



**Board of Adjustment**

**Staff Report  
BOA-23722**

**Hearing Date:** July 23, 2024 (Continued from June 25, 2024)  
**Prepared by:** Nathan Foster  
nathanfoster@cityoftulsa.org  
918-596-7609

**Owner and Applicant Information**

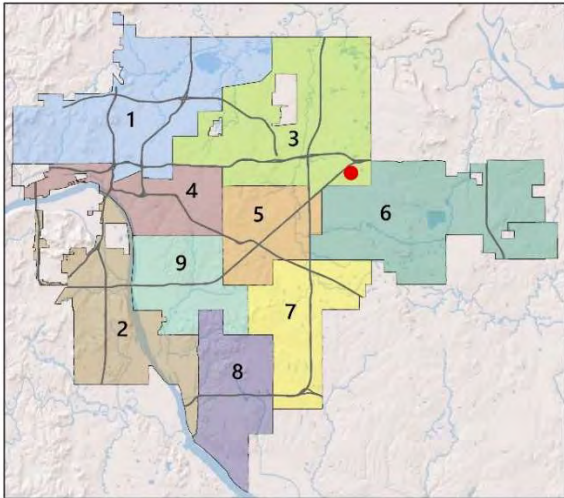
Applicant: Raul Cisneros  
Property Owner: FBK Investments LLC

**Property Location**

12884 East 7th Street South  
  
Tract Size: ±0.93 acres

**Location within the City of Tulsa**

*(shown with City Council districts)*



**Elected Representatives**

City Council: District 3, Crista Patrick  
County Commission: 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 an Accessory Dwelling Unit (ADU) in the RS-2 Zoning District (Sec. 45.031-D); Special Exception to increase the permitted driveway width in a RS district (Sec. 55.090-F.3); 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 (Sections 45.030-A, 45.031-D.6)

**Zoning**

Zoning District: RS-2  
Zoning Overlays: N/A

**Comprehensive Plan Considerations**

**Land Use**

Land Use Plan: Employment  
Small Area Plans: East Tulsa  
Development Era: Late Automobile

**Transportation**

Major Street & Highway Plan: East 7th Street South  
(Residential Collector) & South 129th East Avenue  
(Secondary Arterial)  
planitulsa Street Type: N/A

Transit: Regular Route

Existing Bike/Ped Facilities: Sidewalk on 129th East Avenue

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 proposing a Special Exception to permit an ADU in the RS-2 Zoning District (Sec. 45.031-D); Special Exception to increase the permitted driveway width in a RS district (Sec. 55.090-F.3); 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-A, 45.031-D.6).

There are four existing structures on the lot. The main residence, an accessory building, a storage shed, and a detached garage. The applicant is proposing to renovate the accessory building and create an accessory dwelling unit which requires a special exception approval. The applicant is also proposing to add two additional storage buildings to the south portion of the lot which are each 200 square feet. The total square footage of the proposed accessory structures exceeds the permitted square footage allowed by the zoning code and requires a variance.

The zoning code restricts accessory buildings in the RS-2 district to an aggregate of 500 square feet or 40% of the floor area of the principal structure, whichever is greater. The County Assessor lists the principal residence as 1,086 square feet. This would set the limit of accessory building square footage for the lot at 500 square feet. The case was continued from the June 25<sup>th</sup> hearing to allow the applicant time to provide an updated site plan with square footage calculations for all accessory buildings on the lot. A variance is required for any square footage that exceeds the requirements of the code.

The lot currently has an allowed combined driveway width of 27' within the right of way and 30' within the street setback per Section 55.090-F of the Tulsa Zoning Code.

In the current state, the combined driveway width is already over the allowed width by having a combined 60' of driveway. The applicant is proposing a new 12'-6" driveway along the East side of the property, which would increase the total driveway width to 72'-6". Driveways exceeding the limits of Section 55.090 require a special exception approval.

**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.

**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**

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]

[1] For detached accessory buildings, including accessory dwelling units, located within rear setbacks, see §90.090-C2.

**Section 55.090-F**

Maximum Driveway Width

Lot Frontage	75'+	60' - 74'	46' - 59'	30' - 45'	Less than 30' [2]
Driveway Within Right-of-Way (feet) [1]	27'	26'	22'	20'	12'
Driveway Within Street Setback (feet)	30'	30'	--	--	--

[1] Maximum width applies to the composite of all driveways if multiple curb cuts are provided.  
[2] Provided that for lot frontages less than 24 feet, a driveway up to 12 feet in width is permitted.

For approvals granted under the terms of the zoning code in effect prior to January 1, 2016, including (1) variances of maximum driveway coverage measured by width, square footage or percentage of yard and (2) establishment of PUD development standards that increase the maximum permitted driveway coverage measured by any such means, the foregoing maximums do not apply.

Relevant Case History

- None

**Statement of Hardship**

“Variance to accommodate the addition of two supplementary storage units on the premises. Our preference is for these units to be standalone structures, separate from the existing building, primarily for aesthetic reasons. They will not obstruct any existing pathways or impede access. Given our ample space available, segregating the storage facilities from the main structure is both feasible and desirable.”

**Comprehensive Plan Considerations**

**Land Use Plan**

The subject property is designated as employment.

**Employment** is intended to accommodate offices, warehousing and storage, manufacturing and assembly, and industrial processes. The Industrial Site Suitability map corresponds to the Employment land use designation and indicates where uses that are potentially incompatible with sensitive land uses are best suited to locate. This directs industrial uses to particular areas of the city while discouraging industrial in close proximity to Neighborhood areas.

Surrounding Properties:

<u>Location</u>	<u>Existing Zoning/Overlay</u>	<u>Existing Land Use Designation</u>	<u>Existing Use</u>
North	CO	Employment	Residence
East	CG/ODP	Multiple Use	Vacant
South	CO	Employment	Residence
West	RS-2	Neighborhood	Residence

**Small Area Plans**

The subject properties are a part of the East Tulsa 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: East 7th Street South is a Residential Collector, and South 129th East Avenue is a Secondary Arterial.

Comprehensive Plan Street Designation: N/A

Transit: Regular Route 470 runs along 129th East Avenue.

Existing Bike/Ped Facilities: A sidewalk runs along 129th East Avenue.

Planned Bike/Ped Facilities: None

Arterial Traffic per Lane: South 129th East Avenue (2500 – 5000 per lane)

**Environmental Considerations**

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

Tree Canopy Coverage: Tree canopy in the area is 12%. 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**

**Special Exception**

I move to approve or deny a Special Exception to permit a Special Exception to permit an ADU in the RS-2 Zoning District (Sec. 45.031-D); and a Special Exception to increase the permitted driveway width in a RS district (Sec. 55.090-F.3)

- 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 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): \_\_\_\_\_.

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**

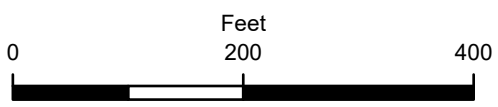
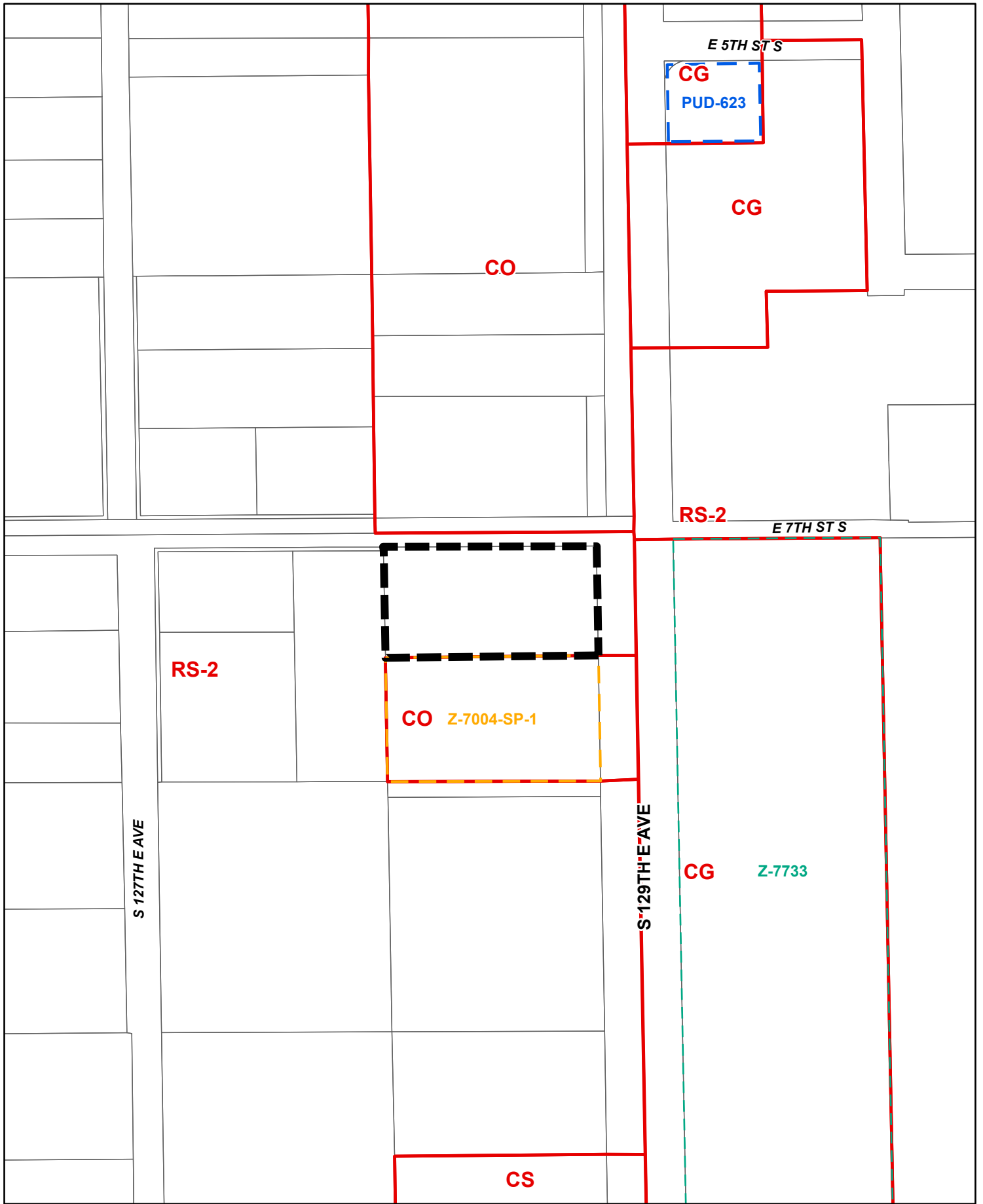
N/2 NE NE SE SE LESS E50 & LESS N20 W280 FOR ST SEC 5 19 14 .932AC, CITY OF TULSA, TULSA COUNTY STATE OF OKLAHOMA



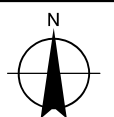
(Image from Google Street View of 12884 East 7th Street)

**Exhibits**

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



**BOA-23722**







E 5TH ST S

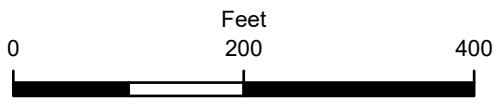
E 7TH ST S

S 127TH E AVE

S 129TH E AVE



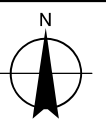
Subject Tract



**BOA-23722**

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

Aerial Photo Date: 2021



2.9



E 7TH STS

S 129TH E AVE

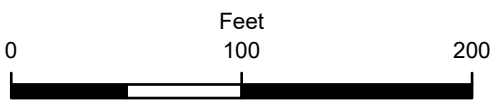
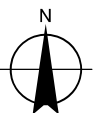


Subject Tract

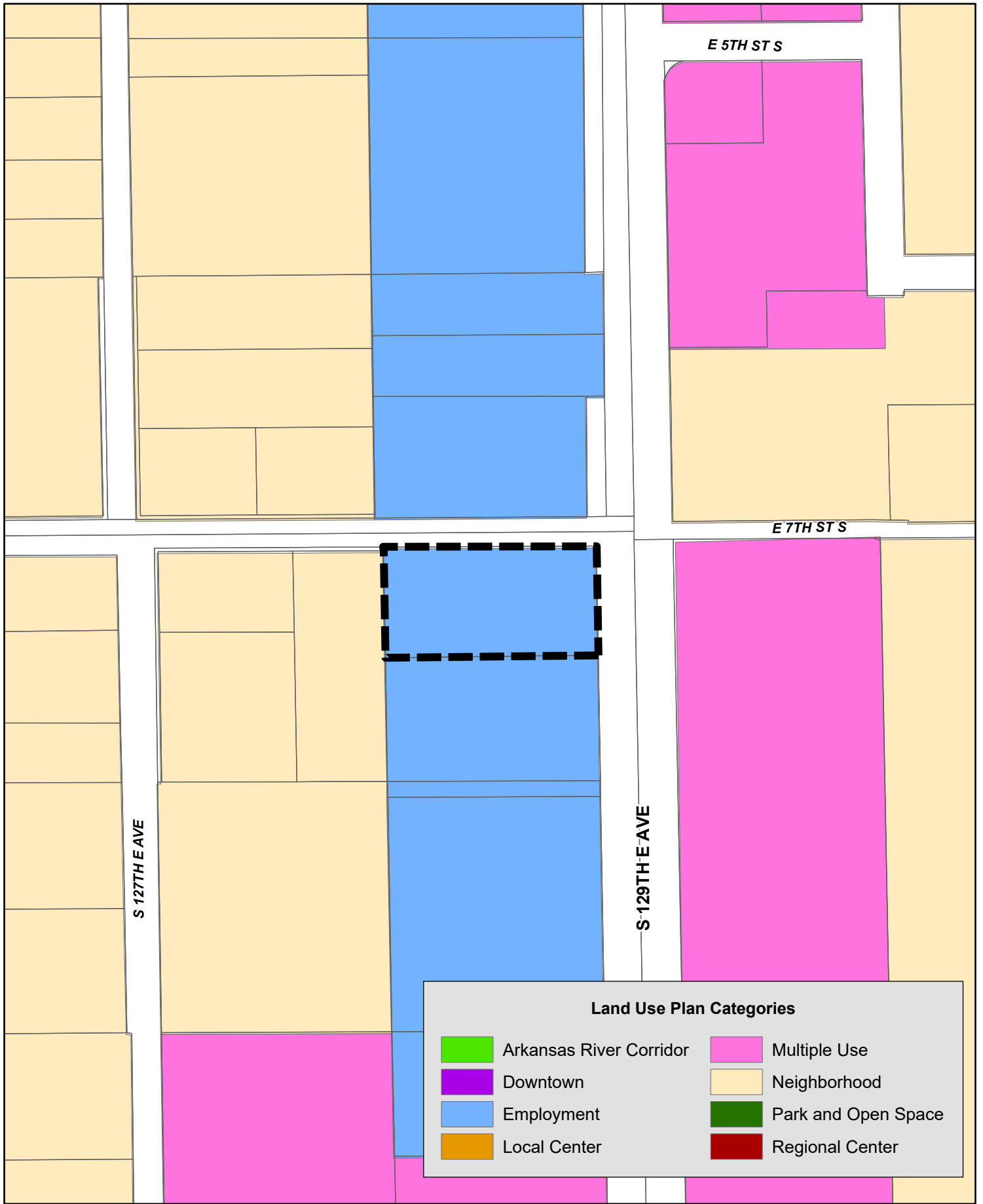
**BOA-23722**

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









Aerial Photo Date: 2021

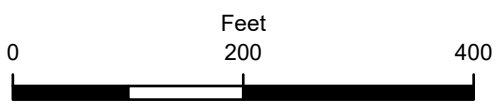


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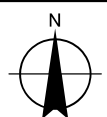


**Land Use Plan Categories**

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



**BOA-23722**



2.11



**ACTIONS REQUESTED:**

Special exception to permit an ADU in the RS-2 zoning district. (Sec.45.031-D)

Special exception to increase the permitted driveway width in a RS district. (Sec.55.090-F.3)

Variance to allow the floor area of detached accessory buildings to exceed 500 sf and 40% of the floor area of principal residential structure. (Sec. 45.03D-A 45.031-D.6)

**PROJECT TEAM**

**DESIGN:**  
 RCJ DESIGNS, LLC  
 8246 E 73RD ST  
 TULSA, OK 74133  
 RAUL CISNEROS JR  
 918.859.9343  
 RAUL@RCJDESIGNS.COM  
 WWW.RCJDESIGNS.COM

**SCOPE OF WORK**

**SUMMARY:**  
 REMODELING EXISTING ADU, ADDING WOOD FENCING ALL AROUND THE PROPERTY, AND ADDING/REPAIRING EXISTING DRIVEWAYS.

**SHEET INDEX**

A0 SITE PLAN



TULSA, OK  
 N I R . D E S I G N S  
 WWW.RCJDESIGNS.COM



**1 SITE PLAN**  
 1/16" = 1'-0"

DRAWN FOR:  
**FPK INVESTMENTS**

12884 E 7TH ST S  
 TULSA, OK 74128

NO.	REVISION	DATE

PROJECT NUMBER:  
 23119  
 ISSUE:  
 BOA SUBMITTAL  
 DATE:  
 05.15.2024  
 DRAWN BY:  
 RCJ  
 CHECKED BY:  
 RCJ  
 SHEET TITLE:

**SITE PLAN**

**A0**



**PROJECT TEAM**

**DESIGN:**

RCJ DESIGNS, LLC  
8246 E 73RD ST  
TULSA, OK 74133

RAUL CISNEROS JR  
918.859.9343  
RAUL@RCJDESIGNS.COM  
WWW.RCJDESIGNS.COM

**SCOPE OF WORK**

**SUMMARY:**

REMODELING EXISTING ADU, ADDING WOOD FENCING ALL AROUND THE PROPERTY, AND ADDING/REPAIRING EXISTING DRIVEWAYS.

**SHEET INDEX**

A0 SITE PLAN

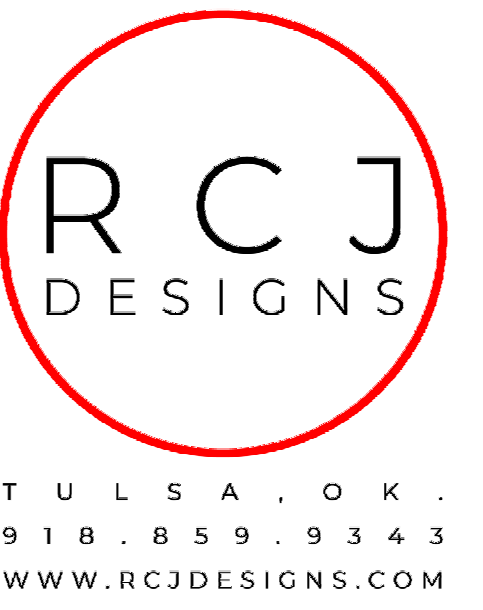
**PROJECT INFORMATION**

**LEGAL DESCRIPTION**

SUBDIVISION: UNPLATTED (99405)  
LEGAL: N/2 NE NE SE SE LESS E50 & LESS N20 W280 FOR ST SEC 5 19 14 .932AC  
SECTION: 05 TOWNSHIP: 19 RANGE: 14

**GENERAL INFORMATION**

ZONING: RS-2  
LOT SIZE: 0.93 ACRES / 40,600 SQ FT  
EXISTING RESIDENCE: 1,086 SQ FT  
EXISTING DETACHED GARAGE: 1,080 SQ FT  
EXISTING STORAGE BUILDING: 360 SQ FT  
PROPOSED ADU: 708 SQ FT  
PROPOSED STORAGE BLDG #1: 200 SQ FT  
PROPOSED STORAGE BLDG #2: 200 SQ FT  
TOTAL: 3,634 SQ FT



**1 SITE PLAN**  
1/16" = 1'-0"

DRAWN FOR:  
**FPK INVESTMENTS**

12884 E 7TH ST S  
TULSA, OK 74128

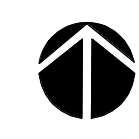
NO.	REVISION	DATE

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07.16.2024  
DRAWN BY:  
RCJ  
CHECKED BY:  
RCJ  
SHEET TITLE:

**SITE PLAN**

**A0**

**2.14**



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