



**Board of Adjustment**

**Staff Report  
Variance BOA-23689**

**Hearing Date:** May 14, 2024  
**Prepared by:** Sean Wallace  
swallace@cityoftulsa.org  
918-596-7585

**Owner and Applicant Information**

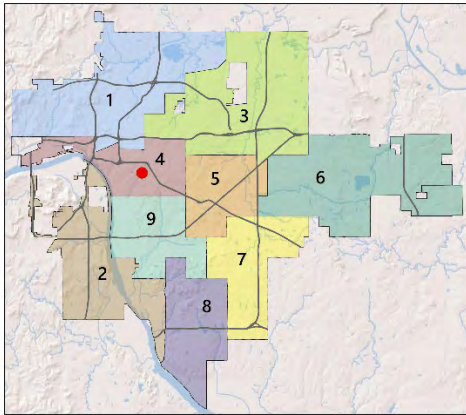
Applicant: Tom Neal  
Property Owner: Jesse Stewart

**Property Location**

2131 E. 19th St.  
Tract Size: ±.2 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

**Request Summary**

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 in the rear setback (Section 90.090-C); 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); Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D).

**Zoning**

Zoning District: RS-3  
Zoning Overlays: Yorktown Historic Preservation District

**Comprehensive Plan Considerations**

**Land Use**

Land Use Plan: Neighborhood  
Small Area Plans: None  
Development Era: Streetcar

**Transportation**

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

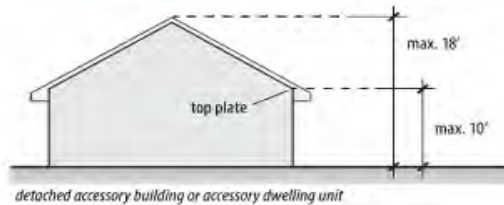
**Environment**

Flood Area: N/A  
Tree Canopy Coverage: 10-20%  
Parks & Open Space: N/A

## Staff Analysis

The applicant is requesting a 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 in the rear setback (Section 90.090-C); 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); Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D).

*Figure 90-9: Maximum Height of Accessory Buildings, Including Accessory Dwelling Units In Rear Setbacks (RE, RS and RD Districts or RM Zoned Lots Used for Detached Houses or Duplexes)*



### 6. Accessory Dwelling Unit Size

#### a. 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, may not exceed 750 square feet or 40% of the floor area of the principal residential structure, whichever is greater. [1]

#### b. 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, the total aggregate floor area of all detached accessory buildings, including accessory dwelling units, may not exceed 500 square feet or 40% of the floor area of the principal residential structure, whichever is greater. [1]

### Relevant Case History

- None

## Comprehensive Plan Considerations

### Land Use Plan

The subject property is designated as 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 from 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/HP District	Neighborhood	Residential
East	RS-3/HP District	Neighborhood	Residential
South	RS-3/HP District	Neighborhood	Residential
West	RS-3/HP District	Neighborhood	Residential

**Small Area Plans**

The subject property is not within a small area plan.

**Development Era**

The subject property is in an area developed during the Streetcar Era (1910s-30s), prior to the proliferation of automobiles, when streetcars facilitated growth beyond downtown. Land uses range from fully integrated to somewhat separated, on a half-mile grid, with a mix of housing options. Priorities in these areas include walkability, bikeability, access to public transit, historic preservation, housing type variety, mixed-use development, transit-oriented development, commercial districts, and well-designed streetscapes.

**Transportation**

Major Street & Highway Plan: N/A

Comprehensive Plan Street Designation: N/A

Transit: N/A

Existing Bike/Ped Facilities: None

Planned Bike/Ped Facilities: None

Arterial Traffic per Lane: 3,807 vehicles per lane per day on E 21st St.

**Environmental Considerations**

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

Tree Canopy Coverage: Tree canopy in the area is 14%. Preserving the limited existing canopy should be encouraged, as well as measures to increase the canopy through landscaping. Street-lining trees in particular should be encouraged to spread the benefit of the tree canopy to the pedestrian realm.

Parks & Open Space: N/A

**Sample Motion**

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.

And I move to *approve or deny* a 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 in the rear setback (Section 90.090-C); and 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).

- 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:

- 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;
- That literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose;
- 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;
- That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- That the variance to be granted is the minimum variance that will afford relief;
- 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
- 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**

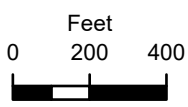
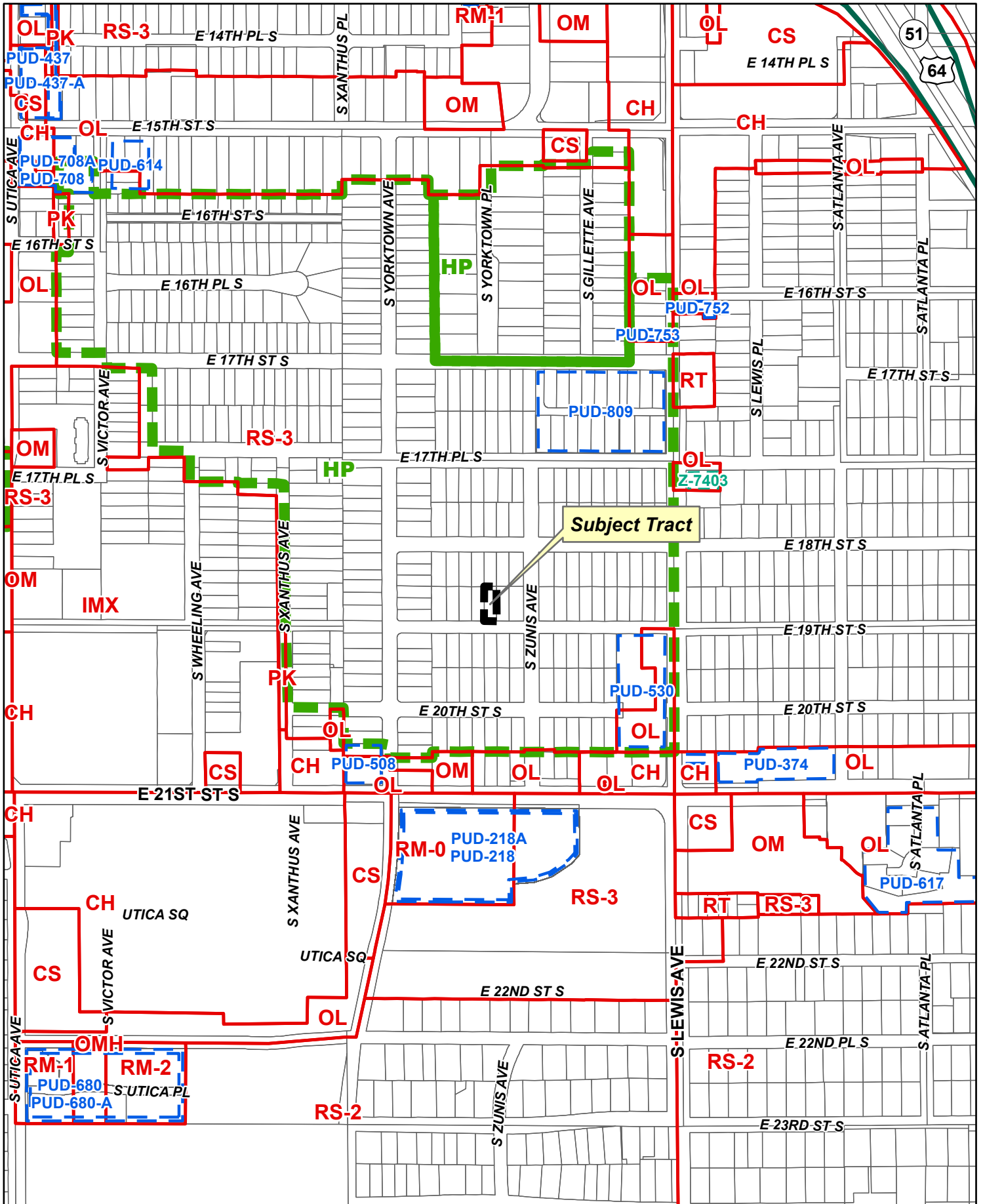
Lot 17 Block 5 Woodward Park Addn to the City of Tulsa, Tulsa County, State of Oklahoma

**Exhibits**

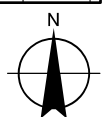
- Case map
- Aerial (small scale)
- Aerial (large scale)
- Photos
- Tulsa Comprehensive Plan Land Use Map



***Subject property from E 19th St (Image used from Google Street view)***



**BOA-23689**





E 18TH ST S

S ZUNIS AVE

HP

E 19TH ST S



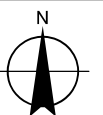
Subject Tract

0 30 60 120 Feet

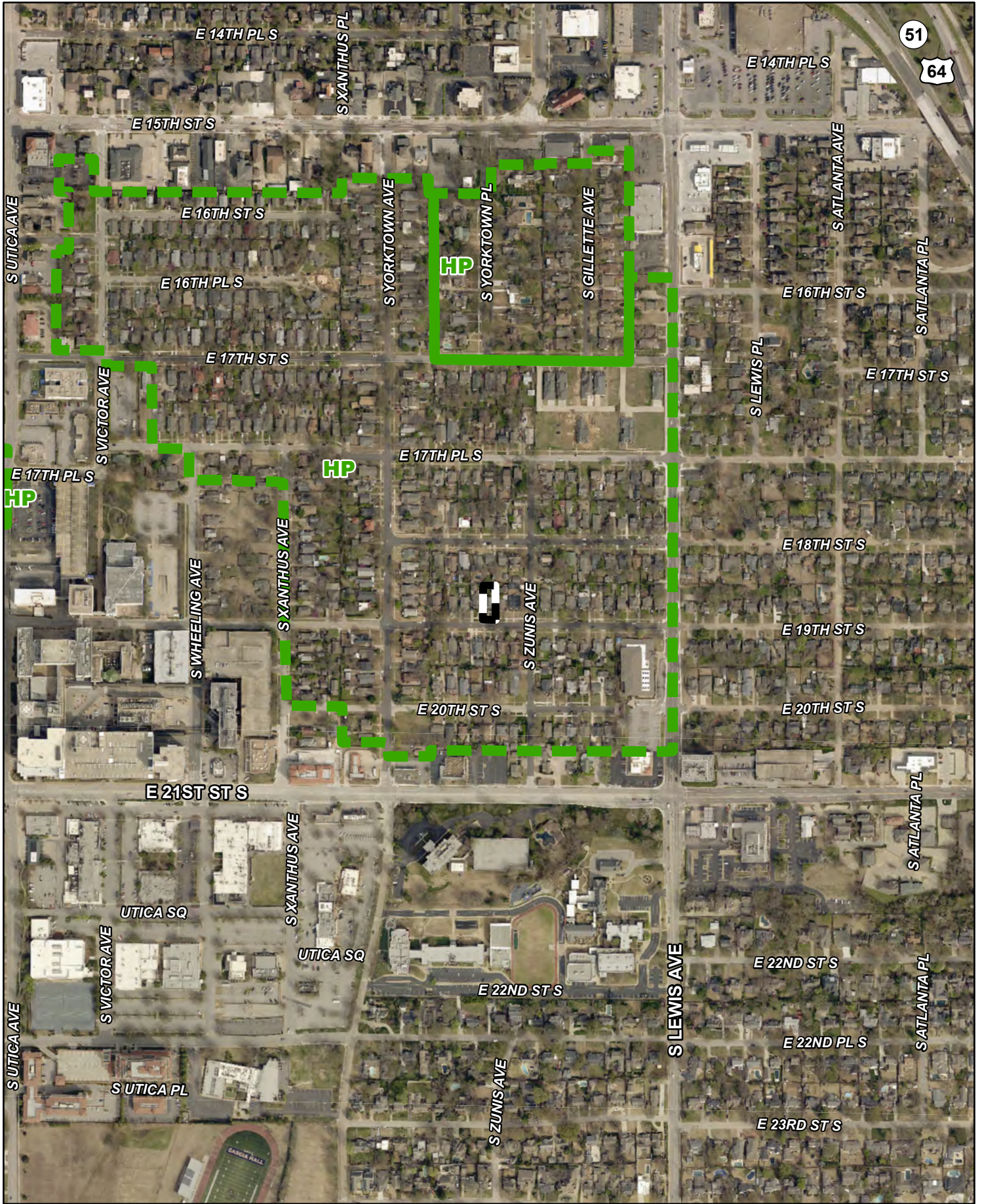
**BOA-23689**

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

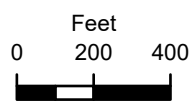
Aerial Photo Date: 2021



6.7



51  
64

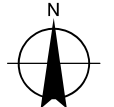


 Subject Tract

**BOA-23689**

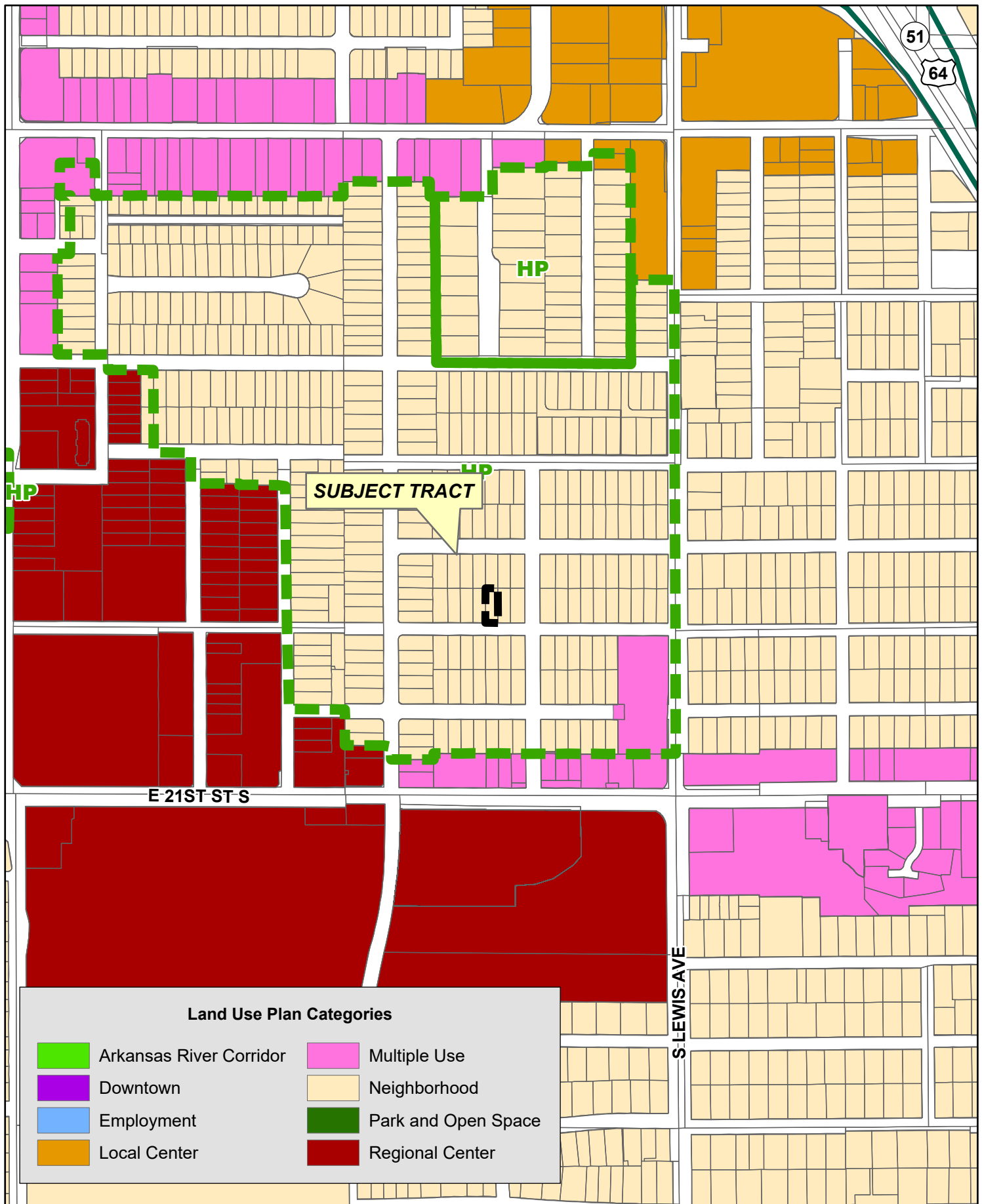
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2021



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HP

HP









HP

**SUBJECT TRACT**

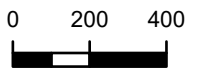
E-21ST-ST S

S-LEWIS-AVE

**Land Use Plan Categories**

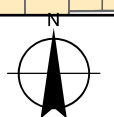
- |   |   |
|---|---|
|  Arkansas River Corridor |  Multiple Use        |
|  Downtown                |  Neighborhood        |
|  Employment              |  Park and Open Space |
|  Local Center            |  Regional Center     |

Feet

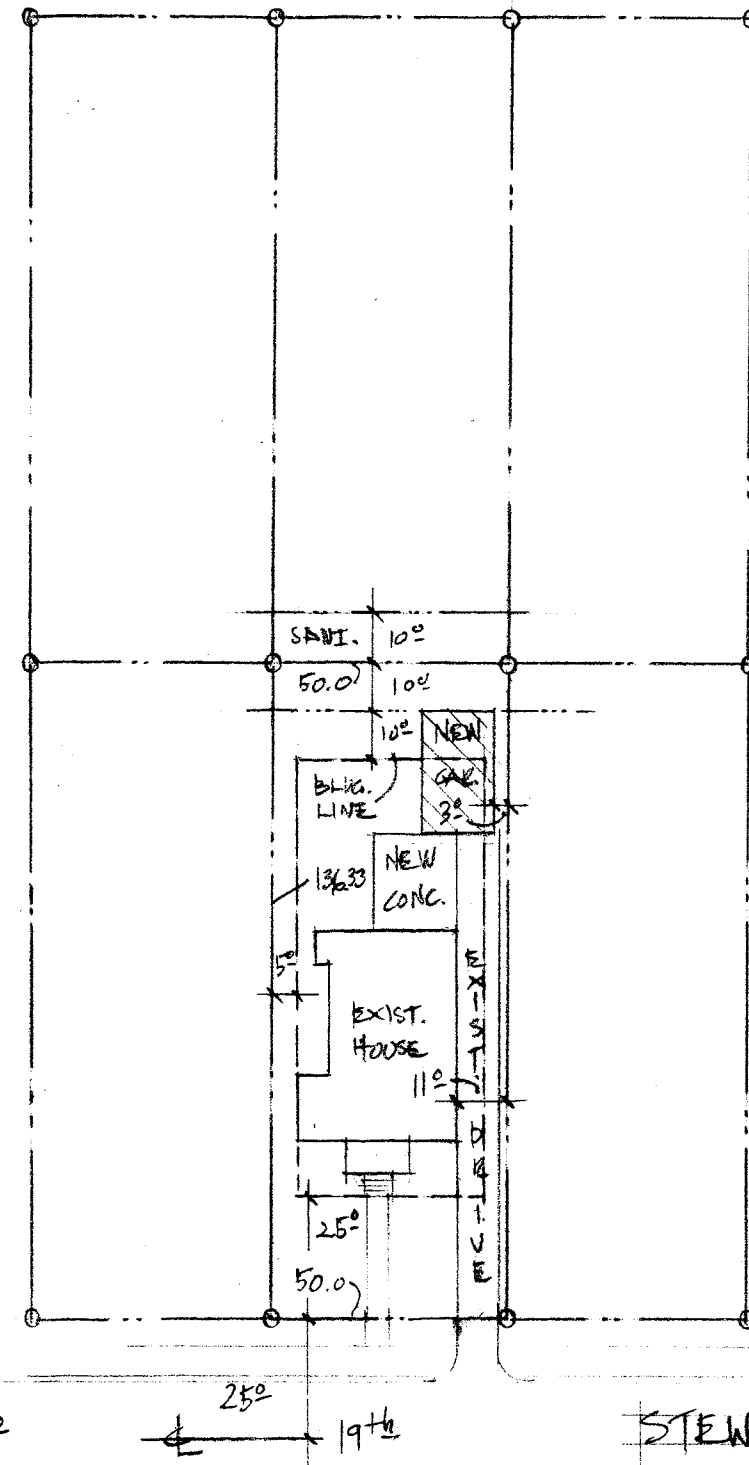
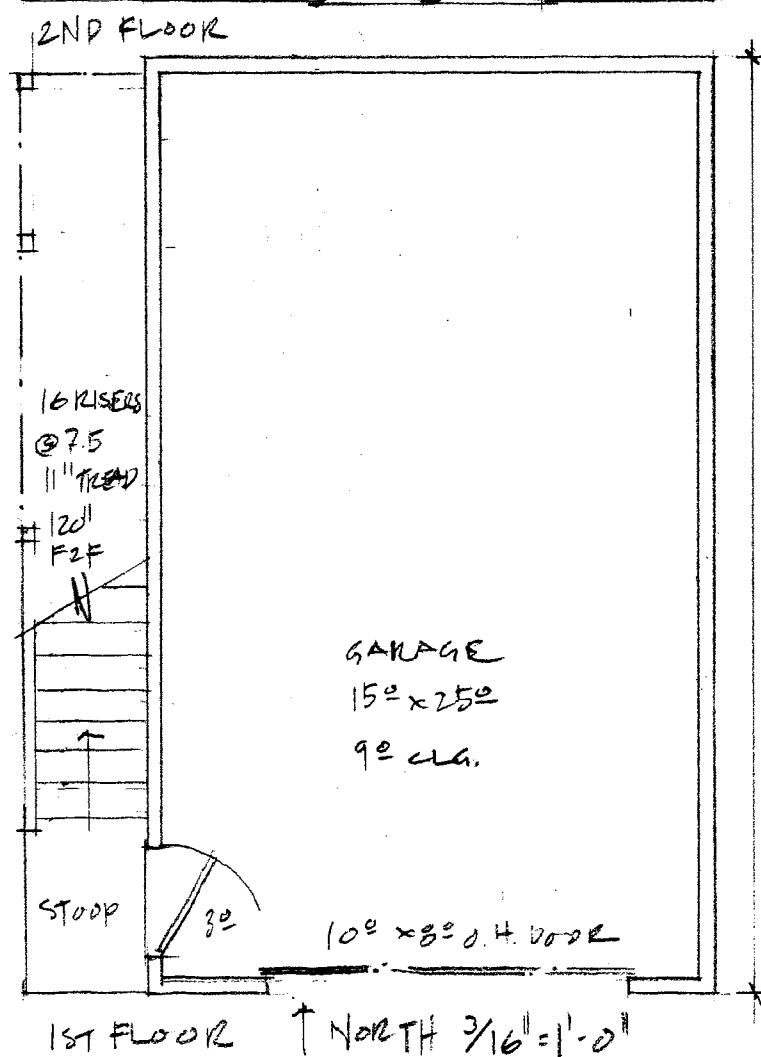
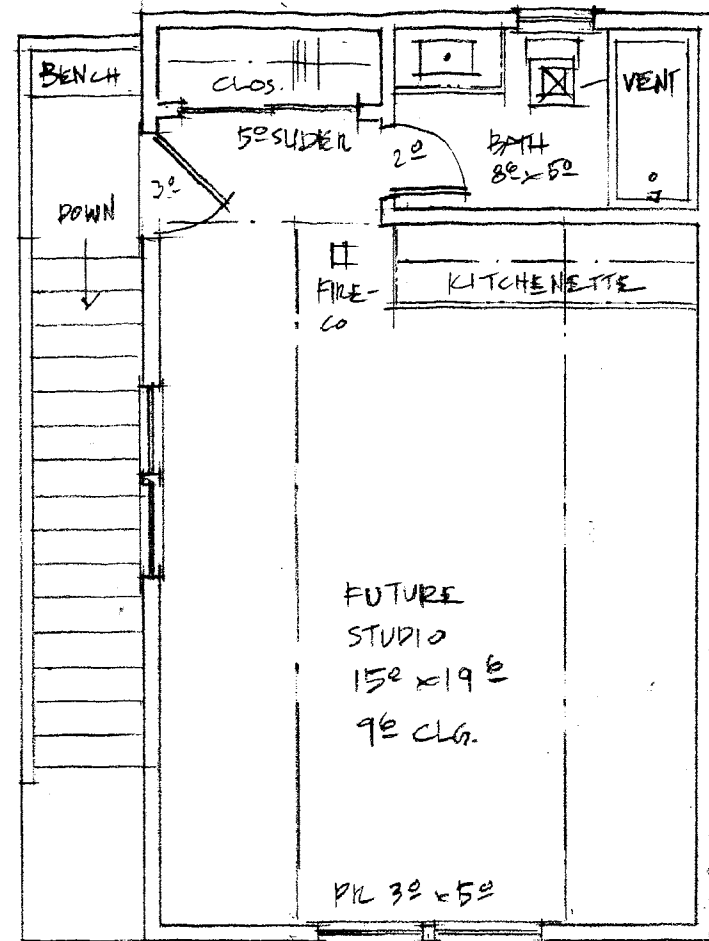
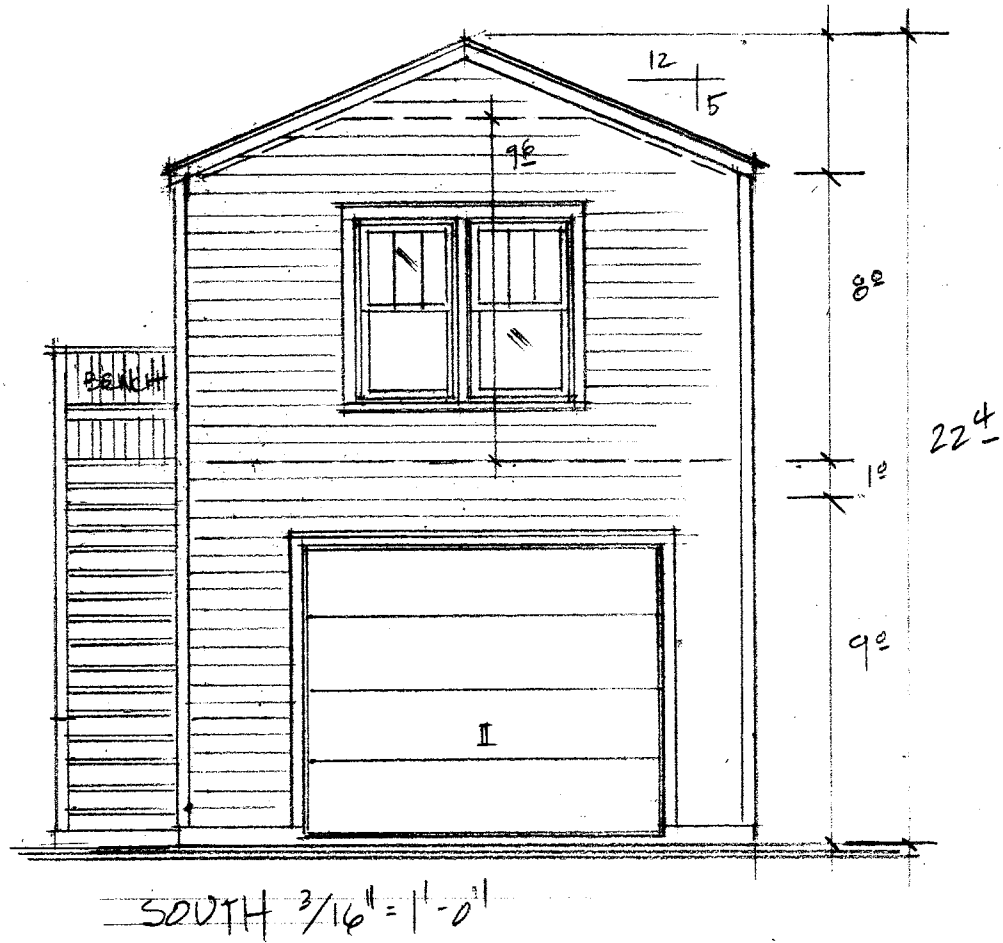
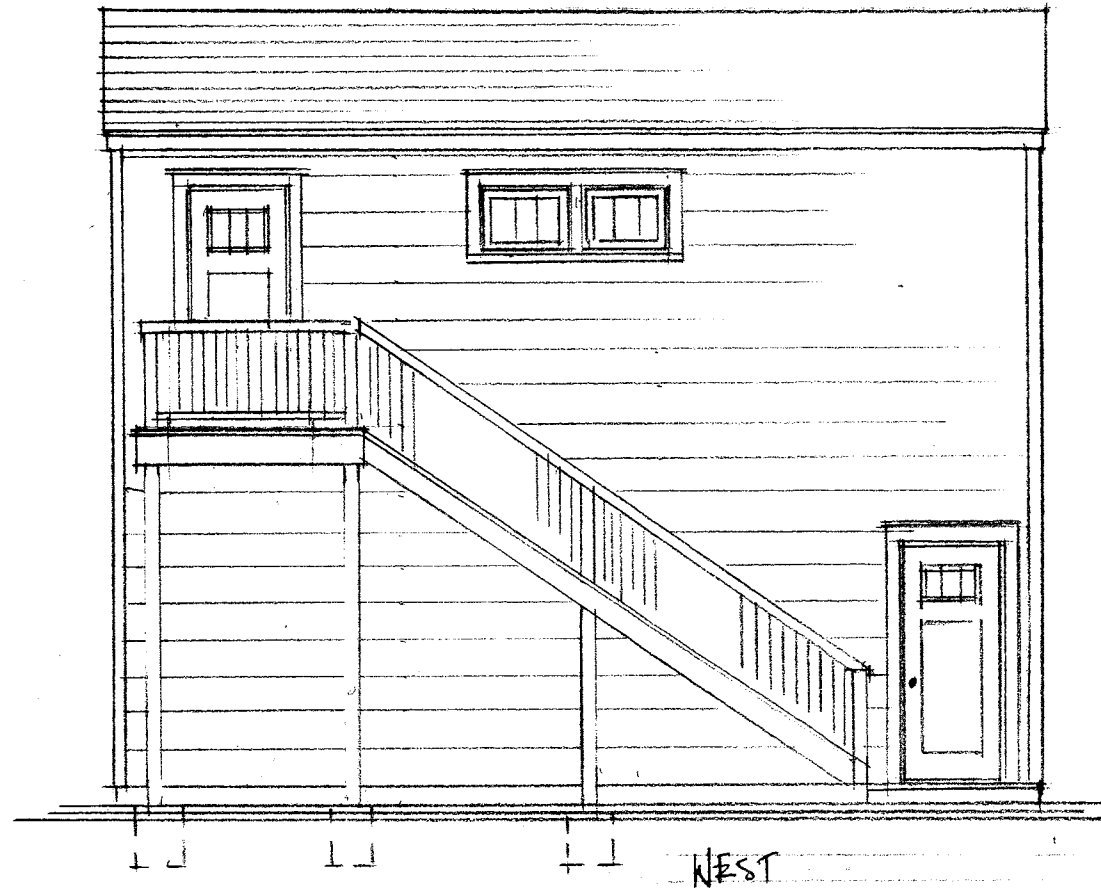


**BOA-23689**

19-14 04



6.9



LT 17, BLK 5, WOODWARD  
 PARK ADDN, RS. 3 H = 40'  
 2 FL. GAR. 416 SF EA FL.  
 REAR YD ALLOWED 300 SF.  
 REAR YD COVERED 160 SF.

STEWART  
 213 EAST 19 STREET  
 TULSA-OKLA 3-2024

TOM NEAL  
 DESIGN  
 Associate member, American Institute of Architects  
 918.231.7372