



## Board of Adjustment

## Staff Report

**BOA-23738**

Revised 7/17/2024

**Hearing Date:** July 23, 2024

**Prepared by:** Sean Wallace

swallace@cityoftulsa.org

918-596-7585

### Owner and Applicant Information

Applicant: RCJ Designs, LLC

Property Owner: J Jesus Martinez Rodriguez & Adriana Esparza Esparza

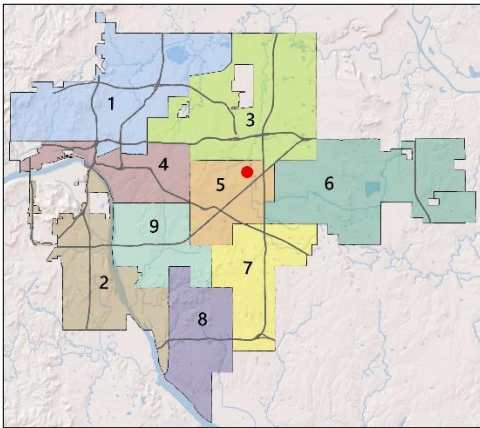
### Property Location

9304 East 17th Place

Tract Size: ±.90 acres

### Location within the City of Tulsa

*(shown with City Council districts)*



### Elected Representatives

City Council: District 5, Grant Miller

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

Posted Sign – min. 10 days in advance

### Request Summary

Special Exception to allow an Accessory Dwelling Unit in an RS-1 District (Section 45.031-D); Variance to allow the floor area of detached accessory buildings to exceed 750 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-1

Zoning Overlays: None

### 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: Mingo Trail is nearby

Planned Bike/Ped Facilities: None

#### Environment

Flood Area: FEMA 500-year floodplain

Tree Canopy Coverage: 30-50%

Parks & Open Space: Mingo Trail is nearby

## Staff Analysis

The applicant requests a special exception to allow an accessory dwelling unit in an RS-1 District (Section 45.031-D) and a variance to allow the floor area of detached accessory buildings to exceed 750 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A, 45.031-D.6).

The applicant proposes to expand the existing detached accessory building and create an accessory dwelling unit (ADU). An ADU is allowed by special exception in the RS-1 district. In the RS-1 district, the total floor area of all accessory buildings cannot exceed 750 square feet or 40% of the floor area of the principal residential building. The existing house has a floor area of 2,418 square feet, so the maximum allowable floor area of accessory buildings on the lot is 967 square feet. The proposed accessory building would have a floor area of ~~1,177~~ 1,188 square feet, which exceeds the maximum allowable floor area by ~~210~~ 221 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 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]

### Relevant Case History

- None

**Statement of Hardship**

Exhibit attached

**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-1	Neighborhood	Residential
East	RS-1	Neighborhood	Residential
South	RS-1	Neighborhood	Residential
West	RS-1	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 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: Mingo Trail is nearby to the east of the subject property.

Planned Bike/Ped Facilities: N/A

Arterial Traffic per Lane: N/A

**Environmental Considerations**

Flood Area: The southwest corner of the subject property is in the FEMA 500-year floodplain.

Tree Canopy Coverage: Tree canopy in the area is 36%. 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.

Parks & Open Space: Mingo Trail is nearby.

**Statement of Hardship**

Exhibit attached

**Sample Motion**

**Special Exception**

I move to approve or deny a Special Exception to allow an Accessory Dwelling Unit in an RS-1 District

- 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 750 square feet and 40% of the floor area of the principal residential structure

- 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.

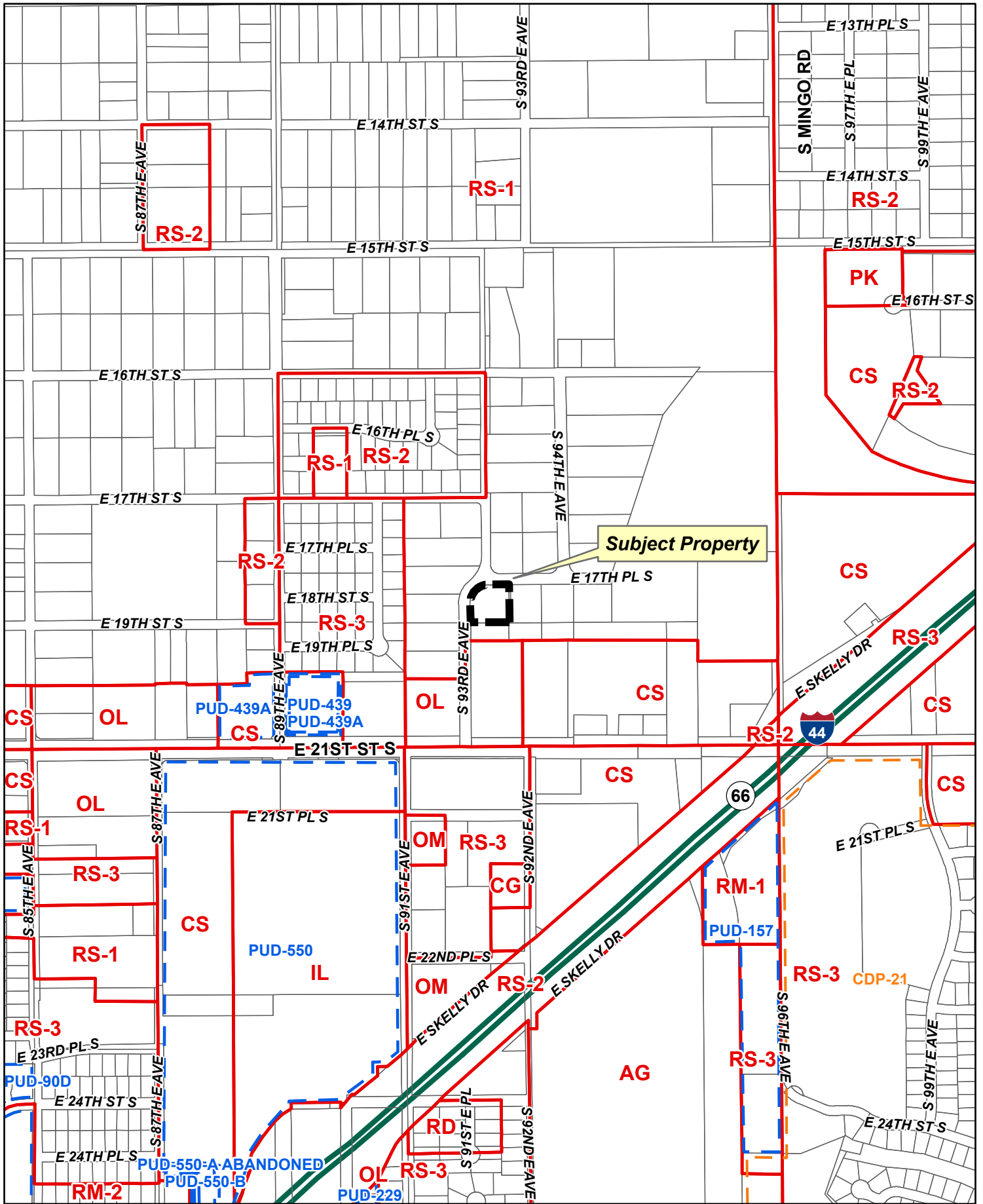
**Property Description**

Lot 4 Less E8 Block 4, Windsor Park Addition, City of Tulsa, Tulsa County, State of Oklahoma

**Exhibits**

- Case map
- Aerial (small scale)

Aerial (large scale)  
Tulsa Comprehensive Plan Land Use Map



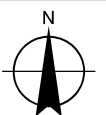
Subject Property

Feet

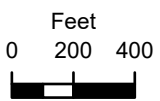
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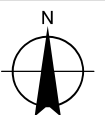


 Subject Tract

**BOA-23738**

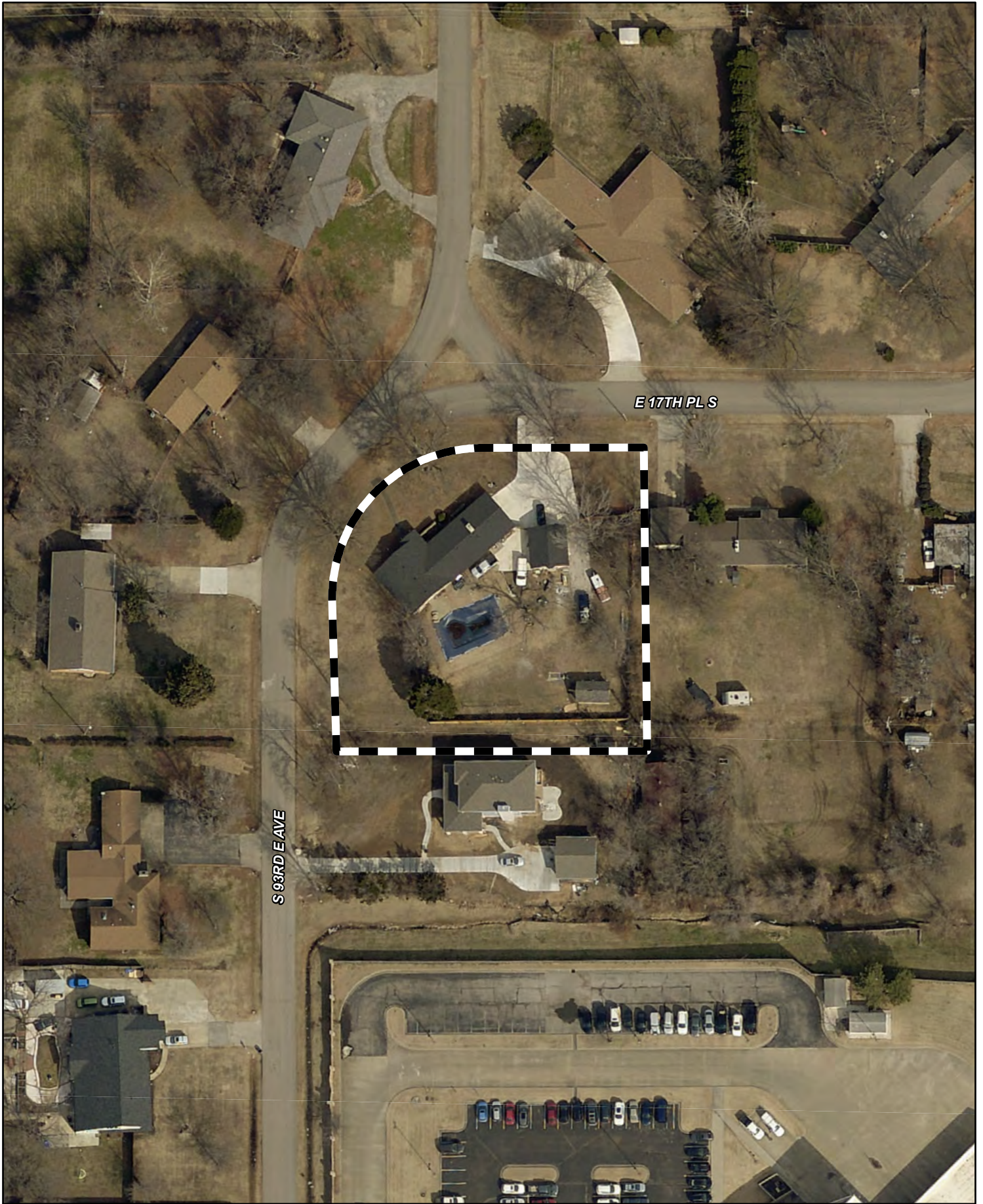
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2021



5.8





E 17TH PLS

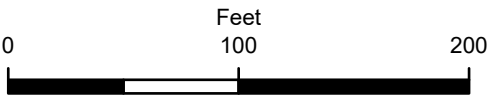
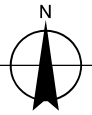
S 93RD E AVE



**BOA-23738**

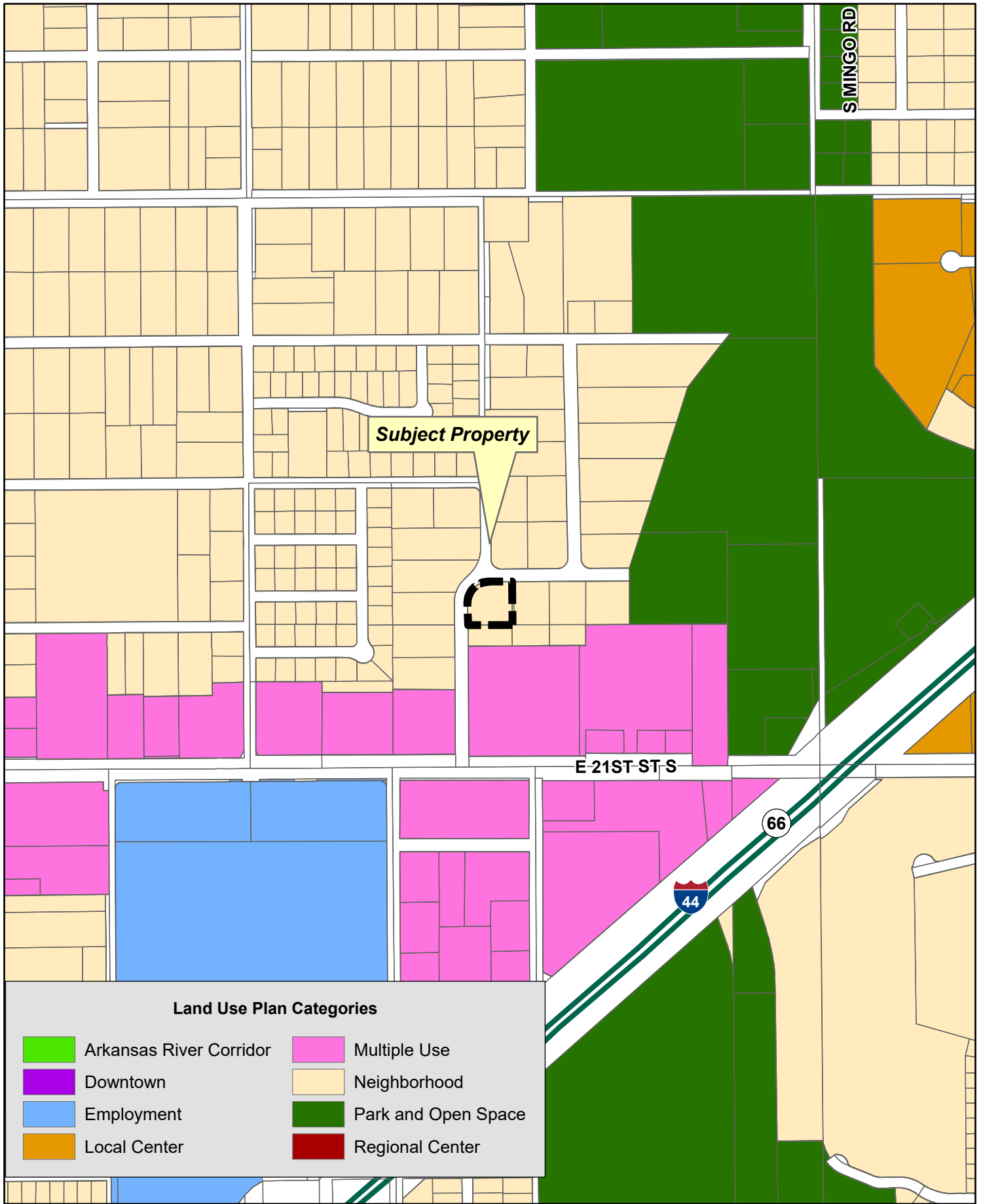
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2021











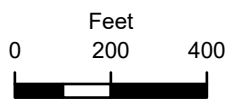
Subject Tract

5.9



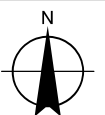
**Land Use Plan Categories**

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



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19-14 04



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## VARIANCE

### Justification for Variance:

**Adequate Open Space:** The property significantly exceeds the minimum open space requirements as stipulated by the zoning ordinance.

This ensures that the additional structures will not result in overdevelopment or an overcrowded appearance.

The expansive nature of the lot maintains a sense of openness and harmony within the neighborhood.

**Minimal Impact on Neighbors:** The proposed variance will have a negligible impact on neighboring properties.

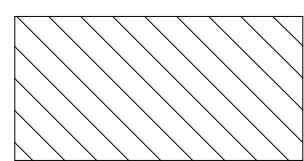
The additional accessory structures will be designed to blend seamlessly with the existing landscape and architectural style of the area.

Moreover, the distance from property lines and neighboring homes will be maintained, preserving privacy and reducing any potential negative visual impact.

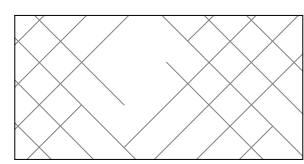
LEGEND

SITE PLAN

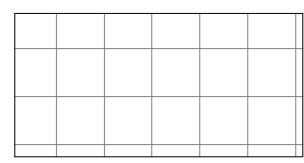
NOT ALL ITEMS MAY BE USED



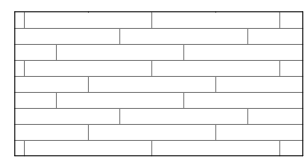
EXISTING BUILDING FOOTPRINT:  
AREA NOT IN SCOPE OF WORK



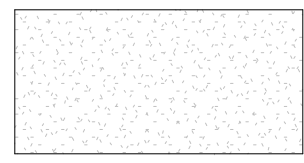
EXISTING ASPHALT PAVING



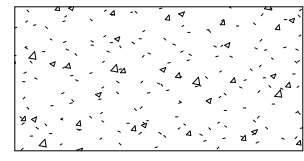
NEW ASPHALT PAVING/ TRACK



TULSA REGULATORY FLOOD PLAIN



EXISTING SOD TO REMAIN



NEW CONCRETE  
DRIVEWAY/WALKWAY



PROPERTY LINE



BUILDING SETBACKS



BUILDING OUTLINE



SILT FENCE



DRAINAGE FLOW



HAY BALE



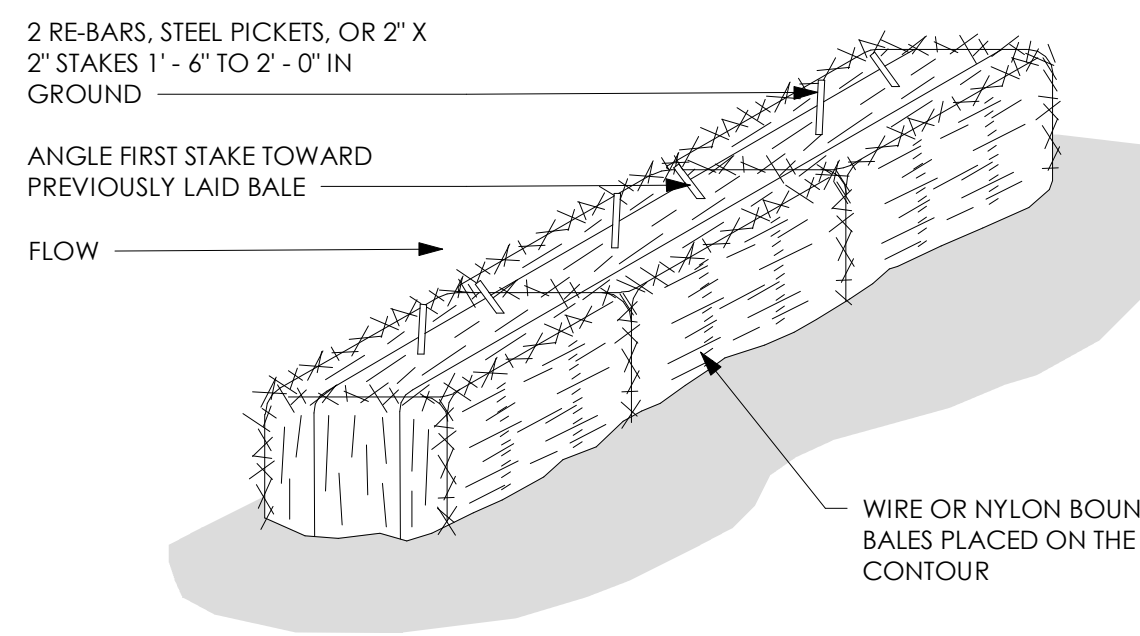
DOWNSPOUTS

HAY BALE DETAIL

SITE PLAN



EMBEDDING DETAIL



ANCHORING DETAIL

1. BALES SHALL BE PLACED IN A ROW WITH ENDS TIGHTLY ABUTTING THE ADJACENT BALES.
2. EACH BALE SHALL BE EMBEDDED IN THE SOIL A MINIMUM OF FOUR INCHES, WHERE POSSIBLE.
3. BALES SHALL BE SECURELY ANCHORED IN PLACE BY STAKES OR RE-BARS DRIVEN THROUGH THE BALES. THE FIRST STAKE IN EACH BALE SHALL BE ANGLED TOWARD PREVIOUSLY LAID BALE TO FORCE BALES TOGETHER.
4. INSPECTION SHALL BE FREQUENT AND REPAIR OR REPLACEMENT SHALL BE MADE PROMPTLY AS NEEDED BY CONTRACTOR.
5. BALES SHALL BE REMOVED WHEN THEY HAVE SERVED THEIR USEFULNESS SO NOT TO BLOCK OR IMPEDE STORM FLOW OR DRAINAGE.
6. ACCUMULATED SILT SHALL BE REMOVED WHEN IT REACHES A DEPTH OF 6 INCHES.

PROJECT INFORMATION

LEGAL DESCRIPTION

SUBDIVISION: WINDSOR PARK ADDN (47550)  
LEGAL: LT 4 LESS EB BLK 4  
SECTION: 12 TOWNSHIP; 19 RANGE: 13

GENERAL INFORMATION

ZONING \_\_\_\_\_ RS-1  
LOT SIZE \_\_\_\_\_ 0.90 ACRES / 39,260 SQ FT  
EXISTING LIVABLE \_\_\_\_\_ 1,843 SQ FT

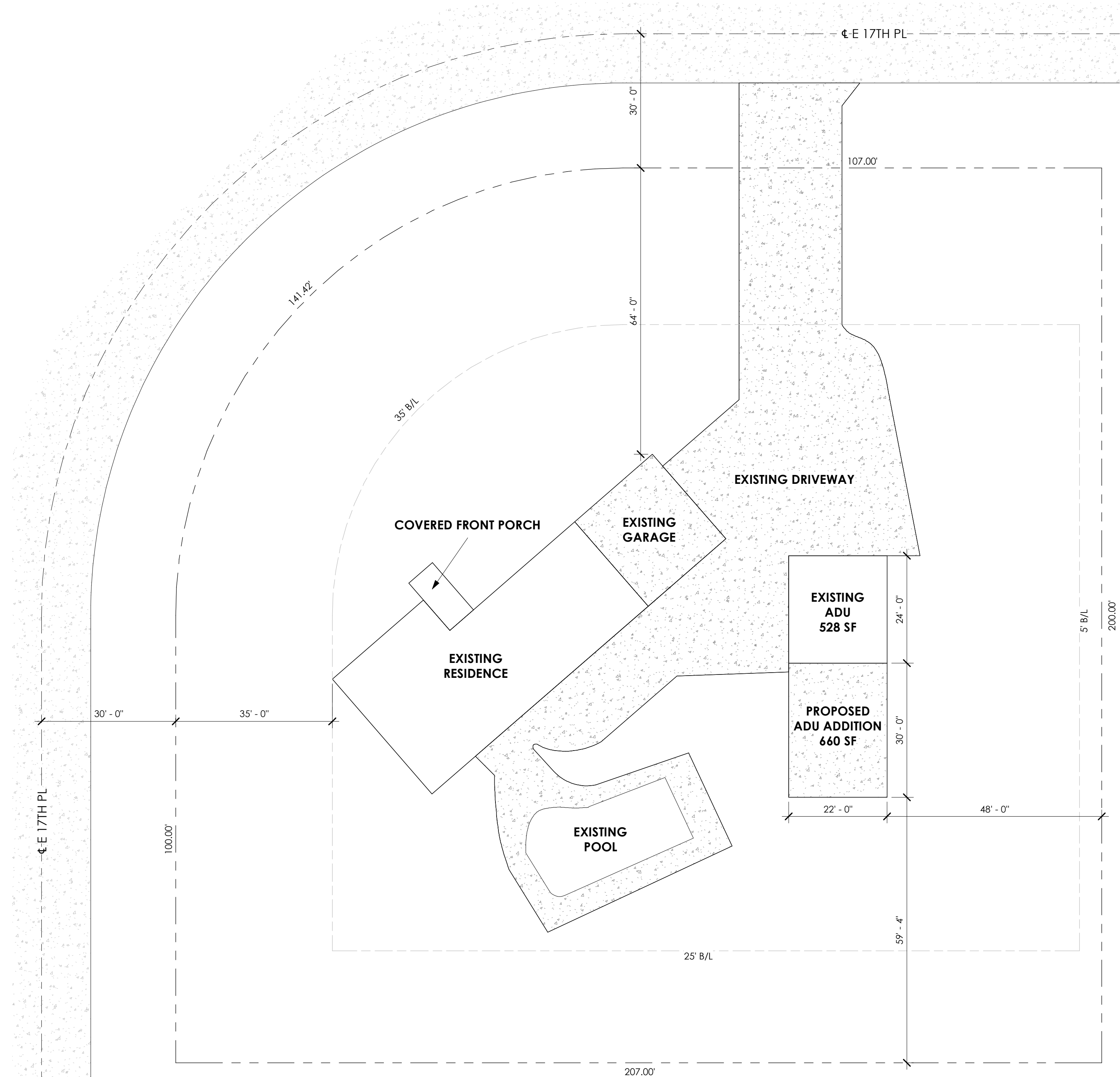
ADDITIONAL INFORMATION

EXISTING LIVABLE AREA \_\_\_\_\_ 1,843 SQ FT  
FRONT COVERED PORCH \_\_\_\_\_ 98 SQ FT  
EXISTING GARAGE \_\_\_\_\_ 575 SQ FT  
EXISTING DRIVEWAY \_\_\_\_\_ 5,599 SQ FT  
EXISTING ADU \_\_\_\_\_ 528 SQ FT  
PROPOSED ADU ADDITION \_\_\_\_\_ 660 SQ FT

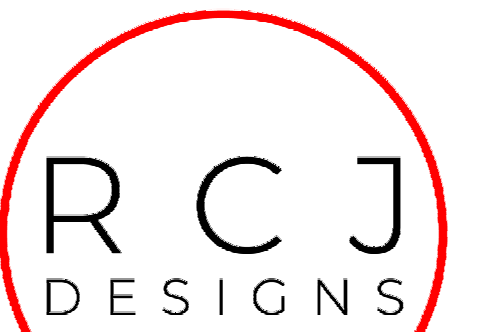
GRAND TOTAL \_\_\_\_\_ 9,303 SQ FT

REGULATIONS

MIN. OPEN SPACE REQ'D \_\_\_\_\_ 7,000 SQ FT  
OPEN SPACE PROPOSED \_\_\_\_\_ 29,957 SQ FT  
MAX BUILDING HEIGHT \_\_\_\_\_ 35' - 0"  
RES. STRUCTURE HEIGHT \_\_\_\_\_ +/- XX



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



T U L S A . O K .  
9 1 8 . 8 5 9 . 9 3 4 3  
WWW.RCJDESIGNS.COM

DRAWN FOR:  
**MARTINEZ RESIDENCE**

9304 E 17TH PL,  
TULSA, OK 74112

NO.	REVISION	DATE

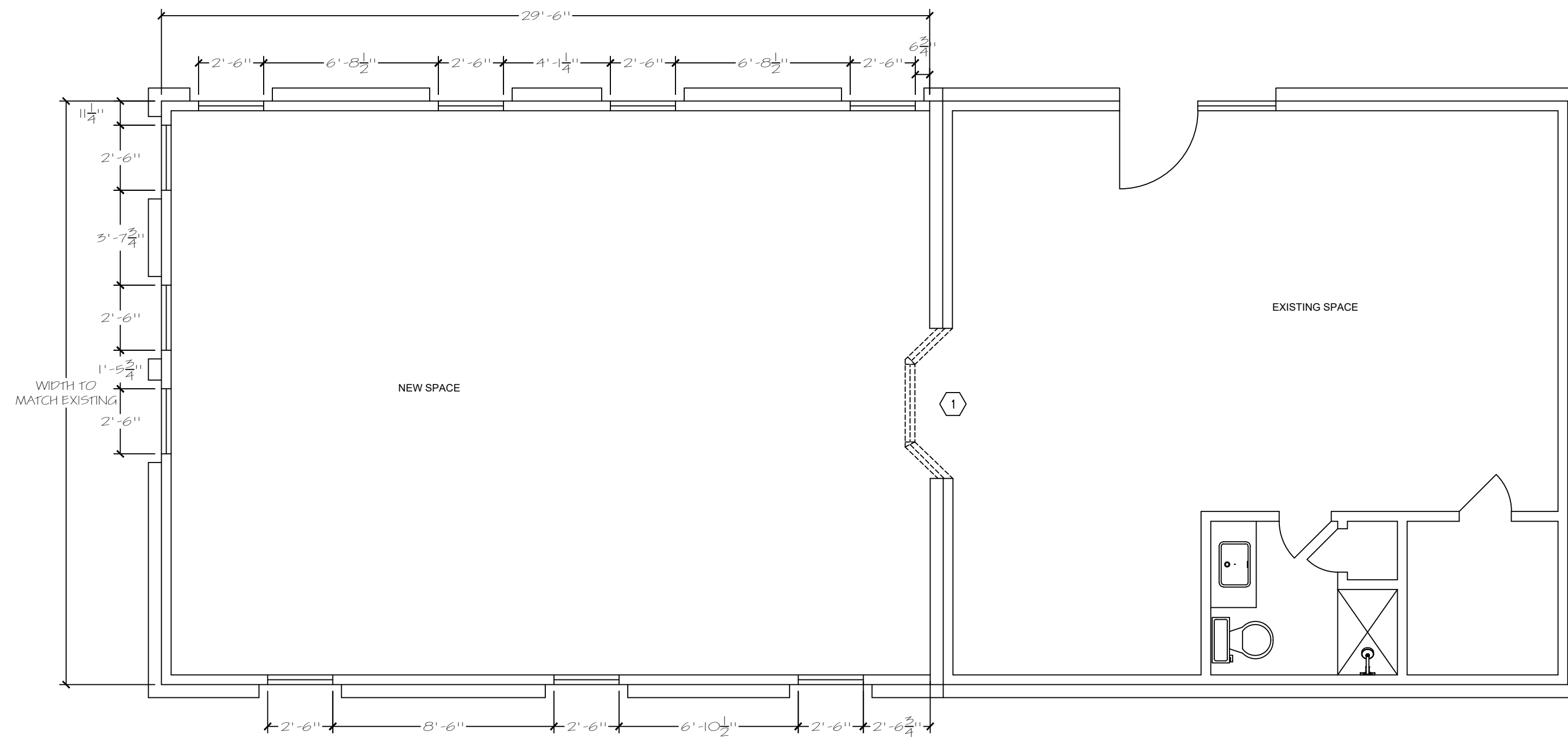
PROJECT NUMBER:  
24078  
ISSUE:  
REVIEW PLAN  
DATE:  
06.06.2024  
DRAWN BY:  
DRB  
CHECKED BY:  
RCJ  
SHEET TITLE:

SITE PLAN

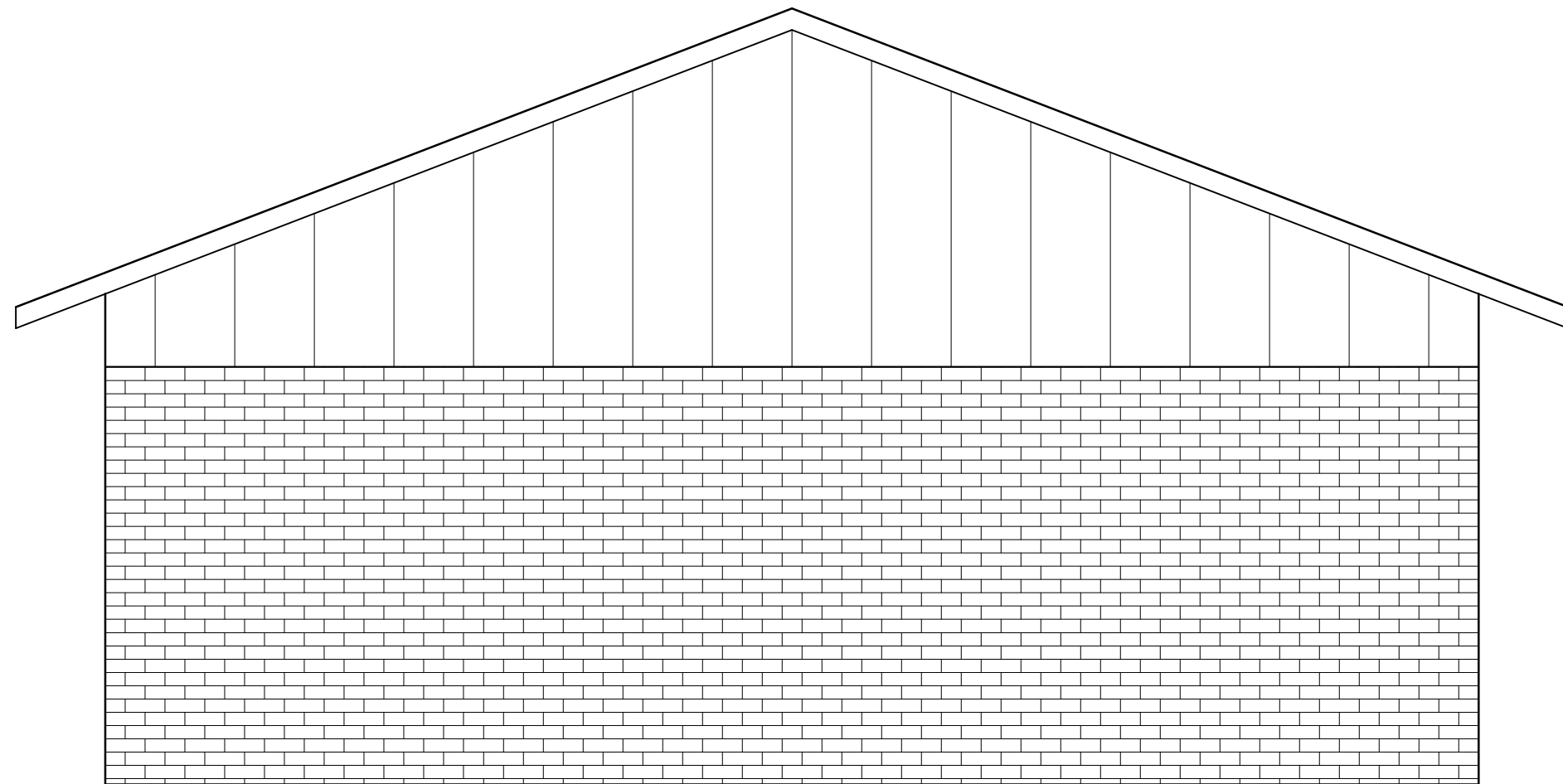
SP

NOTES:

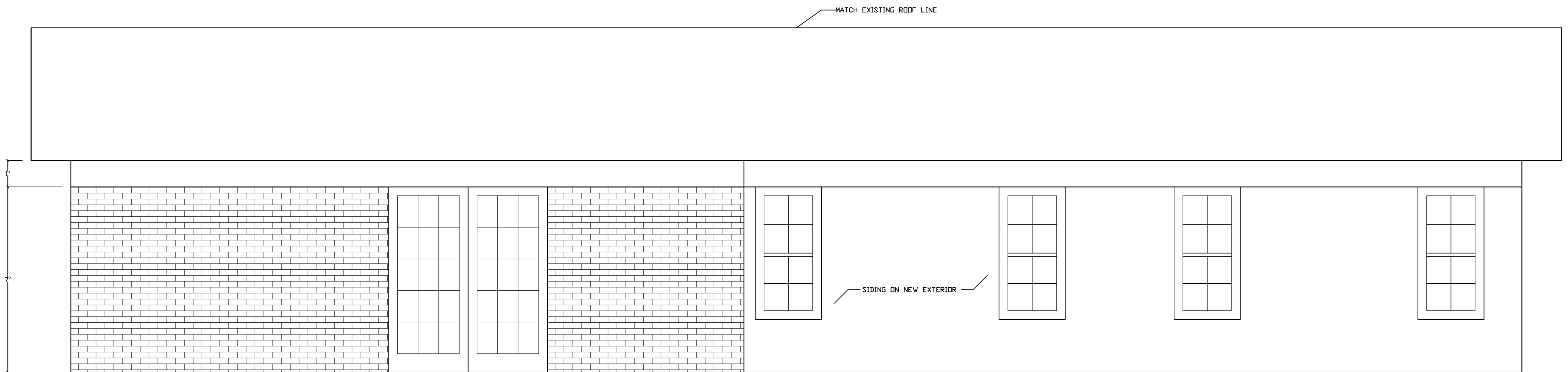
- EXISTING WALL
- ==== NEW WALL
- ① KEYNOTE: DEMO EXISTING BAY WINDOW



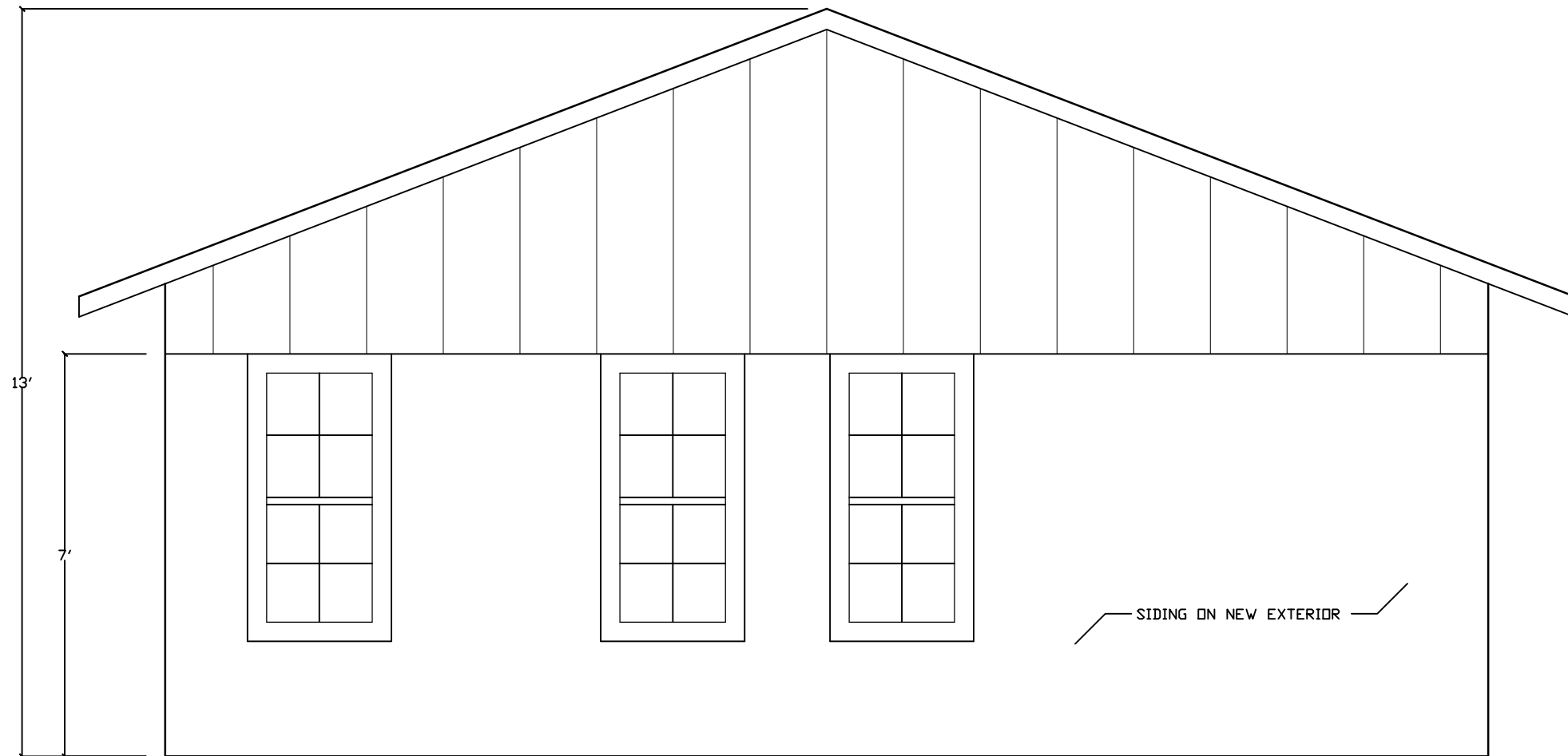
① NEW CONSTRUCTION PLAN  
SCALE: 1/4" = 1'-0" 



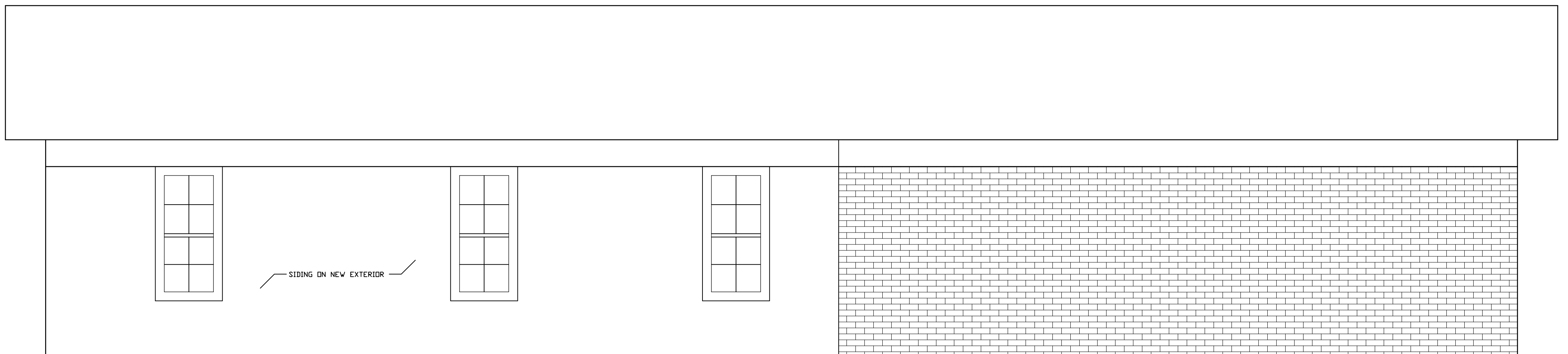
① **NORTH EXTERIOR ELEVATION**  
SCALE: 3/8" = 1'-0"



② **EAST EXTERIOR ELEVATION**  
SCALE: 3/8" = 1'-0"



① **SOUTH EXTERIOR ELEVATION**  
SCALE: 3/8" = 1'-0"



② **WEST EXTERIOR ELEVATION**  
SCALE: 3/8" = 1'-0"