**Owner and Applicant Information**
Applicant: Cody Holbrook  
Property Owner: 2H Contracting LLC

**Property Location**
2807 E. 3rd St.
Tract Size: ±.15 acres

**Location within the City of Tulsa**  
*shown with City Council districts*

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**Request Summary**
Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); 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, 45.031-D.6)

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

**Comprehensive Plan Considerations**

| Land Use | Small Area Plans: Kendall-Whittier  
| Development Era: Streetcar

| Transportation | Major Street & Highway Plan: Urban Arterial & Multi-Modal Corridor (Delaware Ave.)  
| Transit: Bus Route on 3rd

| Existing Bike/Ped Facilities: Sharrow along E 3rd St in the Tulsa Go Plan and Sidewalks  
| Planned Bike/Ped Facilities: Signed Route on Delaware Ave

**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  

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**Elected Representatives**
- **City Council:** District 4, Laura Bellis.  
- **County Commission:** District 1, Stan Sallee.

**Environment**
- **Flood Area:** N/A  
- **Tree Canopy Coverage:** 10-20%  
- **Parks & Open Space:** N/A
Staff Analysis
The applicant is attempting to obtain a Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); 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, 45.031-D.6). The square footage of the accessory building is 1090 square feet.

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 RO, RI, RM and RMH districts on lots occupied by a detached house.

2. Number
   No more than one accessory dwelling unit is allowed per lot.

3. Methods of Creation
   An accessory dwelling unit may be created only through the following methods:
   a. Constructing an accessory dwelling unit on a lot with a new or existing detached house; or
   b. Converting or increasing existing floor area within an accessory building on a lot with an existing detached house.

4. Density (Minimum Lot Area and Lot Area per Unit)
   No additional lot area or lot area per unit is required for the accessory dwelling unit.

5. Open space (Minimum open space per unit)
   No additional open space is required for the accessory dwelling unit.

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.

[1] For detached accessory buildings, including accessory dwelling units, located within rear setbacks, see §90.030-C2.
**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:**

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning/Overlay</th>
<th>Existing Land Use Designation</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>RS-3</td>
<td>Neighborhood</td>
<td>Residential</td>
</tr>
<tr>
<td>East</td>
<td>RS-3</td>
<td>Neighborhood</td>
<td>Residential</td>
</tr>
<tr>
<td>South</td>
<td>RS-3</td>
<td>Neighborhood</td>
<td>Residential</td>
</tr>
<tr>
<td>West</td>
<td>RS-3</td>
<td>Neighborhood</td>
<td>Residential</td>
</tr>
</tbody>
</table>

**Small Area Plans**

The subject properties are within the Kendall-Whittier 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:** Urban Arterial & Multi-Modal Corridor (Delaware Ave.)

**Comprehensive Plan Street Designation:** N/A

**Transit:** Bus Route on 3rd

**Existing Bike/Ped Facilities:** Sharrow along E 3rd St in the Tulsa Go Plan and Sidewalks

**Planned Bike/Ped Facilities:** Signed Route on Delaware Ave.

**Arterial Traffic per Lane:** South (E 3rd St S - 1,985 Vehicles per Lane)

**Environmental Considerations**

**Flood Area:** N/A

**Tree Canopy Coverage:** 10-20% 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.
**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);

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, 45.031-D.6)

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.

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.

**Property Description**

E 1/2 of Lt 6 Blk 5, Pleasant View Addn, City of Tulsa, Tulsa County, State of Oklahoma

**Exhibits**

Case map
Aerial (small scale)
Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map
Applicant Exhibits
BOA-23701

Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: 2021

Subject Tract

0  30  60  120 Feet

12.7
2807 E Third Street

Photographs of New Structure “Unit B” in its current status

West side of structure
South West Corner of Structure
East side of structure
North West side of structure
Interior view of east bedrooms/living room
Interior view of north bedroom