



Board of Adjustment

**Staff Report
BOA-23843**

Hearing Date: March 11, 2025 (Rehearing of February 11, 2025 case)

Prepared by: Erin Roark
eroark@cityoftulsa.org
918-596-7618

Owner and Applicant Information

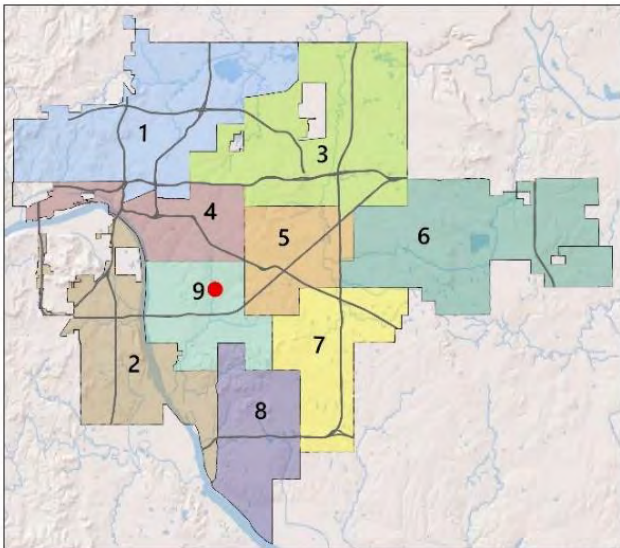
Applicant: James Dixon
Property Owner: James & Kristin Dixon

Property Location

2922 East 39th Street South
Tract Size: ±0.62 acres

Location within the City of Tulsa

(shown with City Council districts)



Elected Representatives

City Council: District 9, Carol Bush
County Commission: District 3, Kelly Dunkerly

Public Notice Required

Newspaper Notice – min. 10 days in advance
Mailed Notice to 300’ radius – min. 10 days in advance

Request Summary

Variance to increase the permitted height of an accessory building in the rear setback (Section 90.090-C2).

Zoning

Zoning District: RS-1
Zoning Overlays: N/A

Comprehensive Plan Considerations

Land Use

Land Use Plan: Neighborhood
Small Area Plans: N/A
Development Era: Early Automobile Era

Transportation

Major Street & Highway Plan: Secondary Arterial
planitulsa Street Type: N/A
Transit: Regular Route
Existing Bike/Ped Facilities: N/A
Planned Bike/Ped Facilities: Sidewalks

Environment

Flood Area: N/A
Tree Canopy Coverage: 20-29%
Parks & Open Space: N/A

Staff Analysis

The applicant is requesting a variance to increase the permitted height of an accessory building in the rear setback (Section 90.090-C2). Detached accessory buildings in rear setbacks that do not include an accessory dwelling unit are limited to one story, 18 feet in height, and 10 feet in height to the top of the top plate. The proposed accessory building would meet the overall height limitation but would be 13 feet in height to the top of the top plate, which exceeds the maximum by 3 feet.

This case was originally heard and the variance was approved on February 11, 2025. On February 24, multiple neighboring property owners informed Tulsa Planning Office staff that they had not received notice by mail. Upon investigation, an error in the mailing lists for notices was discovered. As no property owners within 300 feet of the subject property were notified via mail of the hearing details, the case was scheduled to be reheard on March 11, 2025, to allow for proper notice to be sent.

2. Detached Accessory Buildings in R Districts.

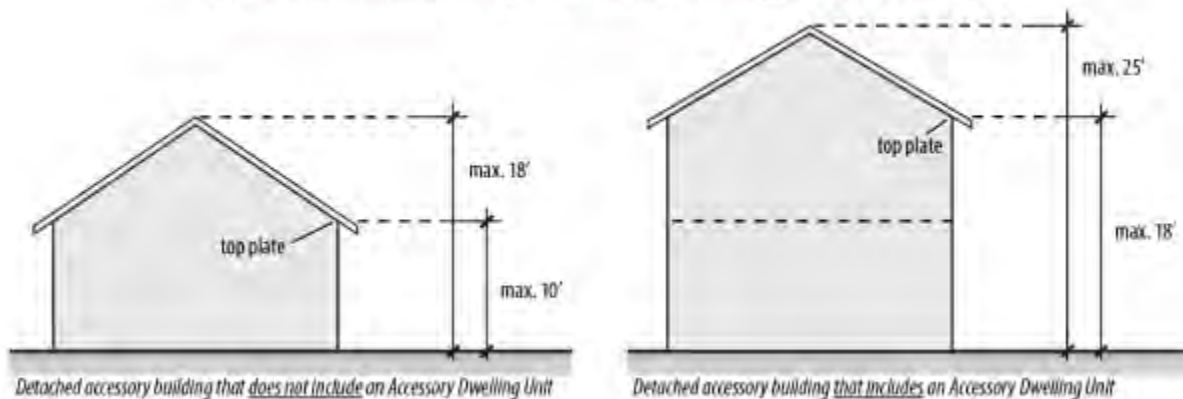
a. Detached accessory buildings may be located in rear setbacks, provided that:

- (1) The building does not exceed one story or 18 feet in height and is not more than 10 feet in height to the top of the top plate; and
- (2) The building does not exceed two stories or 25 feet in height and is not more than 18 feet in height to the top of the top plate if it contains an Accessory Dwelling Unit on the second floor; and
- (3) Garage doors are limited to 8 feet in height; and
- (4) Building coverage in the rear setback does not exceed the maximum limits established in [Table 90-2](#):

Table 90-2: Accessory Building Coverage Limits in Rear Setback

Zoning District	Maximum Coverage of Rear Setback
RE and RS-1 Districts	30%
RS-2 District	35%
RS-3, RS-4, RS-5, RD, RT, and RM Districts	40%

Figure 90-9: Maximum Height of Accessory Buildings In Rear Setbacks



Relevant Case History

- None found

Statement of Hardship

The applicant’s statement of hardship is attached as a separate exhibit.

Comprehensive Plan Considerations

Land Use Plan

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	School
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 Early Automobile Era (1930s-50s), which retained a high degree of 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: East 41st Street South runs parallel to the southeast side of the subject property and is classified as a Secondary Arterial, which has a planned minimum right-of-way width of 100 feet.

Comprehensive Plan Street Designation: N/A

Transit: Regular Route 300 runs along East 41st Street South.

Existing Bike/Ped Facilities: N/A

Planned Bike/Ped Facilities: Sidewalks are recommended along street frontages.

Arterial Traffic per Lane: East 41st Street South has an average annual daily traffic (AADT) of 2,930 vehicles per lane.

Environmental Considerations

Flood Area: N/A

Tree Canopy Coverage: Tree canopy in the area is 26%. 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: N/A

Sample Motion

I move to approve or deny a variance to increase the permitted height of an accessory building in the rear setback (Section 90.090-C2) from 10 feet to 13 feet in height to the top of the top plate,

- 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 5 BK 26 RANCH ACRES B19-27, City of Tulsa, Tulsa County, State of Oklahoma

Exhibits

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



E 36TH PL S

E 37TH ST S

S GARY AVE

E 37TH ST S

S DELAWARE AVE

E 37TH PL S

S DELAWARE PL

S EVANSTON AVE

S FLORENCE AVE

E 38TH ST S

E 38TH PL S

S GARY PL

S HARVARD AVE

E 39TH PL S

E 38TH PL S

E 39TH ST S

S DELAWARE PL

E 39TH ST S

S FLORENCE PL

E 40TH ST S

S COLUMBIA PL S

E 41ST ST S



S FLORENCE AVE

S FLORENCE CT

E 42ND ST S

E 42ND ST S

S COLUMBIA AVE

S COLUMBIA PL

S FLORENCE AVE

E 44TH ST S

E 44TH ST S

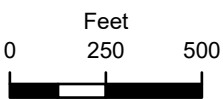
E 44TH CT S

E 44TH PL S

S GARY AVE

E 45TH ST S

E 45TH ST S



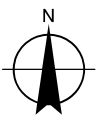
Subject Tract

BOA-23843

19-13 20

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

Aerial Photo Date: 2022



2.5

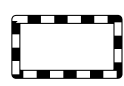
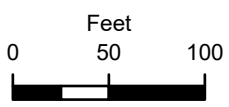


E 39TH ST S

S EVANSTON AVE

E 41ST ST S

S FLORENCE AVE



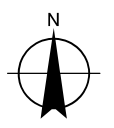
Subject Tract

BOA-23843

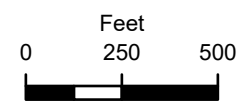
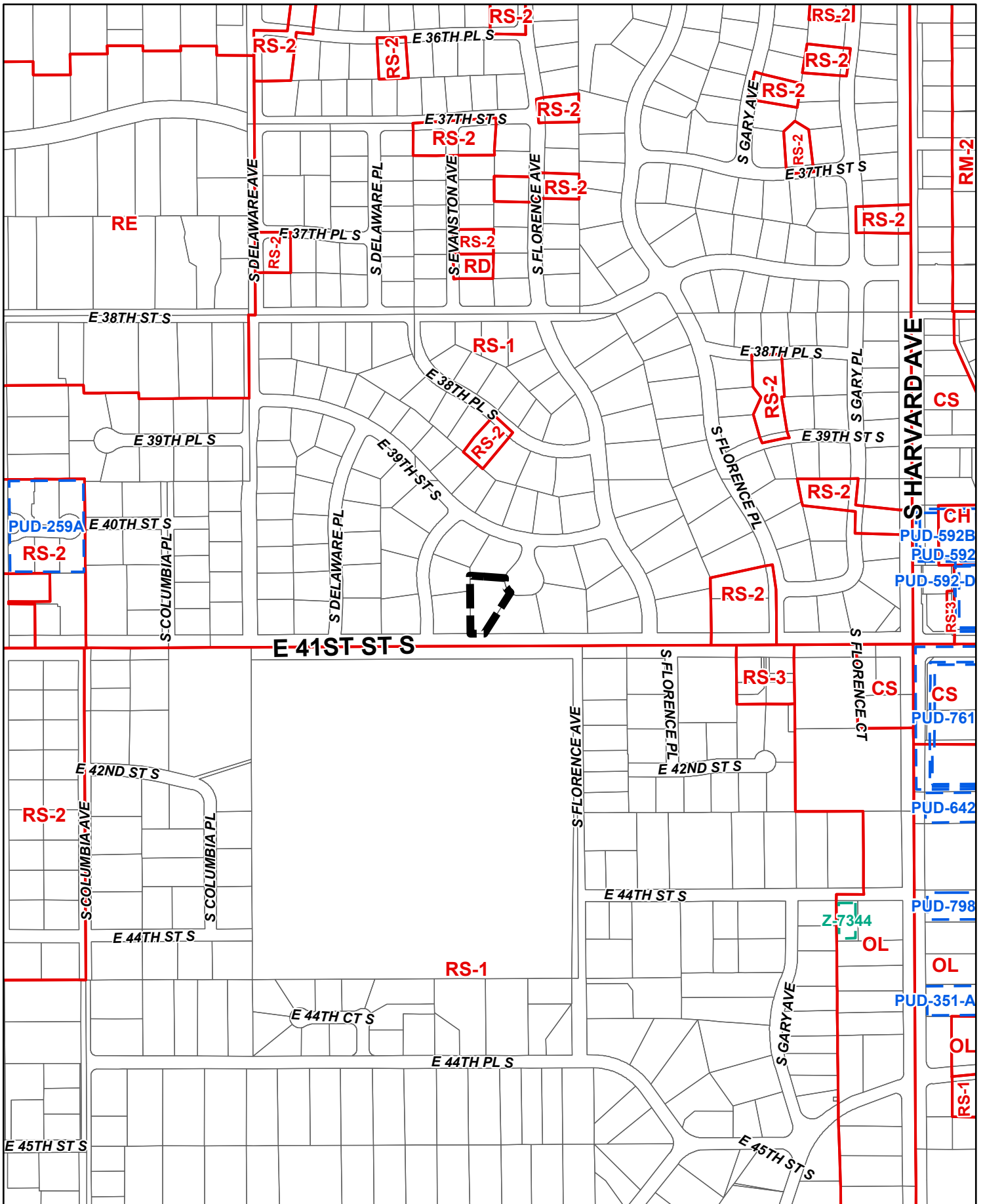
19-13 20

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

Aerial Photo Date: 2022



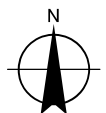
2.6

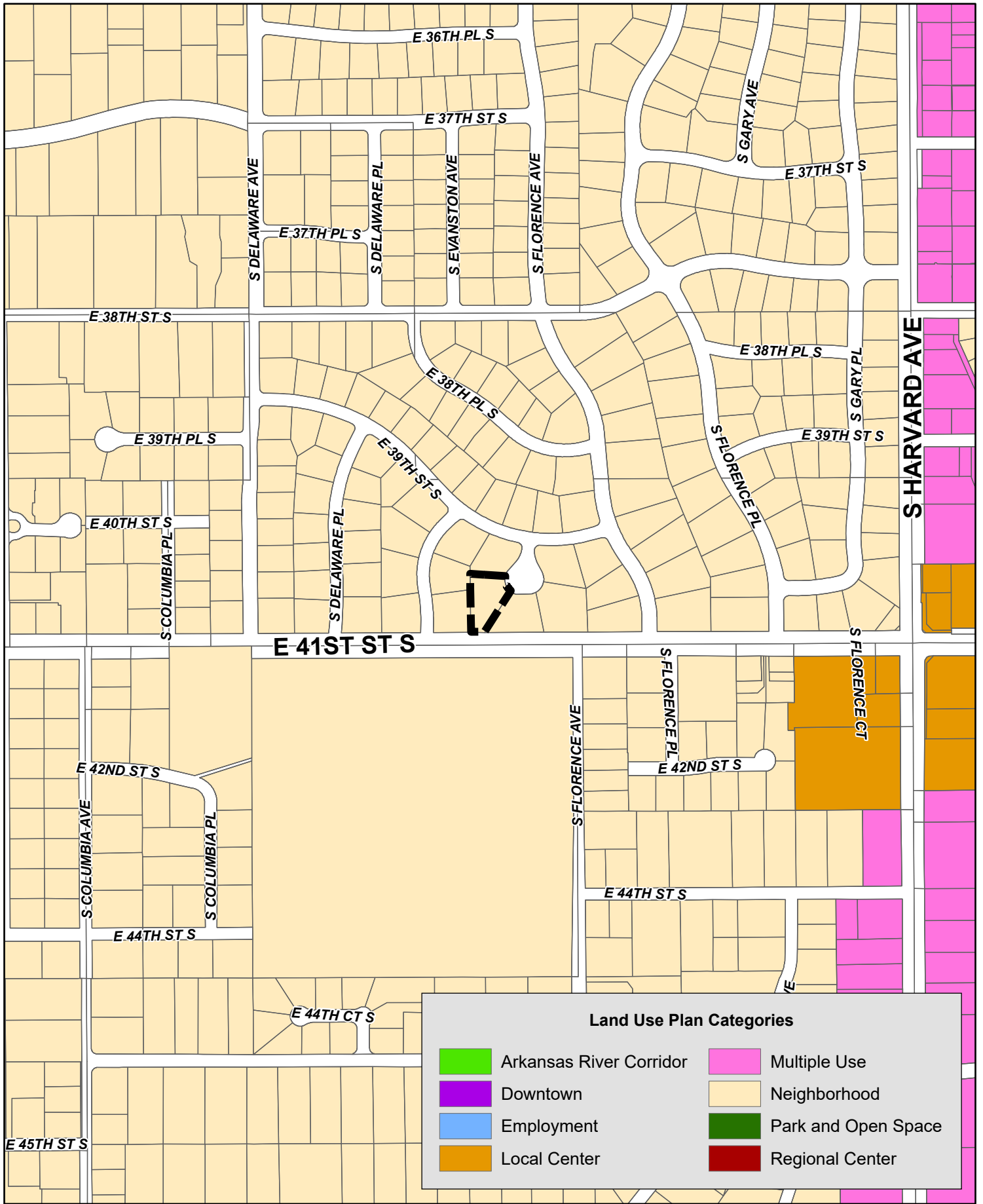


[Dashed Box] Subject Tract









BOA-23843

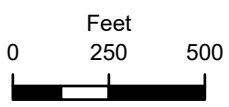
19-13 20





Land Use Plan Categories

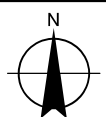
 Arkansas River Corridor	 Multiple Use
 Downtown	 Neighborhood
 Employment	 Park and Open Space
 Local Center	 Regional Center



 Subject Tract

BOA-23843

19-13 20



Action Request additional comments for Variance:

We are seeking a variance to section 90.090-C.2.a due to the following Hardships and reasons:

Existing detached garage of 744 sf total aggregate floor area will remain the same footprint and adhere to code 45.030A for RS-1 building size.

Proposed plans and permit to raise garage ceiling from current 9'+/- to aprx. 13'+/- tall wall section from concrete footer to top plate and total roof height to 17'+/- tall total structure height to adhere to code Section 90.090 and figure 90-9 for maximum height of accessory buildings (18' max)

Existing Garage already adheres to 45.031-D additional regulations of setbacks, exterior finish materials, will plan match roof pitch and color materials of primary residence, same siding, stone veneer remains same and our goal is to maintain conformity to primary residence and the neighborhood of Ranch Acres with low pitch roof lines while updating the features, usability and increasing the curb appeal.

Existing detached garage structure was built in 1956 and designed for smaller vehicles and storage for 70+ years ago thus needing an alteration updating features for today's standards and vehicle sizes/heights and storage area for modern family homes. Furthermore, our lot and site is an oddly shaped triangle with 5 sides and rear setbacks with limitations, thus is the only area and space to renovate existing detached garage for added ceiling height and storage.

The conditions leading to need of this variance is due to the hardships of 1) unique minimal street frontage, 2) the lot shape generally not applicable to other properties within the same zoning classification and 3) the topography isn't suitable for other building locations. The drainage and runoff mitigation are already being controlled by a hard line 4" french drain system discharged properly to street frontage with no planned changes nor alterations to water runoff to or from any adjacent lots. The variance and plans to update detached garage requested is the minimum variance to allow relief while keeping the aesthetically appealing characteristics of Ranch Acres neighborhood while not causing any substantial detriment to public without any impairments. We've taken into thoughtful account of our neighbor's solitude of backyards and their amenities not to add any windows or building features with view into their respective lots for sake of privacy. The planned height of the garage is well below other existing primary residences' height of houses and second story homes in our neighborhood some of which are well above the height of what is being proposed.

We ask that this minimal variance from building code be heard, reviewed and approved due to these hardships and reasons.



DEVELOPMENT SERVICES

175 E 2ND ST., STE 405
TULSA, OK 74103
918-596-9456

CITY OF TULSA

PLAN CORRECTIONS SUMMARY

Zoning Review (1)



Subject: Zoning Review
Page Label: 2
Author: DWhiteman
Date: 12/31/2024 10:29:30 AM
Status:
Color: ■
Layer:
Space:

Section 90.090-C.2.a, Detached Accessory Buildings in R Districts. Detached accessory buildings may be located in rear setbacks, provided that: (1) The building does not exceed one story or 18 feet in height and is not more than 10 feet in height to the top of the top plate.

REVIEW COMMENT: The existing detached accessory building is located in the rear setback. Please revise the plans to indicate that the detached accessory building will not exceed 10 feet in height to the top of the top plate. Alternatively you may contact the Planning Office to inquire about a variance from the Board of Adjustment to allow an accessory structure in the rear setback of an RS-1 zoned district to exceed 10 feet in height to the top of the top plate.

2-10



Assessor

General Information

Account Number	R34175932008850
Situs Address	2922 E 39 ST S TULSA 74105
Owner Name	DIXON, JAMES & KRISTIN
Owner Mailing Address	2922 E 39TH ST TULSA, OK 74105
Land Area	0.62 acres / 27,218 sq ft
Market Value	-
Last Year's Taxes	\$6,088.01
Legal Description	Subdivision: RANCH ACRES B19-27 (34175)
	Legal: LT 5 BK 26
	Section: 20 Township: 19 Range: 13



Tax Information

	2023	2024	2025
Fair Cash Value	\$696,582	\$545,633	-
Taxable Value	\$423,728	\$436,440	-
Assessment Ratio			
Gross Assessed	\$46,610	\$48,008	-
Exemptions	-\$1,000	-\$1,000	-\$1,000
Net Assessed	\$45,610	\$47,008	-
Tax Rate	T-1A	T-1A	T-1A
Tax Rate Mills	126.910000	129.510000	129.510000
Estimated Taxes	\$5,788	\$6,088	-
Notice of Value Date (if changed from prev yr)	1/31/2023	1/30/2024	1/30/2024

Values

	2023	2024	2025
Land Value	\$131,502	\$131,502	-
Improvement Value	\$565,080	\$414,131	-
Fair Cash (Market) Value	\$696,582	\$545,633	-

Exemptions

	2023	2024	2025
Homestead	✓	✓	✓
Additional Homestead	-	-	-
Senior Valuation Freeze	-	-	-
Veteran	-	-	-

Current Improvements

Tax Year	Property Type	Yr Blt	Livable	Stories	Story Height	Baths	Roof
2025	Residential	1956	3,511 SF	1.00	8	2.10	Composition Shingle
1.00	Crawl Space	Frame Masonry Veneer			Ranch 1 Story		Cool Air in Heat Ducts

Recent Sales

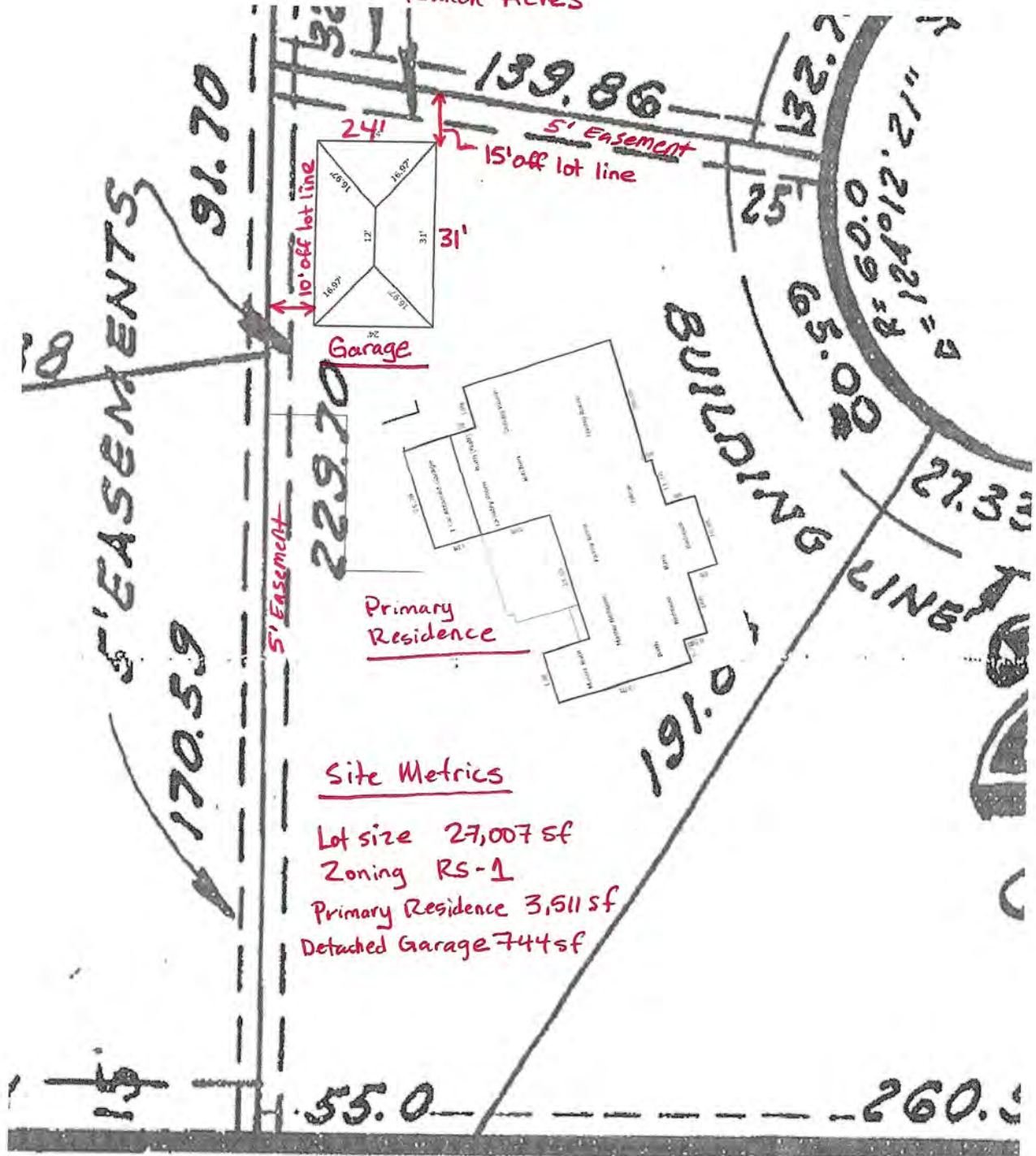
Sale Date	Grantor	Grantee	Sale Price	Doc Type	Book-Page/Doc #
9/25/2013	FANNIE MAE	DIXON, JAMES & KRISTIN	\$320,502	Special Warranty Deed	2013097470
7/17/2013	TULSA COUNTY SHERIFF	FANNIE MAE	\$0	Sheriff's Deed	2013078111
6/1/1996			\$189,500	General Warranty Deed	2000084478 BK-05819PG-01828

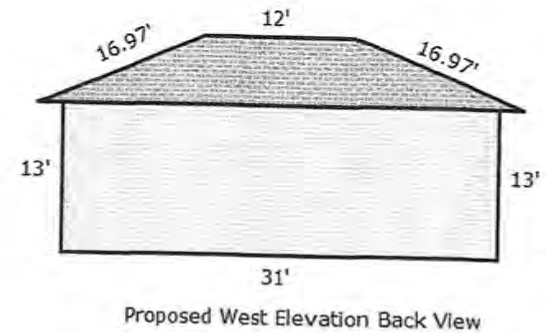
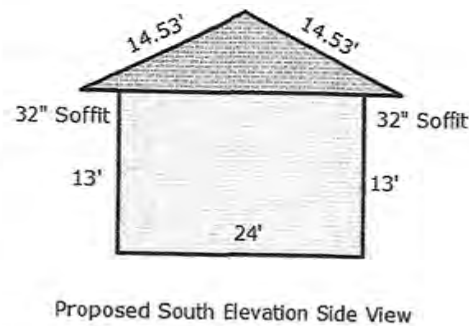
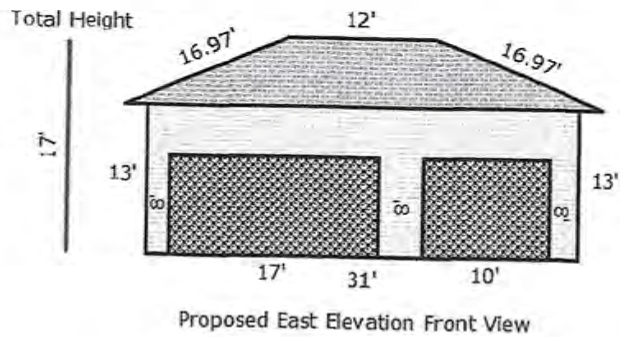
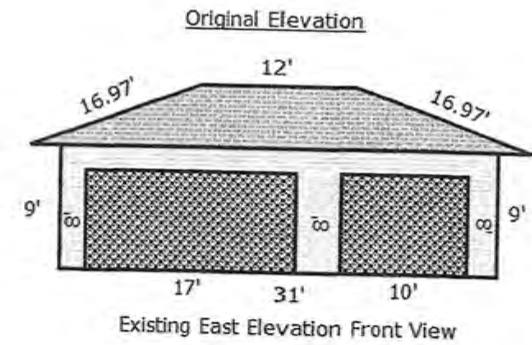
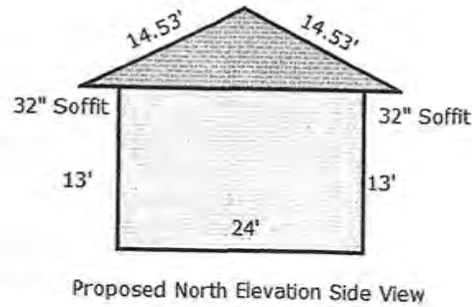
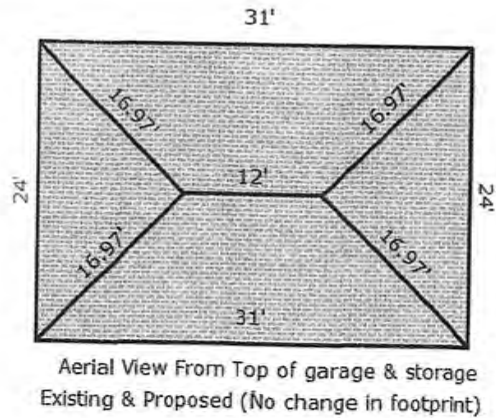


John A. Wright - Tulsa County Assessor
Tulsa County Headquartes, 5th Floor | 218 W. 6th St. | Tulsa, Ok 74119
Phone: (918) 596-5100 | Fax: (918) 596-4799 | Email: assessor@tulsacounty.org
Office Hours: 8:00 - 5:00 Monday-Friday (excluding holidays)

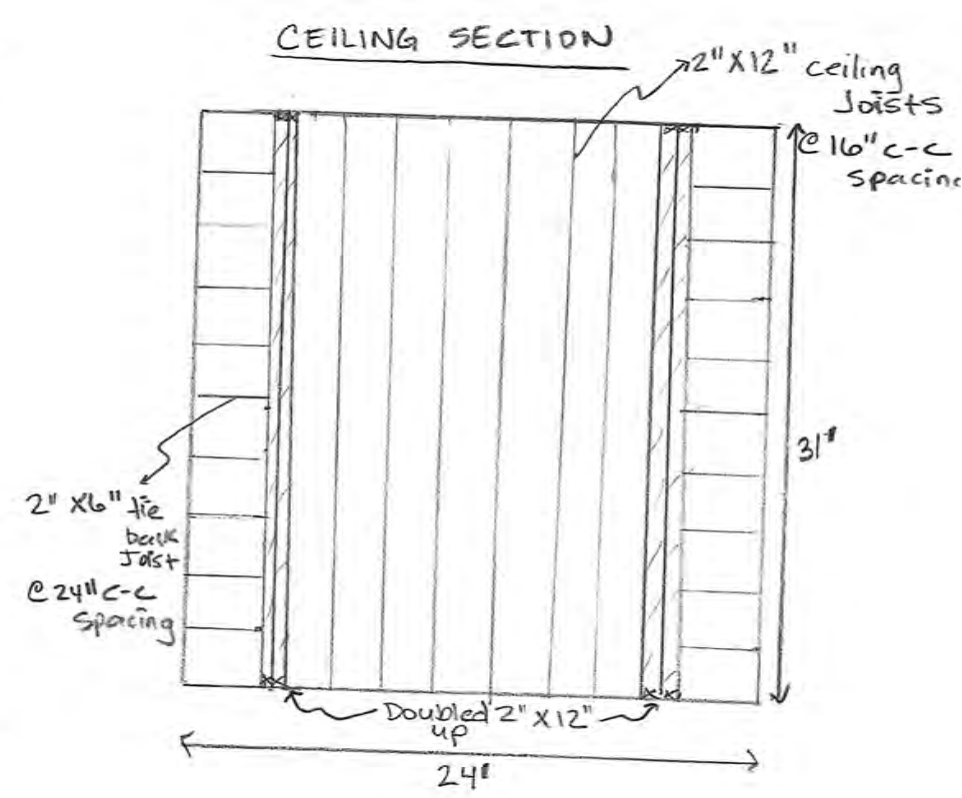
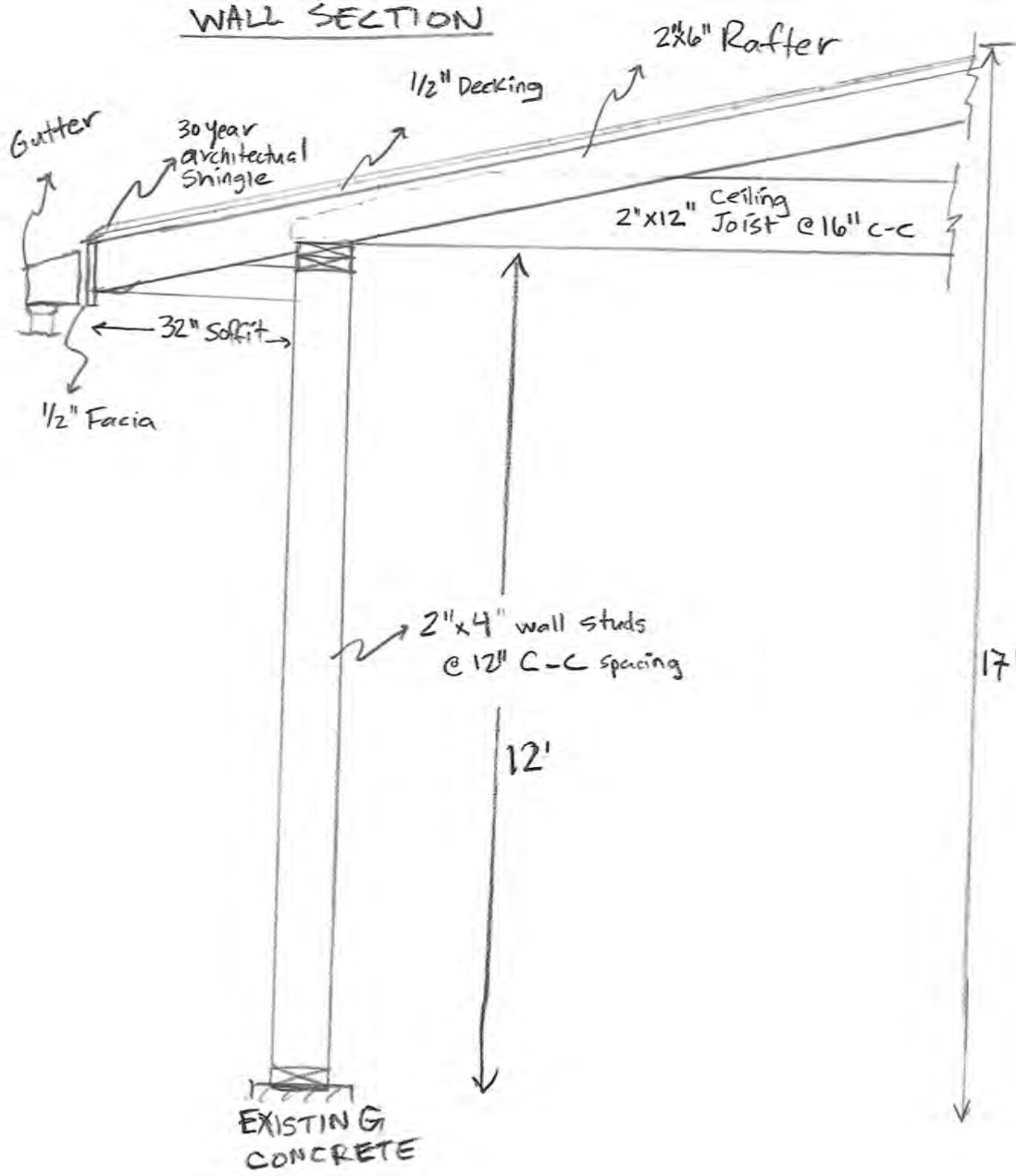
2922 E. 39th St. SITE PLAN

Lot 5 Block 26
Ranch Acres





- Roof 30 year composition architectural shingle over 60# synthetic underlayment
- Existing 1' concrete footer with walls covered 8" hardibacker lap siding on vapor barrier over 1/2" sheathing on 12' wall with 2x4 framing @ 12-16" OC
- No windows added on any side in order to maintain neighbor privacy and solitude
- Guttering system all way around garage ties into existing 4" hardline French drain system to not alter any runoff



2922 E. 39th St. Variance Application

Background of ownership and our Neighbor Communications

James & Kristin Dixon have owned the subject property since 2013 purchasing the property out of Tulsa County Sheriff sale and Fannie Mae as a project to improve condition, value and overall curb appeal of the street. We take pride in maintaining and upkeeping a clean property improving value for not only us but our surrounding neighbors through improvements and enhancements to the property and property lines over last 12 years upholding the rich valuable tradition of Ranch Acres. We have replaced at our full cost and own accord all of our neighbors fencing with full privacy fencing and maintain fence lot lines from weeds and excessive growth all at our own expense.

Nick & Jeanine Hunter

2934 E. 39th St. Lot 8 Block 26

Across cul-de-sac direct view of subject property and detached garage project
Spoke to both owners in person on 12/10 about project and both expressed excitement for us and voiced no opposition or issues with the project

Robert & Margaret Kyle

2926 E. 39th St. Lot 7 Block 26

Across cul-de-sac direct view of subject property and detached garage project
Spoke to Margaret in person about project and voiced no opposition or issues with the project and was happy we were updating the property

CAG Trust or Christy Goodwin

2924 E. 39th St. Lot 6 Block 26

Next door neighbor spoke to owner about project and both voiced no opposition or issues with the project

McMurray Revocable Trust or Paige & Kirsten McMurray

2920 E. 39th St. Lot 1 Block 26

Next door and backyard neighbor spoke to owner about project and both voiced no opposition or issues with the project. We have spoken multiple times and most recently on December 17, 2024 and they expressed no concern and in fact said "No issues at all and enjoy your fun new project"

Gloria Pollok

3941 S. Evanson Ave. Lot 4 Block 26

Back yard neighbor, called to speak to Gloria on 12/18/2024 and her husband answered. We spoke briefly on the project, expressing that we aren't planning to add any windows and keeping roof line low to respect privacy and he said it is what it is and didn't express any major discord with project at the time.

Thompson Revocable Trust or John Thompson

3931 S. Evanston Ave. Lot 3 Block 26

Back yard neighbor who we have maintained their fence line and area up to their fence for past 12 years. Mr. Thompson expressed concern on December 14, 2024 and then days following on December 18th, 2024 Mr. Thompson trespassed on our property multiple times. He was given notice by TPD to not trespass again. We spoke again on January 1, 2025 and tried to deescalate the situations and are on speaking terms again. I've asked multiple times what we can do to help or if he had suggestions and there we no recommendations. I emphasized we had no plans to install windows or any bright lights towards their backyard to maintain privacy.

Donald & Janis Palik

2910 E. 39th St. Lot 2 Block 26

Backyard Fence neighbor similar views from 3931 S. Evanston Thompson Residence and spoke to Janis on 1/03/2025 and only concern or question she had was if there was any windows being installed with views to their yard. I emphasized no windows or bright lights were being installed anywhere on the structure to their privacy and solitude as they have a pool. Janis was pleased and happy to hear no windows and no issues with the plans or project, in fact was very inviting into their home and pleasing.

Andrew & Taylor Bovaird

3944 S. Evanston Ave. Lot 7 Block 25

Across street from backyard line from subject. Kristin Dixon and Taylor spoke on 12/13/2024 about the project and expressed no issues or concerns at all and but provided further detail on past altercations with Mr. Thompson their across the street neighbor.

Robert Wagner

3930 S. Evanston Ave. Lot 8 Block 25

Across street from backyard line from subject. No issues raised from plans or project.

Charles & Christian McSoud

3918 S. Evanston Ave.

Across street from backyard line from subject. No issues raised from plans or project.