



Board of Adjustment

**Staff Report
BOA-23748**

Hearing Date: July 23, 2024
Prepared by: Sean Wallace
swallace@cityoftulsa.org
918-596-7585

Owner and Applicant Information

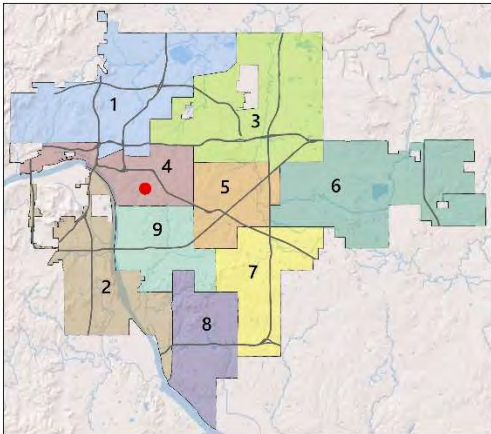
Applicant: Kevin Kirby
Property Owner: Melinda D. Mavers

Property Location

2117 East 25th Place South
Tract Size: ±.26 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
Posted Sign – min. 10 days in advance

Request Summary

Special Exception to allow an Accessory Dwelling Unit in an RS-2 zoning district (Section 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 (Sections 45.030-A, 45.031-D.6); Variance to allow a detached accessory building 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 detached accessory buildings to cover more than 25% of the rear setback in the RS-2 zoning district (Section 90.090-C); Variance to allow a detached accessory building to be located less than 3 feet from the rear lot line (Section 90.090-C.2.b).

Zoning

Zoning District: RS-2
Zoning Overlays: None

Comprehensive Plan Considerations

Land Use

Land Use Plan: Neighborhood
Small Area Plans: None
Development Era: Early 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: On-street signed bicycle route

Environment

Flood Area: N/A
Tree Canopy Coverage: 20-30%
Parks & Open Space: Woodward Park

Staff Analysis

The applicant requests a special exception to allow an accessory dwelling unit in an RS-2 zoning district (Section 45.031-D); 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 (Sections 45.030-A, 45.031-D.6); a variance to allow a detached accessory building 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); a variance to allow detached accessory buildings to cover more than 25% of the rear setback in the RS-2 zoning district (Section 90.090-C); and a variance to allow a detached accessory building to be located less than 3 feet from the rear lot line (Section 90.090-C.2.b).

The applicant is proposing to renovate the existing detached garage and add a second-floor accessory dwelling unit (ADU). An ADU is allowed by special exception in the RS-2 district. In the RS-2 district, the total floor area of all accessory buildings cannot exceed 500 square feet or 40% of the floor area of the principal residential building. The existing house has a floor area of 3,396 square feet, so the maximum allowable floor area of accessory buildings on the lot is 1,358 square feet. As proposed, the combined floor area of detached accessory buildings would be 1,556 square feet, which exceeds the maximum allowable floor area by 198 square feet.

Because the proposed ADU would be located within the rear setback, it cannot exceed one story, an overall height of 18 feet, or a maximum height of 10 feet to the top of the top plate in the setback area. The proposed building is two stories and 24 feet tall. The proposed building also exceeds the maximum 25% accessory building coverage within the rear setback. With a coverage of approximately 833 square feet within the rear setback, the accessory buildings cover approximately 38% of the rear setback. Finally, accessory buildings within rear setbacks must be set back at least 3 feet from all interior lot lines. The staircase on the north side of the building would be less than 3 feet from the rear setback.

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-2	Neighborhood	Residential
East	RS-2	Neighborhood	Residential
South	RS-2	Neighborhood	Residential
West	RS-2	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 Early Automobile Era (1930s-50s), which retained a high degree of the connectivity from neighborhood streets to the arterial network, with mostly commercial, office, industrial, and other active uses along major streets and a mix of housing options and neighborhood-based uses like schools, churches, and libraries in the interior sections. Priorities in these areas include walkability, bikeability, access to public transit, historic preservation, housing type variety, mixed-use development, commercial revitalization, compatibility of scale for neighborhood development, and transitions between commercial corridors and residential areas.

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: The Tulsa GO Plan recommends a signed bicycle route on South Yorktown Avenue.

Arterial Traffic per Lane: N/A

Environmental Considerations

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

Tree Canopy Coverage: Tree canopy in the area is 27%. 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: Woodward Park is nearby to the west of the subject property.

Sample Motion

Special Exception

I move to approve or deny a Special Exception to permit an Accessory Dwelling Unit in an RS-2 zoning 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 500 square feet and 40% of the floor area of the principal residential structure; a Variance to allow a detached accessory building 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; a Variance to allow detached accessory buildings to cover more than 25% of the rear setback in the RS-2 zoning district; and a Variance to allow a detached accessory building to be located less than 3 feet from the rear lot line

- 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:

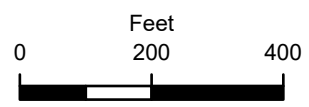
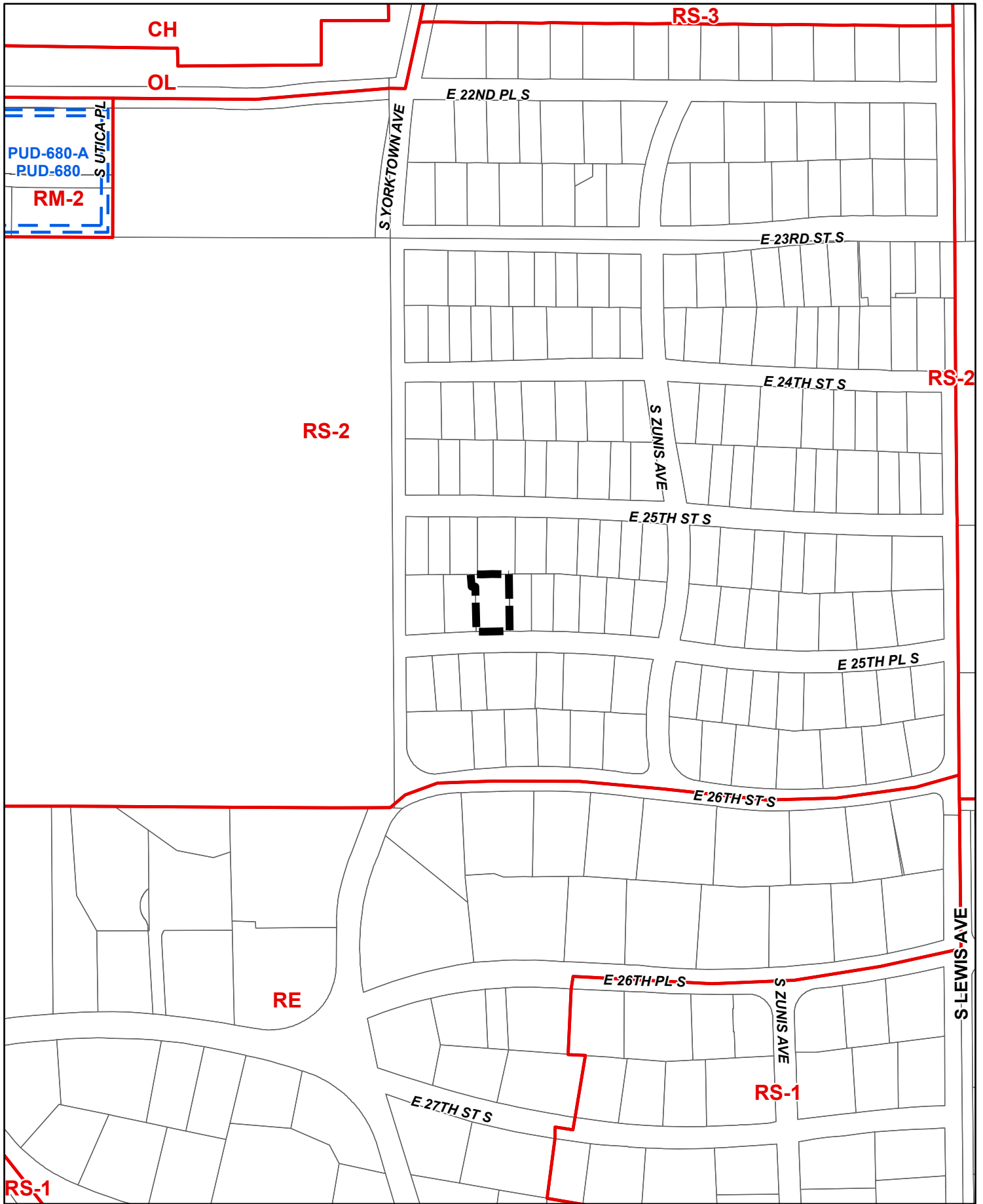
- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal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

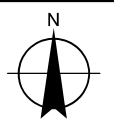
LT 15 & 16 LESS BEG SWC LT 15 TH N135.49 E35.75 S30 E5.5 S TO SL W42.5 POB BLK 6, Wildwood Addition, City of Tulsa, Tulsa County, State of Oklahoma

Exhibits

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



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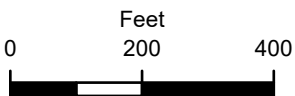


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Subject
Tract

BOA-23748



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



Aerial Photo Date: 2021

10.6



S YORKTOWN AVE

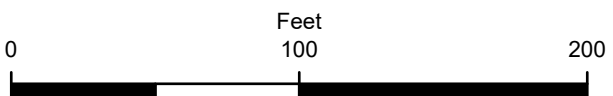
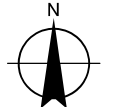
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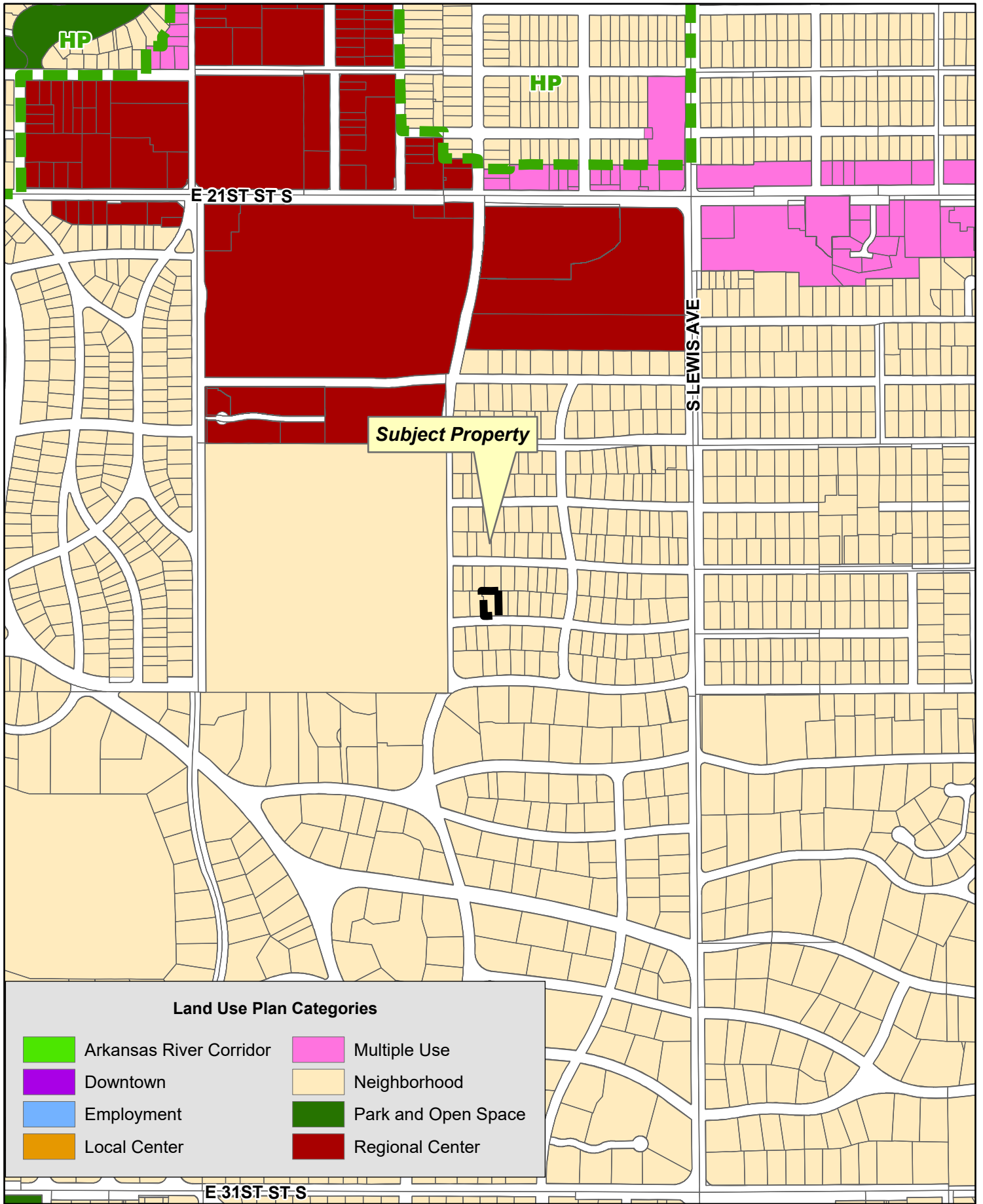
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2021











Subject Tract

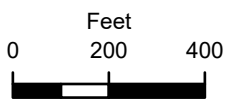
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Land Use Plan Categories

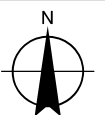
- | | |
|---|---|
|  Arkansas River Corridor |  Multiple Use |
|  Downtown |  Neighborhood |
|  Employment |  Park and Open Space |
|  Local Center |  Regional Center |

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2117 E 25th Pl, Tulsa OK

Variances:

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)

Per Tulsa County Assessor's Office, the current residence is 3016 sq ft (40% of 3016 sq ft = 1206 sq ft)

The current detached accessory building/garage is 638 sq ft

The current "Summer House" (roof covered screened porch) is 182 sq ft

The proposed lower floor plan is to be:

garage: 462 sq ft and garden room/bathroom: 222 sq ft, total to be 684 sq ft

The proposed upper floor plan area: 734 sq ft

The TOTAL for the 2 floor proposed structure: 1418 sq ft

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 25-foot setback (Section 90.090-C)

The proposed new structure : 24'-0" tall, see elevations.

2117 E 25th Pl, Tulsa OK
Proof of Hardship:

1. That 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 current garage and door configuration make the 2 car garage not wide enough to be a practical 2 car garage. The current quarters are not large enough for a livable kitchen, bathroom, and bedroom.

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

*The existing purpose is there, both the quarters and garage; enforcement of the small sized rooms/ spaces make the structure impractical.

3. 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;

*The current land size and adjacent tall structures make for a good location for the proposed larger/ taller structure.

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

*The proposed structure allows for the current Owner's Family member to be on site.

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

*The proposed addition is a small change to the existing site footprint.

6. 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;

*The proposed addition is to mimic the existing house's architectural styling. The newly renovated structure will appear as built at the same 1930's time period to match the existing residence.

7. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the zoning code or the comprehensive plan.

*The proposed addition will add property value to the neighborhood.

2117 E 25th Pl, Tulsa OK

Special Exceptions: (Board of Adjustment permit request for an Accessory Dwelling Unit)

1. The special exception is an enlargement to the 1930 home's original detached quarters building. The 1930 build included the current, detached, structure as a combination garage and quarters building.
2. The neighborhood will not be injured by the expansion of the current building as the neighborhood has many expanded detached garages and enlarged 2 story structures.

2117 E 25th Pl, Tulsa OK

Letter of Deficiency:

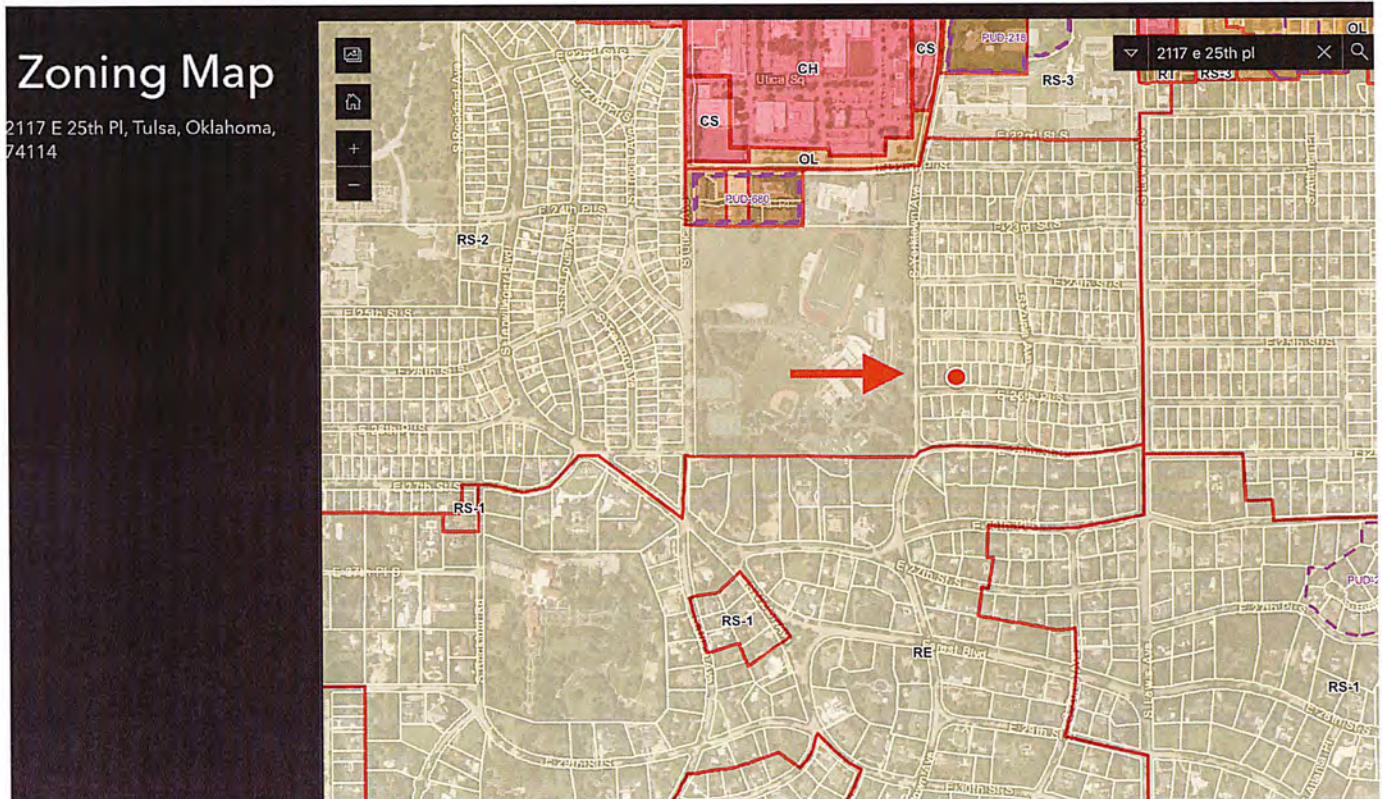
Letter to follow, Zoning Permit # ZCO-184785-2024 has been filed with the
City

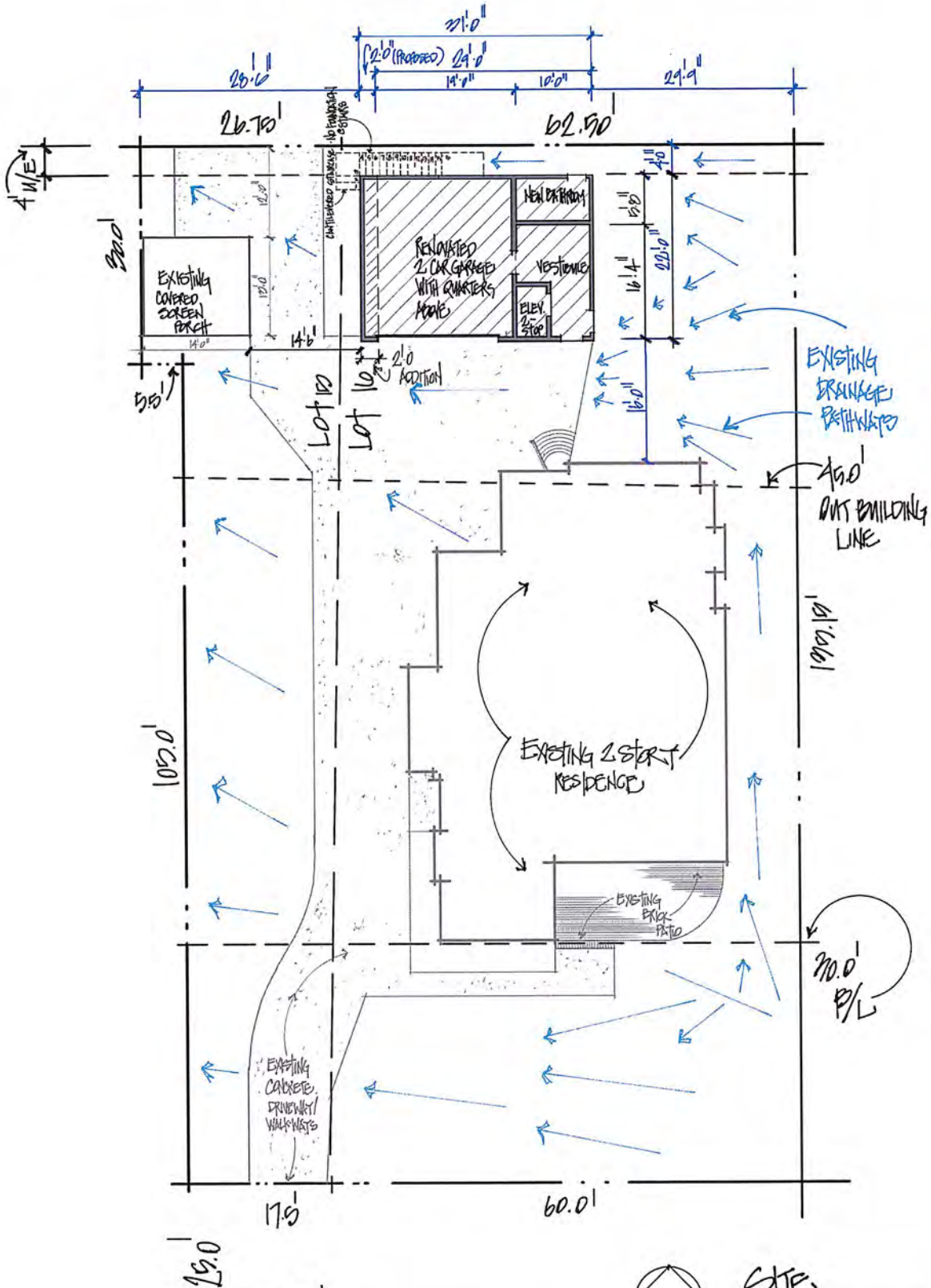
2117 E 25th Pl, Tulsa OK

Platting/Subdivision Compliance Review Requirement:

Subdivision: WILDWOOD (47125) Legal: LT 15 & 16 LESS BEG SWC LT 15 TH
N135.49 E35.75 S30 E5.5 S TO SL W42.5 POB BLK 6

Section: 18 Township: 19 Range: 13





EXIST
25TH PLACE



SCALE
1/16" = 1'-0" 2117 E 25TH PL, TULSA, OK

LEGAL DESCRIPTION:
 SUBDIVISION: WILLOWOOD (47125)
 LOT 10 & 110 LESS BEGIN SW/4 LOT 10, TH N 120.41', E 35.75'
 S 22.1', E 22.1' S TO SW W 42.5' POB
 BLK 6
 SECTION 18 TOWNSHIP 19 RANGE 13, ALSO KNOWN AS: 2117 E 25TH PLACE

