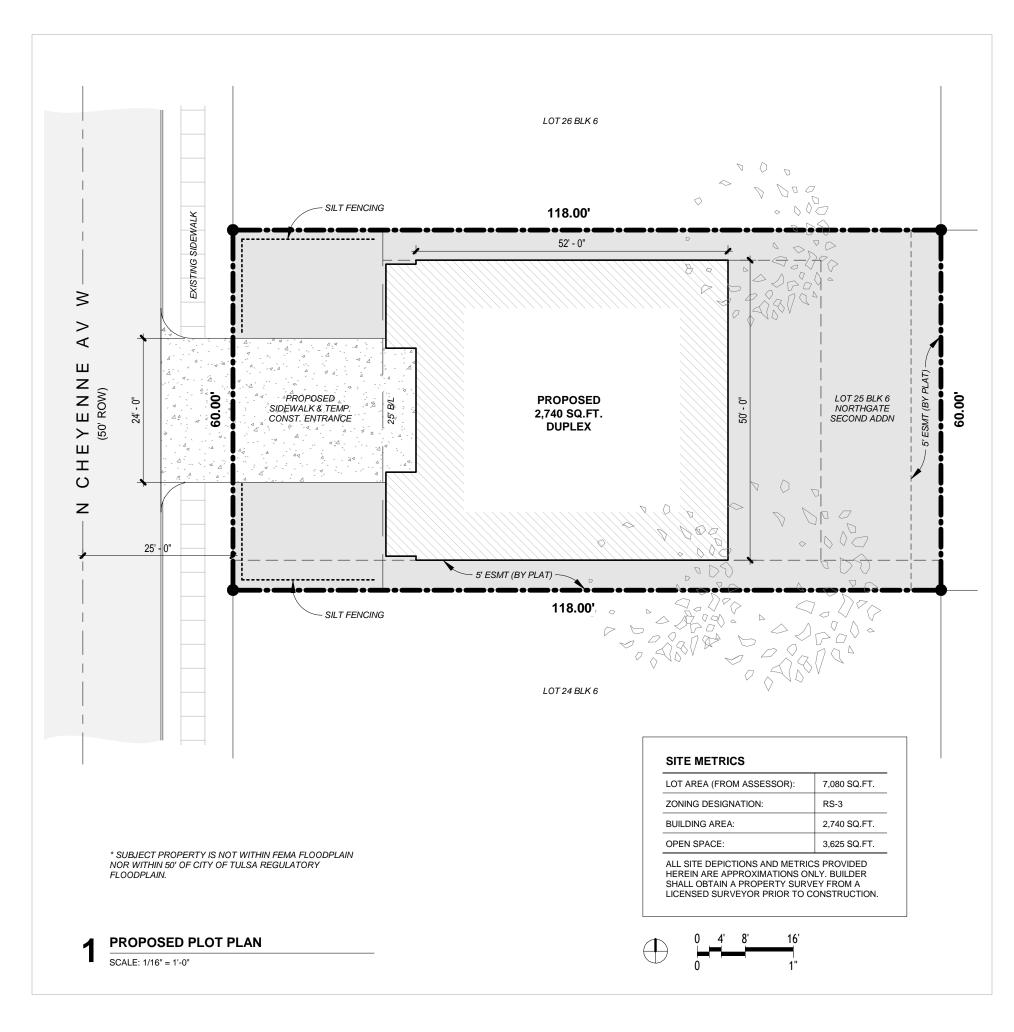
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- 8. ACCUMULATED SILT SHALL BE REMOVED WHEN IT REACHES A DEPTH OF 6 INCHES AND DISPOSED OF IN AN APPROVED SPOIL SITE OR AS IN NO. 7 ABOVE.



PLAN VIEW NOT TO SCALE

### STANDARD CONSTRUCTION ENTRANCE NOTES:

- 1. STONE SIZE AASHTO DESIGNATION M43, SIZE NO. 2 (2-1/2" TO 1-1/2"). USE CRUSHED STONE.
- 2. LENGTH AS EFFECTIVE, BUT NOT LESS THAN 50 FEET
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PREPARED FOR:

61:4 PROPERTIES AND MANAGEMENT LLC

PROJECT ID: P-2313

CHEYENNE AVI

NEW CONSTRUCTION PERMIT SET

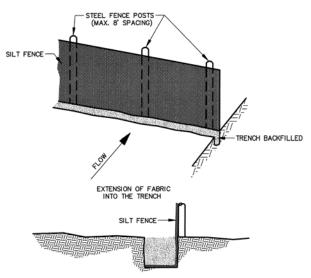
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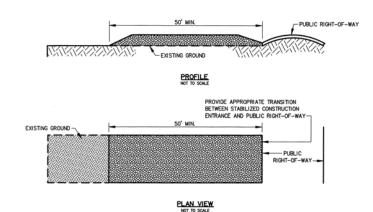
SHEET

SITE & EROSION CONTROL PLAN

A01

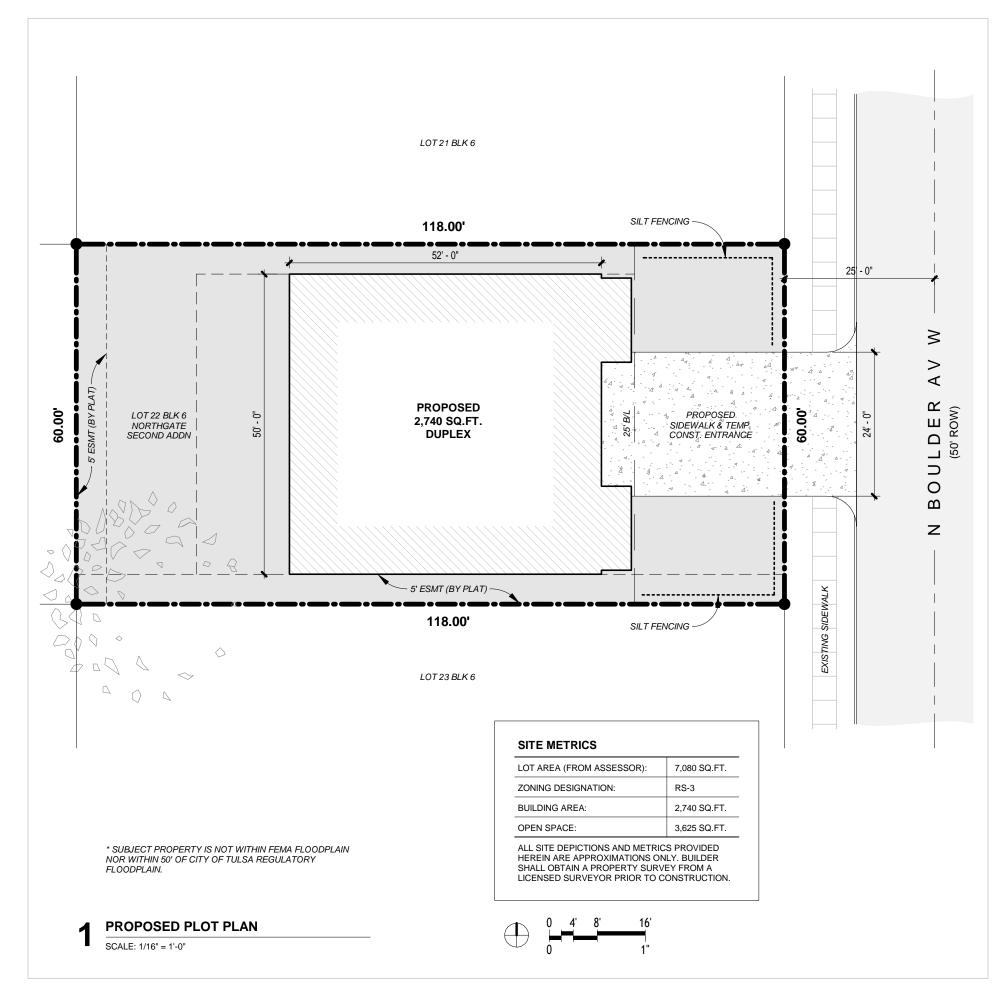


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PREPARED FOR:

61:4 PROPERTIES AND MANAGEMENT LLC

PROJECT ID: P-2313

DER AWE

# NEW CONSTRUCTION PERMIT SET

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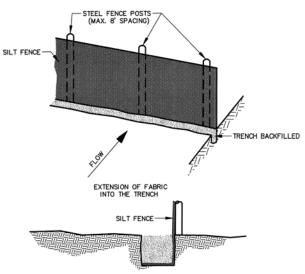
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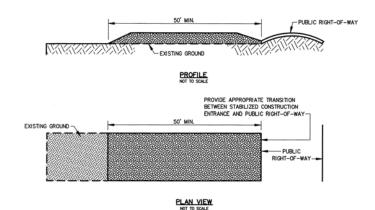
SHEET

SITE & EROSION CONTROL PLAN

**A01** 

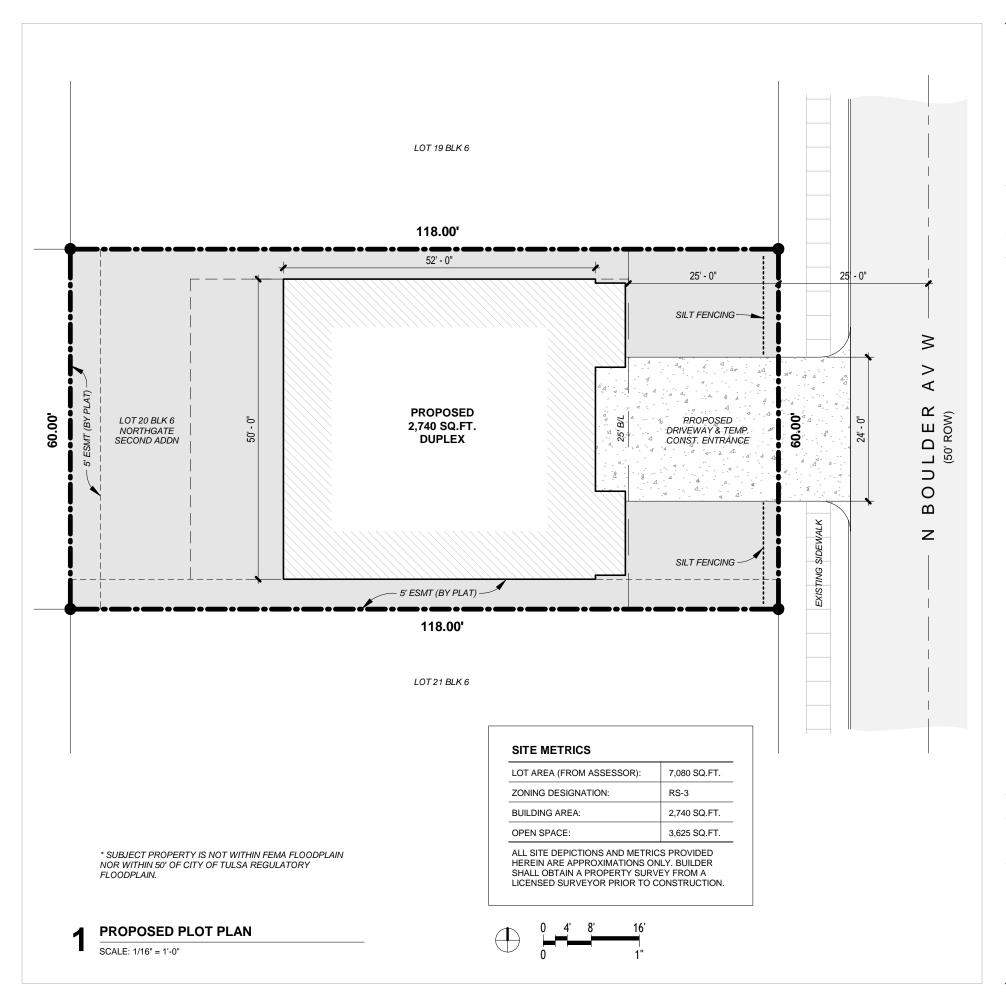


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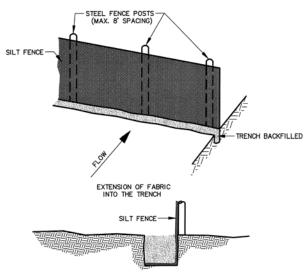
**NEW CONSTRUCTION PERMIT SET** 

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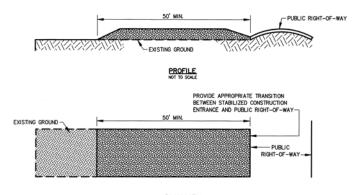
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HEREIN SHALL NOT BE MODIFIED OR REPRODUCED WITHOUT THE EXPLICIT, WRITTEN CONSENT OF M+F ADVOCATES.

**SITE & EROSION CONTROL PLAN** 



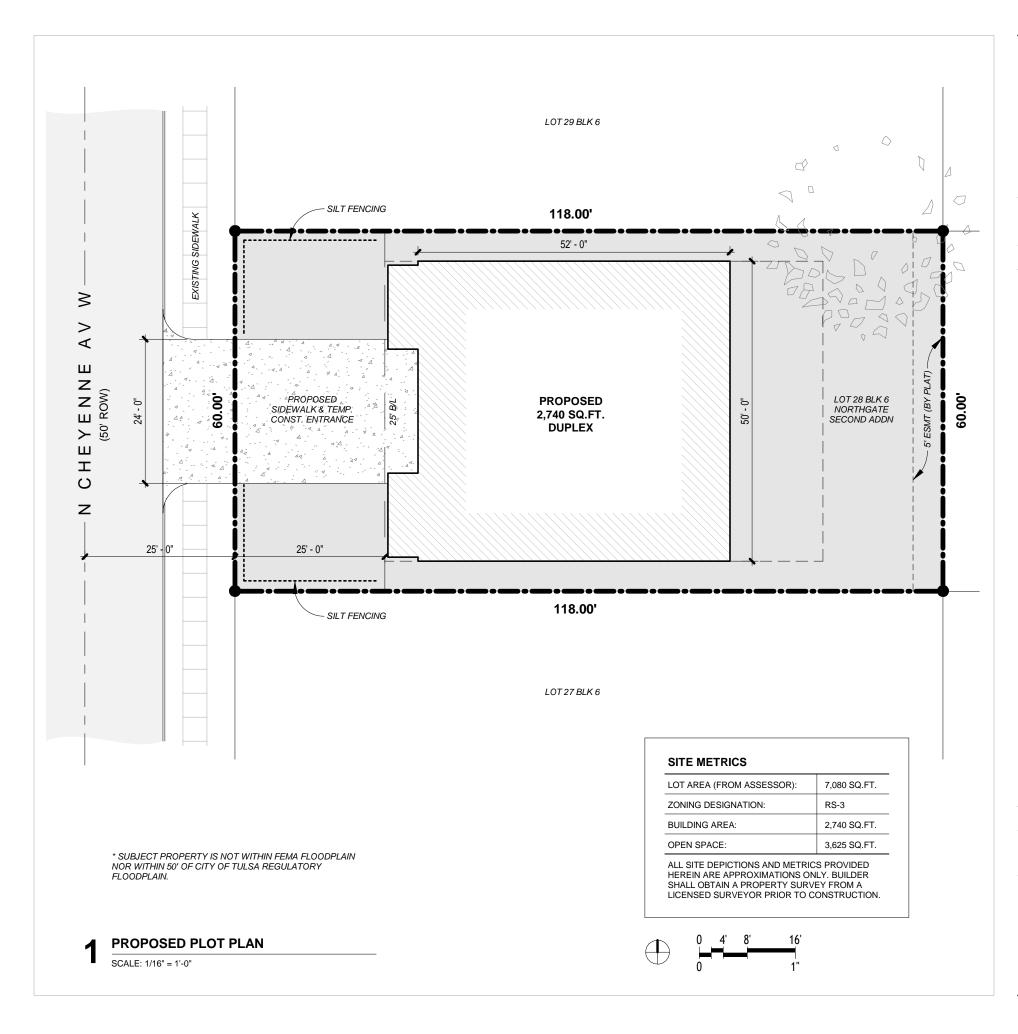
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PLAN VIEW NOT TO SCALE

### STANDARD CONSTRUCTION ENTRANCE NOTES:

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### M+P ADVOCATES

MAPPING | PLANNING | DESIGN

T: 918.695.7215

E: MPLUSPNET@GMAIL.COM

PREPARED FOR:

61:4 PROPERTIES AND MANAGEMENT LLC

PROJECT ID: P-2313

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NEW CONSTRUCTION PERMIT SET

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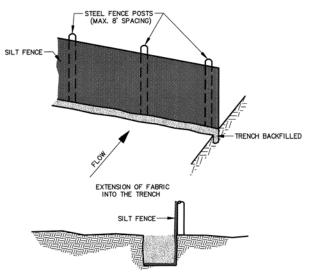
PUBLISH DATE: 2023-10-30

THIS SHEET SET AND THE DRAWINGS CONTAINED HEREIN SHALL NOT BE MODIFIED OR REPRODUCED WITHOUT THE EXPLICIT, WRITTEN CONSENT OF M+P ADVOCATES.

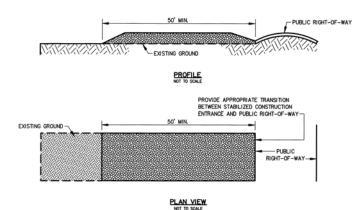
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SITE & EROSION CONTROL PLAN

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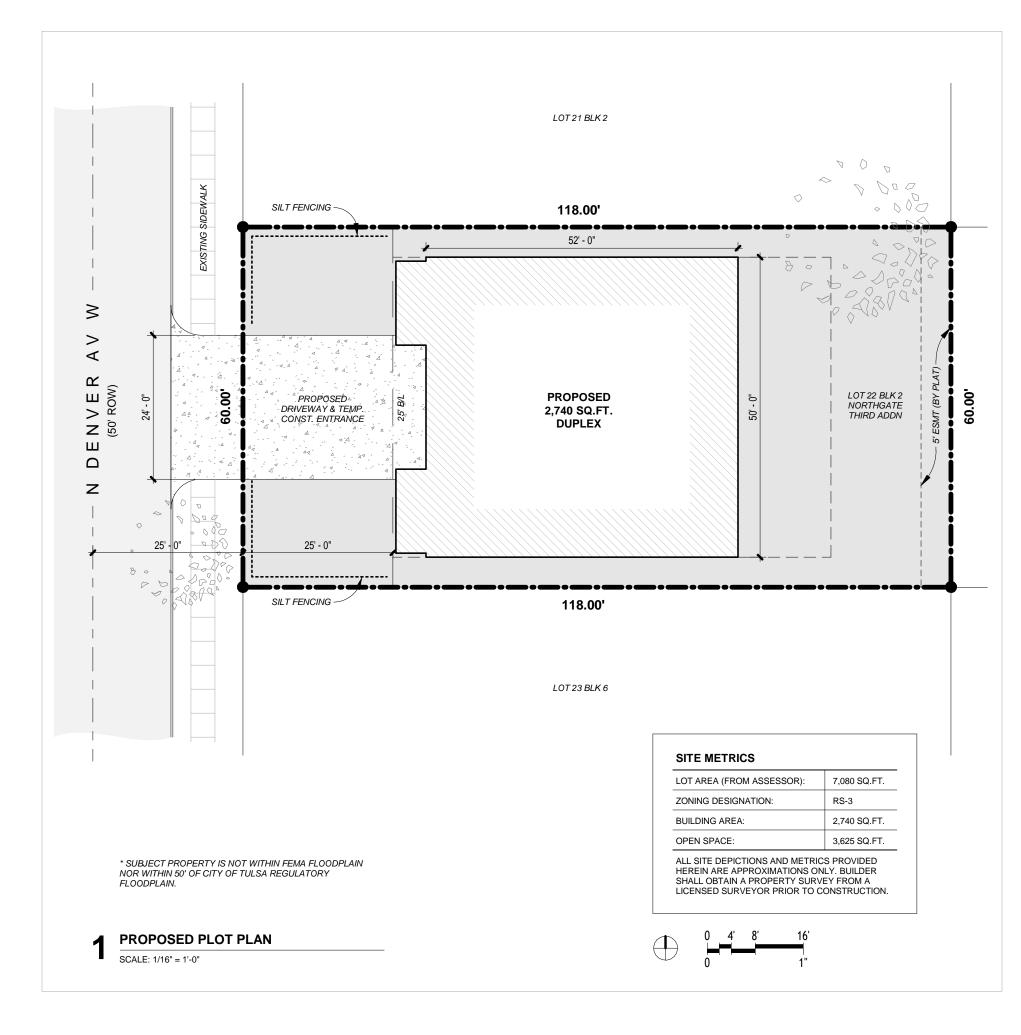


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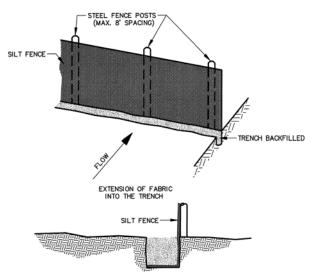
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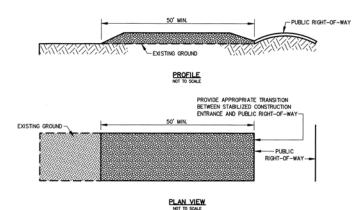
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SITE & EROSION **CONTROL PLAN** 

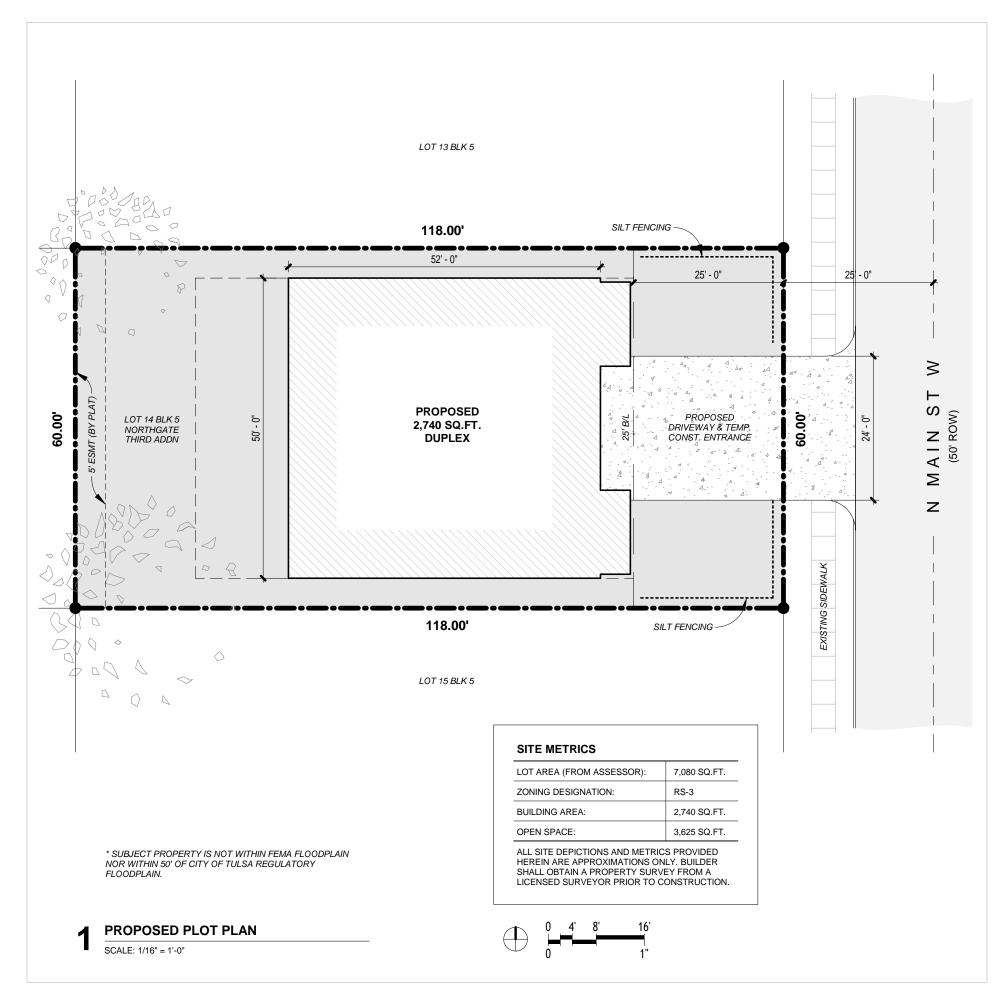


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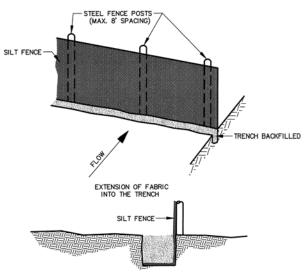
**NEW CONSTRUCTION PERMIT SET** 46

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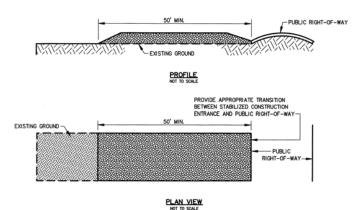
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**SITE & EROSION CONTROL PLAN** 

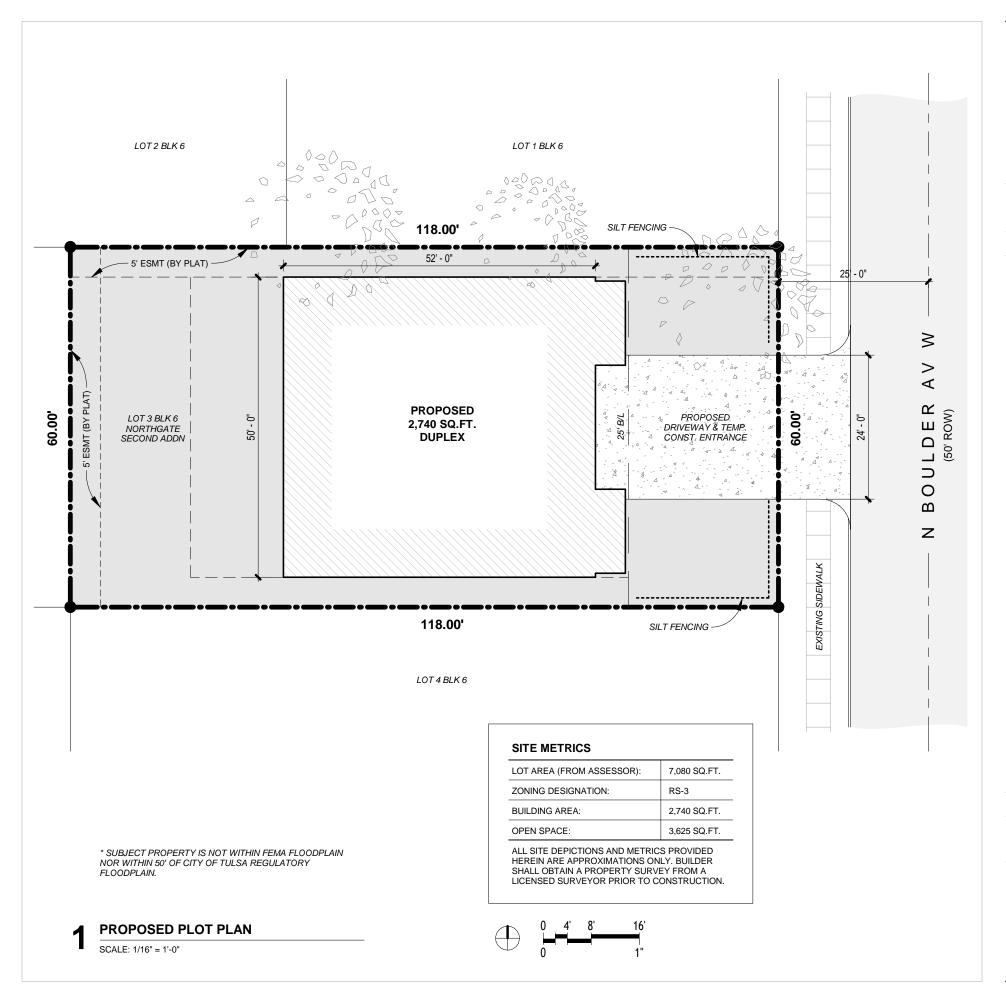


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# NEW CONSTRUCTION PERMIT SET

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PUBLISH DATE: 2023-10-30

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SITE & EROSION CONTROL PLAN

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