



Board of Adjustment

**Staff Report
BOA-23770**

Hearing Date: September 24, 2024

Prepared by: Felicity Good

fgood@cityoftulsa.org

918-596-7602

Owner and Applicant Information

Applicant: Conner Hughes

Property Owner: Conner Hughes

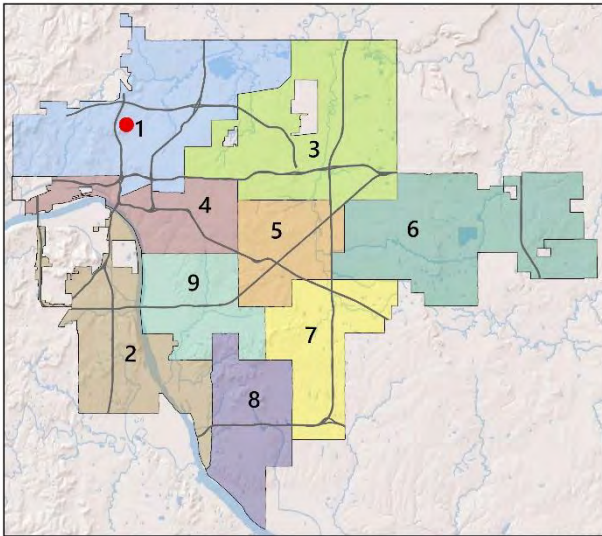
Property Location

2462 North Boston Avenue

Tract Size: ±0.26 acres

Location within the City of Tulsa

(shown with City Council districts)



Elected Representatives

City Council: District 1, Vanessa Hall-Harper

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 in the RS-3 district (Section 45.031-D).

Zoning

Zoning District: RS-3

Zoning Overlays: HNO

Comprehensive Plan Considerations

Land Use

Land Use Plan: Neighborhood

Small Area Plans: Unity Heritage

Development Era: Early Automobile

Transportation

Major Street & Highway Plan: N/A

planitulsa Street Type: N/A

Transit: N/A

Existing Bike/Ped Facilities: Sidewalks

Planned Bike/Ped Facilities: N/A

Environment

Flood Area: N/A

Tree Canopy Coverage: 30-50%

Parks & Open Space: N/A

Staff Analysis

The applicant requests a special exception to permit an accessory dwelling unit (ADU) in the RS-3 district (Section 45.031-D). According to plans submitted, the existing garage would be converted into an ADU with a small addition to accommodate a bathroom. A copy of Section 45.031, which regulates ADUs in R, AG, and AG-R districts, is included as an attachment.

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.

Relevant Case History

- None found

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	Neighborhood	Residential
East	RS-3	Neighborhood	Residential
South	RS-3	Neighborhood	Residential
West	RS-2	Neighborhood	Residential

Small Area Plans

The subject property is included in the Unity Heritage Neighborhoods Sector 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: Sidewalks are present along Boston Avenue.

Planned Bike/Ped Facilities: N/A

Arterial Traffic per Lane: N/A

Environmental Considerations

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

Tree Canopy Coverage: Tree canopy in the area is 32%. 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. The area would benefit from additional trees, which also capture and treat runoff before it enters the river.

Parks & Open Space: N/A

Sample Motion

I move to approve or deny a Special Exception to permit an accessory dwelling unit in the RS-3 district (Section 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.

Property Description

Lot 1, Block 6, Reservoir Hill Addition, City of Tulsa, Tulsa County, State of Oklahoma

Exhibits

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

supporting structure (excluding any guy lines) to the nearest point on the residential zoning district boundary line, excluding R-zoned freeways.

Section 45.030 Accessory Buildings and Carports in R Districts

45.030-A Accessory Building Size

1. 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, and accessory buildings not erected as an integral part of the principal residential building may not exceed 750 square feet or 40% of the floor area of the principal residential structure, whichever is greater. [1]

2. 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 or duplexes, the total aggregate floor area of all detached accessory buildings, including accessory dwelling units, and accessory buildings not erected as an integral part of the principal residential building 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-C](#).

45.030-B Carports

Carports are allowed in R zoning districts. Any carport that occupies all or a portion of the street setback or street yard area must be approved in accordance with the special exception procedures of [Section 70.120](#) and comply with the regulations of [§90.090-C1](#).

Section 45.031 ADU, Accessory Dwelling Units in R, AG, and AG-R Districts

Section 45.031-A Definition

A dwelling unit that is located in an accessory building on the same lot as a detached house to which it is accessory and subordinate.

Examples of ADUs include carriage houses, garage apartments, and mother-in-law flats.

Section 45.031-B Purpose

1. The purpose of allowing accessory dwelling units within R, AG, and AG-R districts is to:
 - a. accommodate new housing units while preserving the character of existing neighborhoods;
 - b. allow efficient use of the city's existing housing stock and infrastructure;
 - c. provide housing options and choices that respond to varying income levels, changing household sizes and lifestyle needs; and

- d. provide a means for residents—particularly seniors, single parents, and empty-nesters—to remain in their homes and neighborhoods, and obtain extra income, security, companionship and assistance.
2. The ADU supplemental regulations are also intended to help ensure that that new buildings and modifications to existing buildings are designed with sensitivity to their context in terms of building placement, proportions, building materials, and similar design features.

Section 45.031-C Applicability

These regulations apply to all accessory dwelling units, as defined by Section 45.031-A.

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.

7. Building and Fire Codes

All accessory dwelling units are subject to applicable building and fire codes.

8. Additional Regulations for Accessory Dwelling Units

a. Entrances

Building entrances to accessory dwelling units may not face the nearest side or rear property line unless there is an alley abutting that property line.

b. Setbacks

An accessory dwelling unit must be located at least 10 feet behind the detached house. This required 10-foot separation distance must be open from the ground to the sky except that it may include walkways, patios, decks and similar structures that do not exceed 30 inches in height above finished grade.

c. Exterior Finish Materials

The exterior finish material of any new accessory dwelling unit must be the same or visually match in type, size and placement, the exterior finish material of the detached house.

d. Roof Pitch

The roof pitch any new accessory dwelling unit must be the same as the predominant roof pitch of the principal building.

Section 45.040 Compressed Natural Gas (CNG) Refueling Appliances

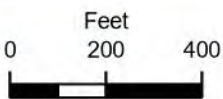
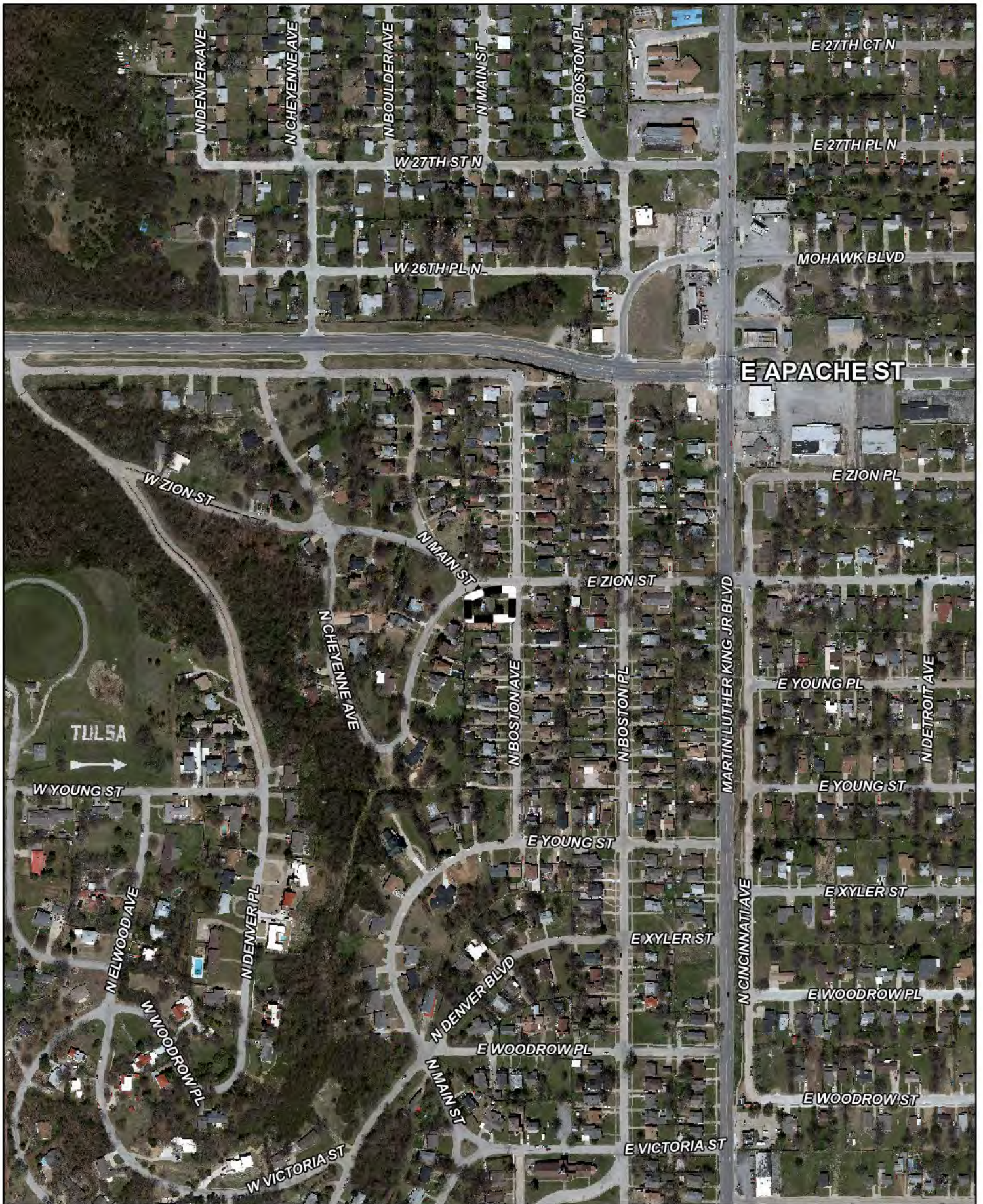
Private (restricted access), consumer-oriented (home), CNG refueling appliances are permitted as an accessory use to lawfully established household living uses in all zoning districts.

Section 45.050 Dumpsters

45.050-A Regulations

Dumpsters established or placed on or after the effective date specified in [Section 1.030](#) are subject to the following regulations:

- 1.** Dumpsters may only be placed with the written permission of the owner of the subject property.
- 2.** Dumpsters must be located on a dustless, all-weather surface.
- 3.** Dumpsters may not:
 - a.** Obstruct motorized or non-motorized traffic;
 - b.** Reduce any sidewalk or walkway designed for the passage of pedestrians to less than 5 feet in width;



 Subject Tract

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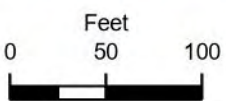
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Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2022



4.8



Subject Tract

BOA-23770

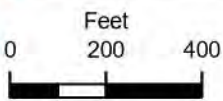
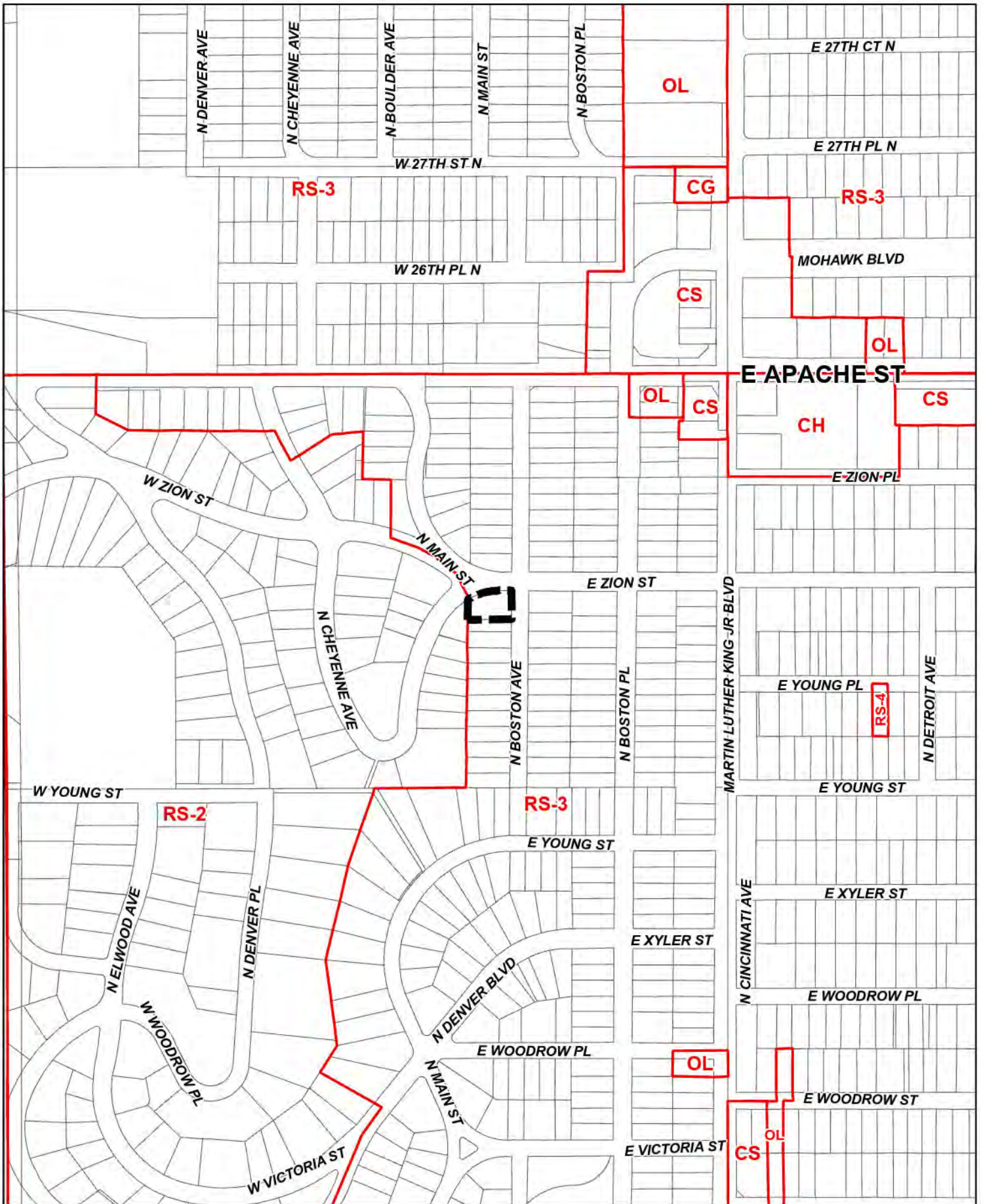
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Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2022



4.9



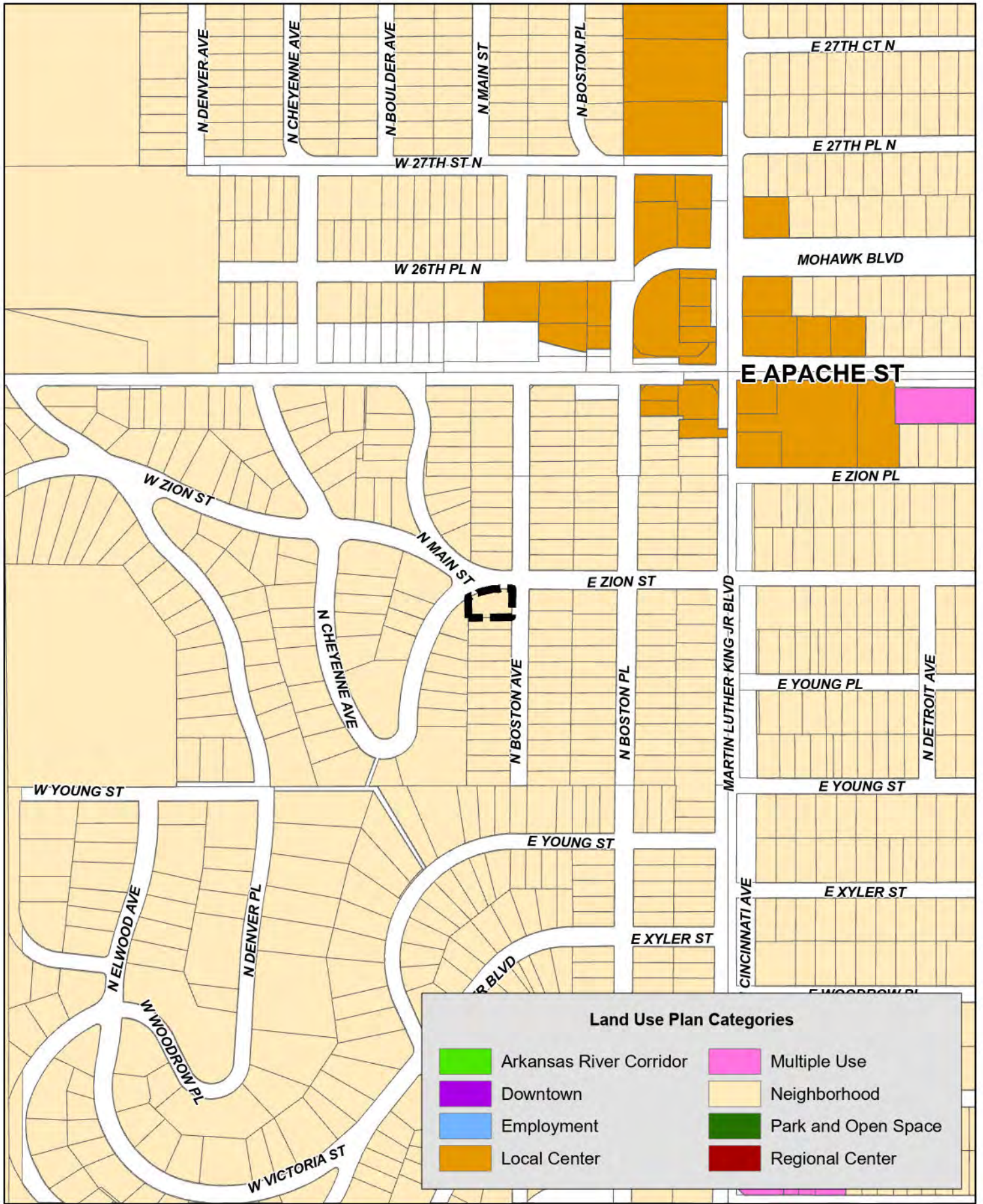
 Subject Tract









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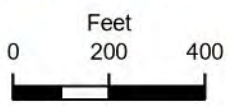
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4.10



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



 Subject Tract

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4.11



PRELIMINARY
NOT FOR CONSTRUCTION
OR IMPLEMENTATION

DAVID F. PHELPS, AIA
ARCHITECT OF RECORD

2462 N BOSTON AVENUE
CONNOR HUGHES

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ISSUES / REVISIONS

NO.	DESCRIPTION	DATE

ISSUE DATE: 08/07/2024
CHECKED BY:
DRAWN BY:

SHEET NAME
SITE PLAN

SHEET NUMBER
A-101

Project Number: P000000000
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