



Board of Adjustment

**Staff Report
BOA-23866**

Hearing Date: March 11, 2025
Prepared by: Erin Roark
eroark@cityoftulsa.org
918-596-7618

Owner and Applicant Information

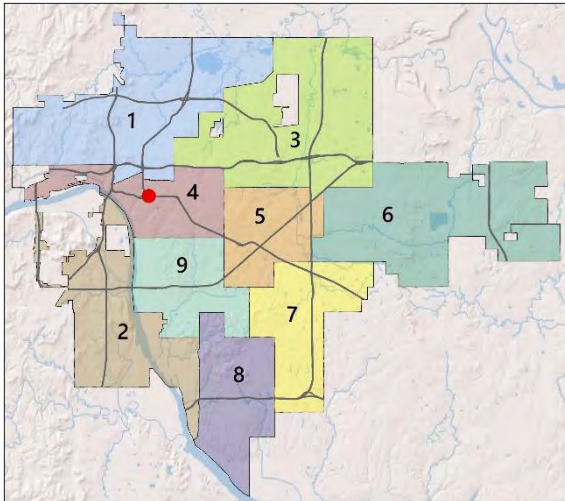
Applicant: Jonathan Belzley
Property Owner: Jonathan T. & Susanna N. Belzley

Property Location

1220 South Owasso Avenue
Tract Size: ±0.26 acres

Location within the City of Tulsa

(shown with City Council districts)



Elected Representatives

City Council: District 4, Laura Bellis
County Commission: District 2, Lonnie Sims

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); Special Exception to increase the permitted floor area of an accessory dwelling unit in the RS-3 district (Section 45.031-D); Variance to increase the permitted height of an accessory dwelling unit in the rear setback (Section 90.090-C.2).

Zoning

Zoning District: RS-3
Zoning Overlays: HP

Comprehensive Plan Considerations

Land Use

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

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: 20-29%
Parks & Open Space: Tracy Park

Staff Analysis

The applicant is requesting a special exception to permit an accessory dwelling unit in the RS-3 district (Section 45.031-D), a special exception to increase the permitted floor area of an accessory dwelling unit in the RS-3 district (Section 45.031-D), and a variance to increase the permitted height of an accessory dwelling unit in the rear setback (Section 90.090-C2). The existing detached garage would be replaced with a detached accessory building containing a garage on the first floor and accessory dwelling unit on the second floor.

The proposed building would have an overall height of 26 feet, 6 inches, which exceeds the maximum 25-foot height for two-story accessory dwelling units by 1 foot, 6 inches.

The allowable floor area of the proposed accessory building is 40% of the floor area of the principal structure plus an additional 500 square feet, which totals 1,376 square feet. The proposed building would have a floor area of 1,433 square feet, which exceeds the maximum allowable floor area by 57 square feet.

Section 45.031 ADU, Accessory Dwelling Units

45.031-D Regulations

1. Where Allowed

Accessory dwelling units are allowed by special exception in RE, RS, AG, and AG-R districts. Accessory dwelling units are allowed by right in all other districts when accessory to a household living use.

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 principal building; or
- b. Converting or increasing existing floor area within an accessory building on a lot with an existing principal building.

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

The size limitations in [Section 45.030](#) apply, provided that the maximum allowed square footage of an accessory building containing an Accessory Dwelling Unit is increased by 500 square feet. The maximum allowable floor area for accessory buildings containing an Accessory Dwelling Unit may be increased in accordance with the special exception procedures of [Section 70.120](#).

Section 90.090 Setbacks

90.090-C Permitted Setback Obstructions in R Zoning Districts

Setbacks in R zoning districts must be unobstructed and unoccupied from the ground to the sky except as indicated in Table 90.1:

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

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-2, HP	Neighborhood	Residential
East	RS-2, HP	Neighborhood	Residential
South	RS-2, HP	Neighborhood	Residential
West	RS-2, HP	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 Streetcar Era (1910s-30s), prior to the proliferation of automobiles, when streetcars facilitated growth beyond downtown. Land uses range from fully integrated to somewhat separated, on a half-mile grid, with a mix of housing options. Priorities in these areas include walkability,

bikeability, access to public transit, historic preservation, housing type variety, mixed-use development, transit-oriented development, commercial districts, and well-designed streetscapes.

Transportation

Major Street & Highway Plan: N/A

Comprehensive Plan Street Designation: N/A

Transit: N/A

Existing Bike/Ped Facilities: Sidewalks are present along street frontages.

Planned Bike/Ped Facilities: N/A

Arterial Traffic per Lane: N/A

Environmental Considerations

Flood Area: N/A

Tree Canopy Coverage: Tree canopy in the area is 20%. 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: Tracy Park is located nearby to the north of the subject property.

Sample Motion

Special Exception

I move to approve or deny a special exception to permit an accessory dwelling unit in the RS-3 district (Section 45.031-D) and a special exception to increase the permitted floor area of an accessory dwelling unit in the RS-3 district (Section 45.031-D) from 1,376 square feet to 1,433 square feet,

- 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 increase the permitted height of an accessory dwelling unit in the rear setback (Section 90.090-C2) from 25 feet to 26 feet, 6 inches,

- 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:

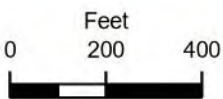
- That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- That literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose;
- 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;
- That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- That the variance to be granted is the minimum variance that will afford relief;
- 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
- 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 & N 1/2 LT 6 BLK 6 RIDGEWOOD ADDN OF TRACY PARK ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Exhibits

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



Subject Tract

BOA-23866

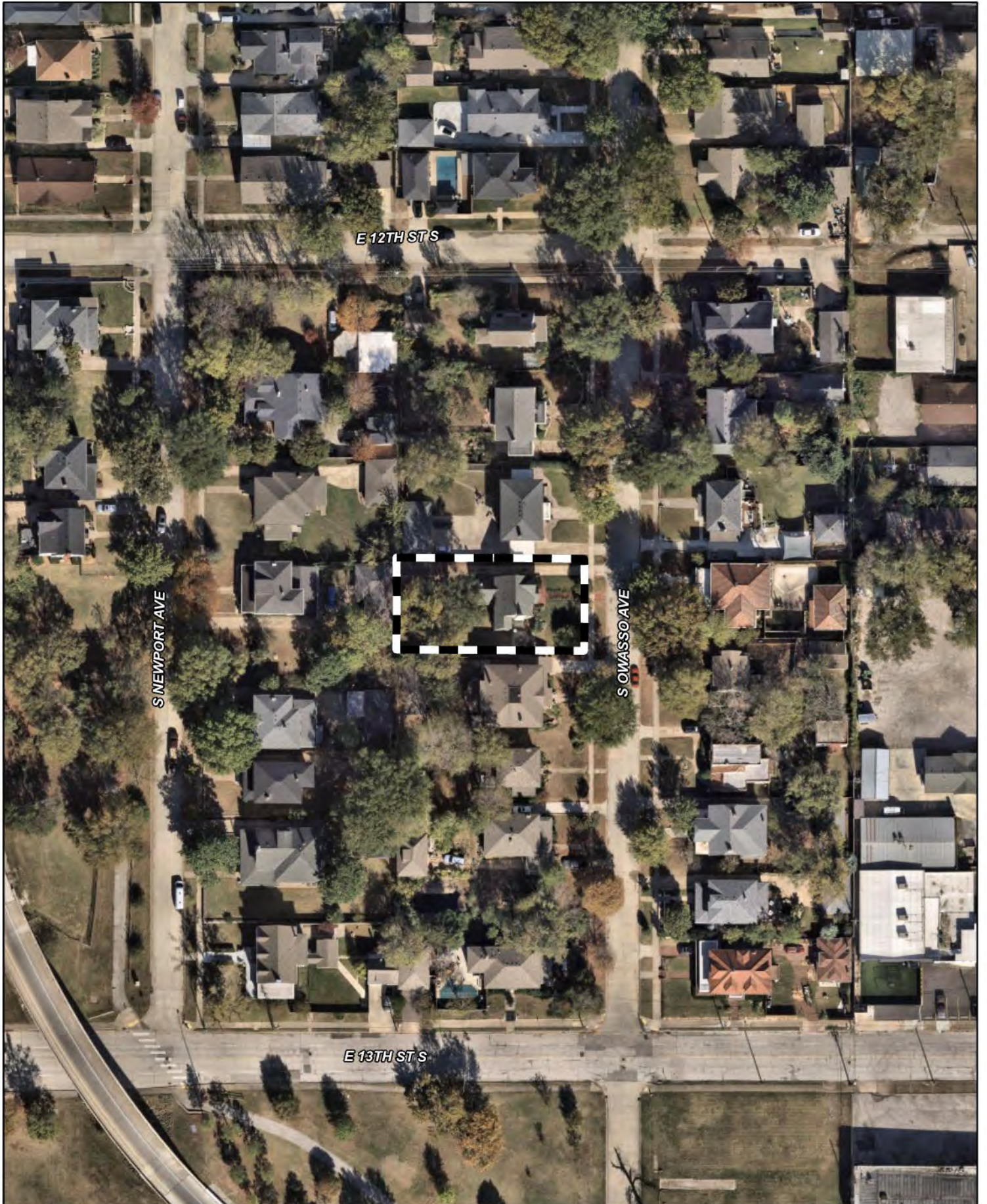
19-12 12

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

Aerial Photo Date: 2024



12.6

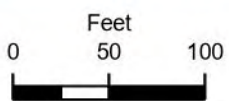


E 12TH ST S

S NEWPORT AVE

S OWASSO AVE

E 13TH ST S



Subject Tract

BOA-23866

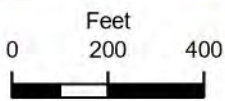
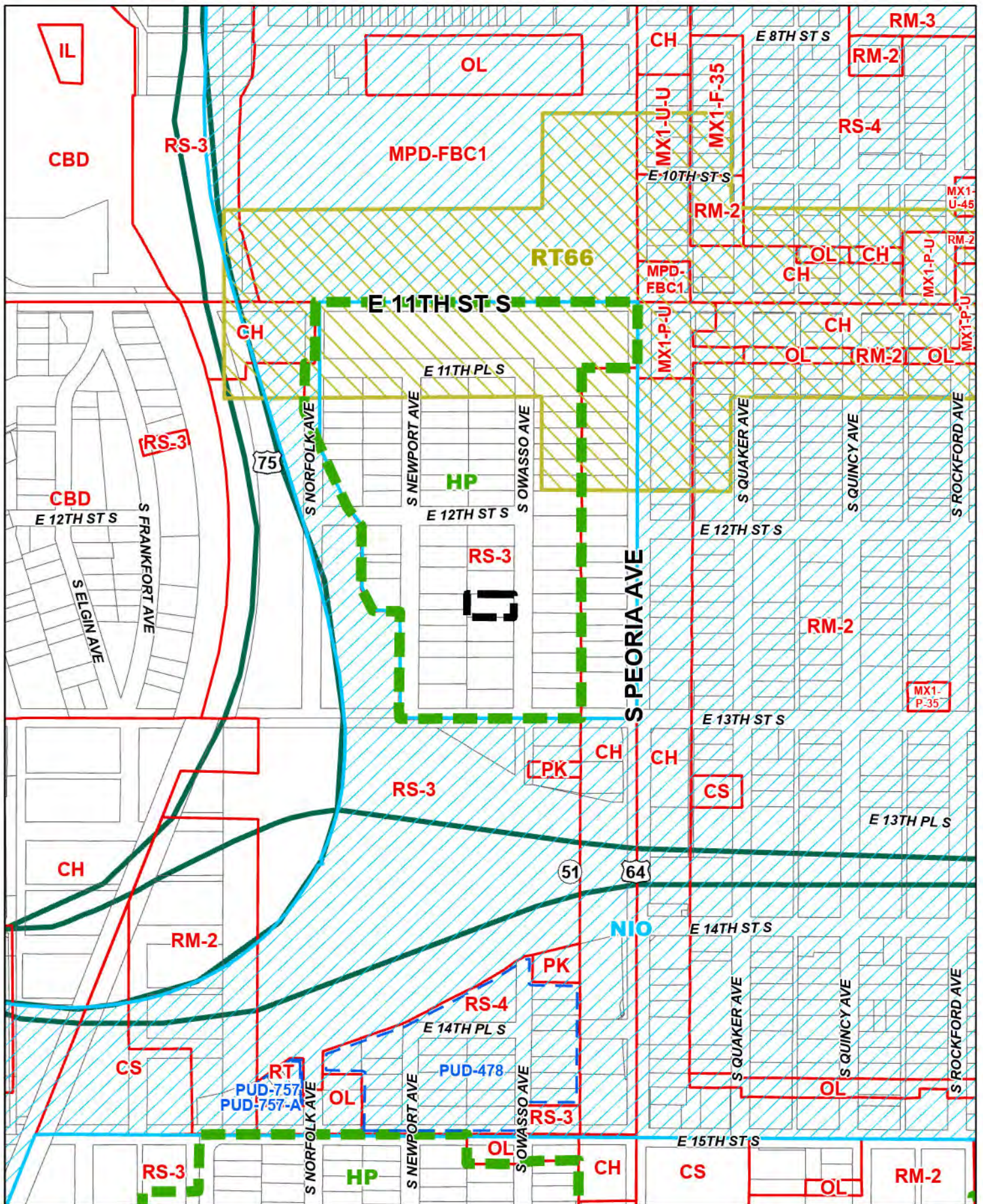
19-12 12

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

Aerial Photo Date: 2024



12.7

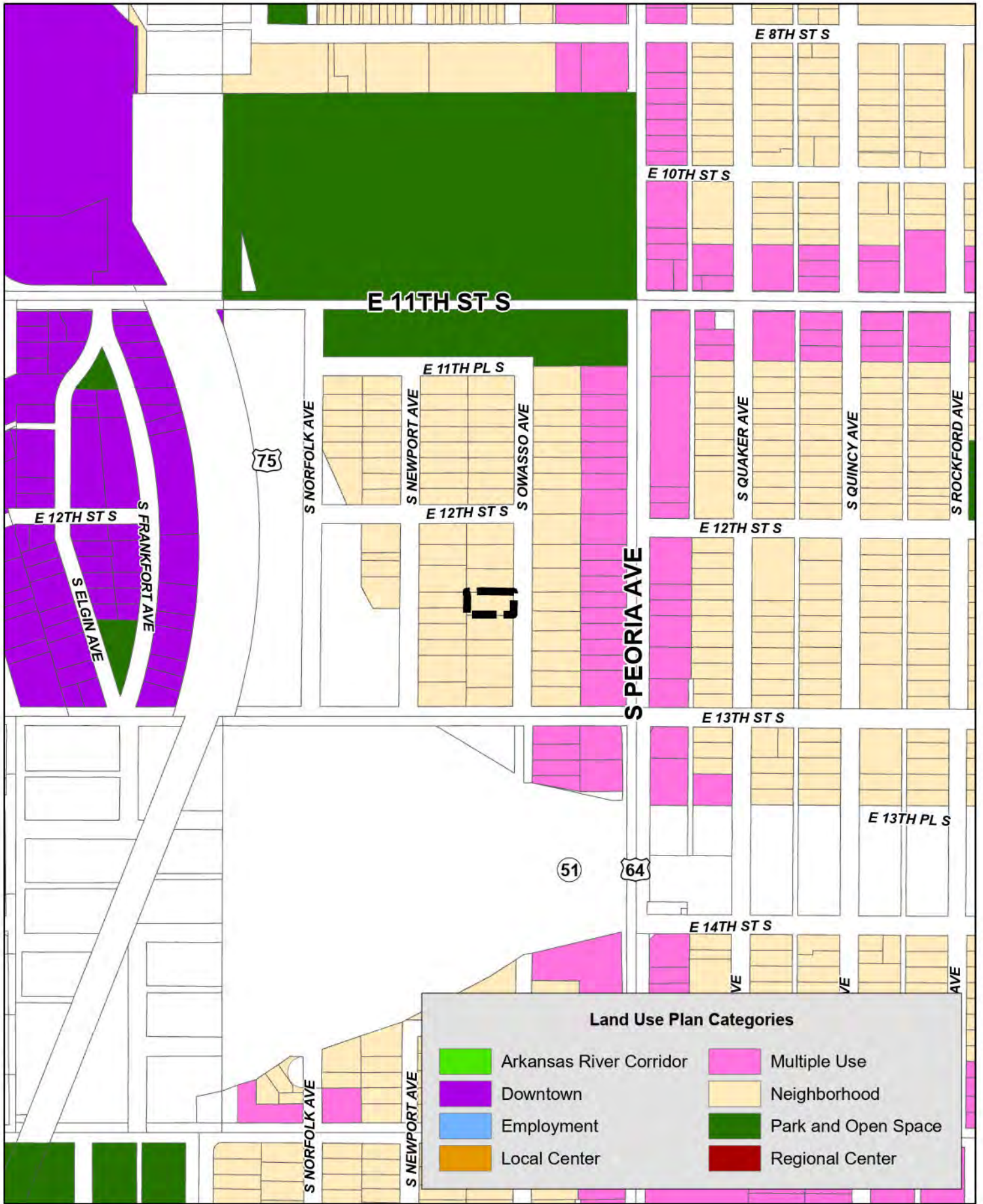










 Subject Tract

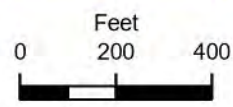
BOA-23866

19-12 12





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



 Subject Tract

BOA-23866

19-12 12



12.9

Board of Adjustment Case Number: _____ Date: Tuesday _____, 1:00 p.m.
Tulsa City Council Room, 2nd Level, One Technology Center, 175 East 2nd Street

A person knowledgeable of the application and the property must attend the meeting to represent the application.

Site Plans must be submitted at the time of application.

(Other drawings, photographs or exhibits may be submitted at the hearing.)

VARIANCES:

The applicant must prove a hardship to the Board. The Board of Adjustment is allowed to approve variances only after determining that the following conditions exist. Please describe how your request satisfies each of these conditions at the hearing, (You may include a separate page)

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; Not Applicable
2. That the literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose; TRUE
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; Not Applicable
4. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner; The hardship is the need to accommodate modern automobiles, which are significantly larger than those at the time the house was built in 1922, and to provide a modest amount of storage for the necessities of maintaining lawns and gardens.
5. That the variance to be granted is the minimum variance that will afford relief; The owners are asking for the minimum size for a modern garage with storage.
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; and There are multiple, 2-story "carriage houses" in the neighborhood and garage apartments similar to this proposal, including one immediately to the west, that date back 100 years. This proposal does not alter the character of the neighborhood and the applicant has made an effort to echo the character of the primary residence, in design, to look as though it were built at the same time as the primary 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 this zoning code or the comprehensive plan. The variance will enhance the public good and is in keeping with the intent of the zoning code and comprehensive plan.

In granting a variance, the Board may make appropriate conditions or safeguards and may require a bond or other guarantee necessary to enforce compliance with the conditions. Please sign to acknowledge that you understand the conditions that the Board must find to grant your request and that the information included in this application is truthful.

Applicant Signature: _____

SPECIAL EXCEPTIONS:

The Board of Adjustment is allowed to approve special exceptions only after determining that the following conditions exist. Please be ready to describe how your request satisfies each of these conditions at the hearing:

1. The special exception will be in harmony with the spirit and intent of the Zoning Code.
2. The special exception will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In granting any special exception, the Board may make appropriate conditions or safeguards, may limit the approval to a specified period of time and may require a bond or other guarantee necessary to enforce compliance with the conditions.

If your application is approved, you WILL need additional permits. Contact the City of Tulsa Permit Center at 918.596.9601 or Development Services Plans Review at 918.596.9456.

CITY OF TULSA BOARD OF ADJUSTMENT
175 E. 2nd St., Suite 480, Tulsa, OK 74103
(918) 596-7526

If your application is approved, you WILL need additional permits. Contact the Permit Center at 918-596-9601 or Development Services Plans Review at 918-596-9456.

To The Members of the Board of Adjustment,

The Belzleys have shown me drawings and discussed their plans to build their new garage and I am, hereby, in support of their application to the Board of Adjustment.

Sincerely,

ANDREW R TURNER

1225 S QUARTO AVE

Printed Name

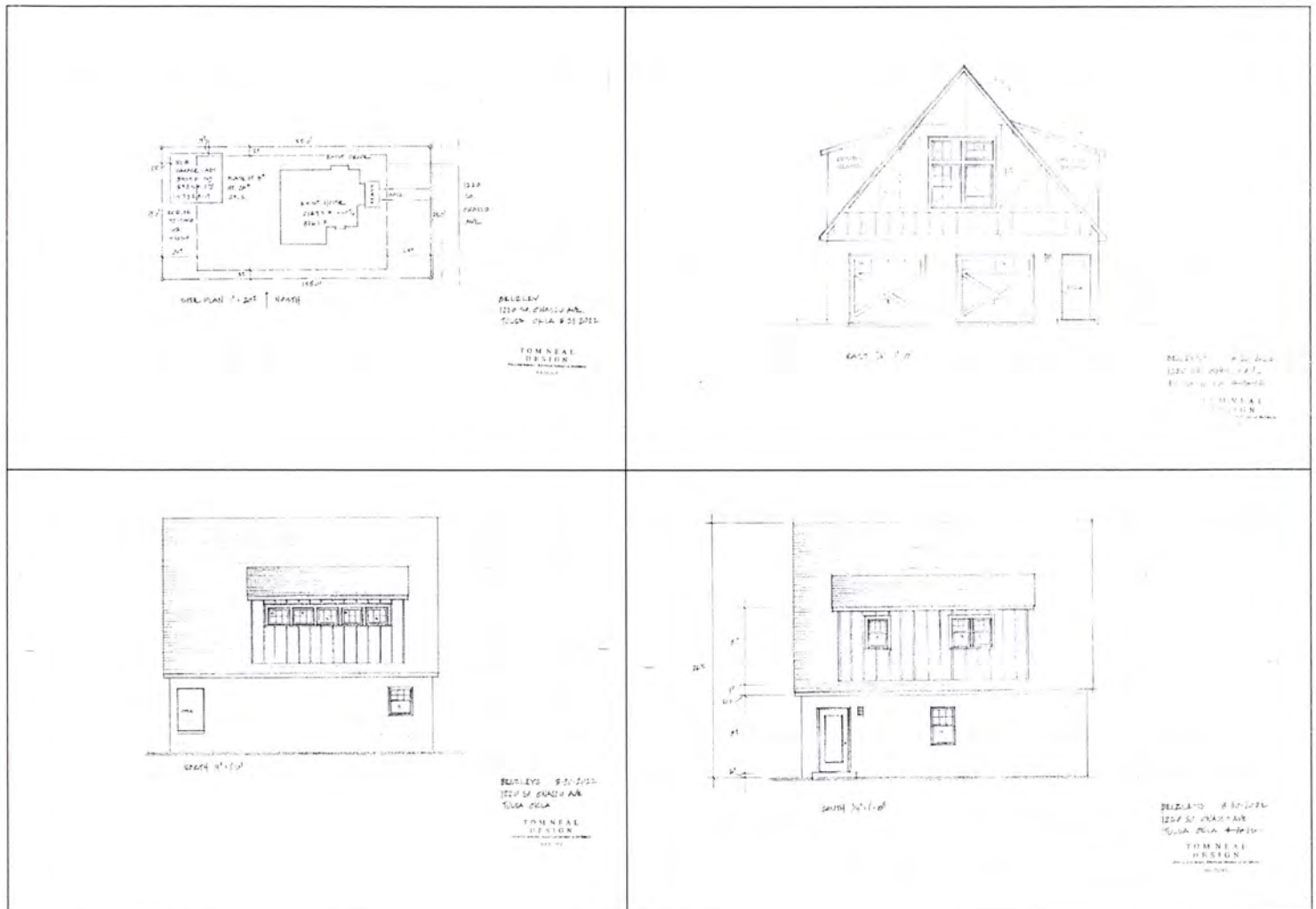
Address

[Handwritten Signature]

1/23/20

Signature

Date



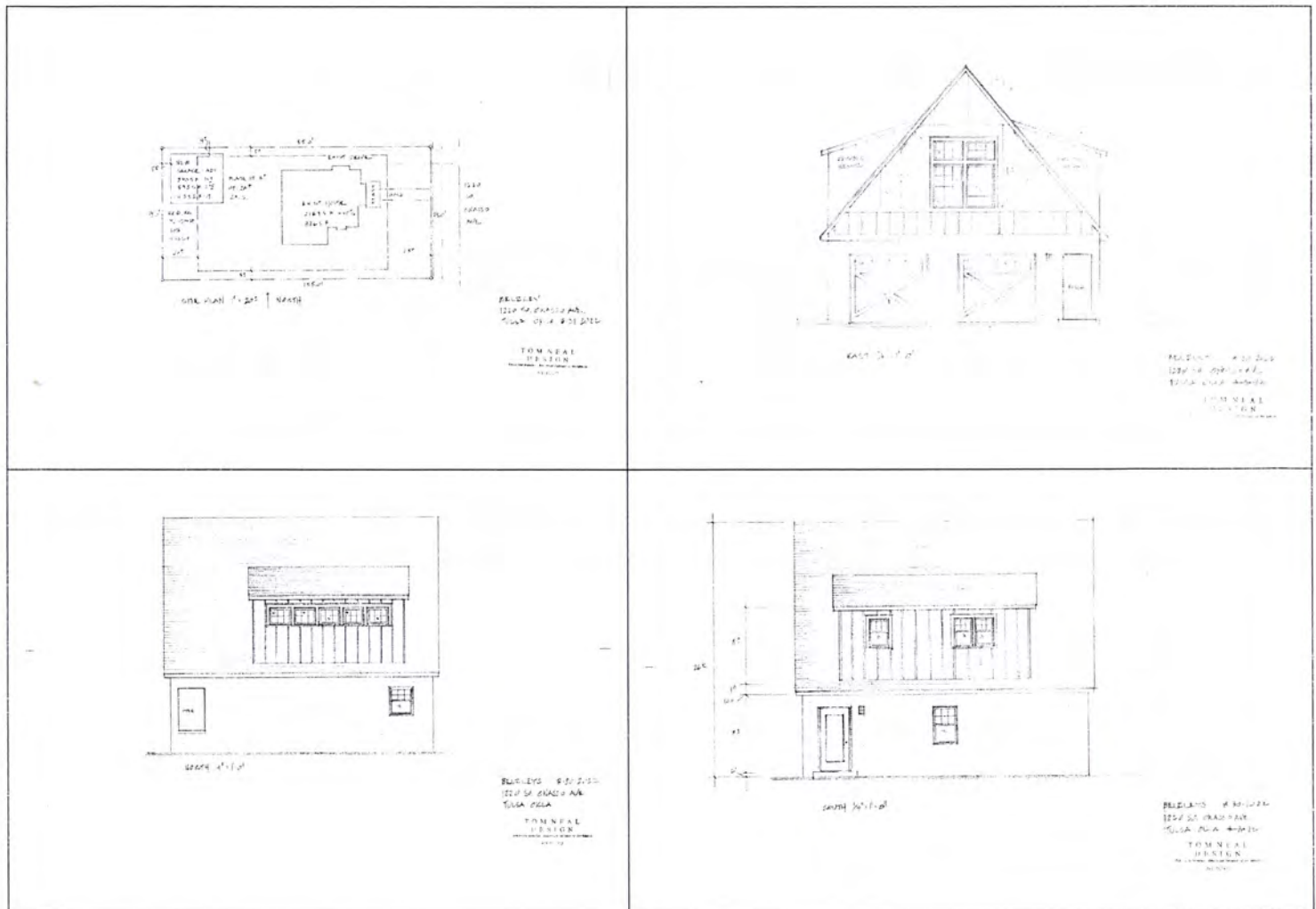
To The Members of the Board of Adjustment,

The Belzleys have shown me drawings and discussed their plans to build their new garage and I am, hereby, in support of their application to the Board of Adjustment.

Sincerely,

Judy Kumpf 1221 S. Newport Ave
Printed Name Address

J. Kumpf 1-28-25
Signature Date



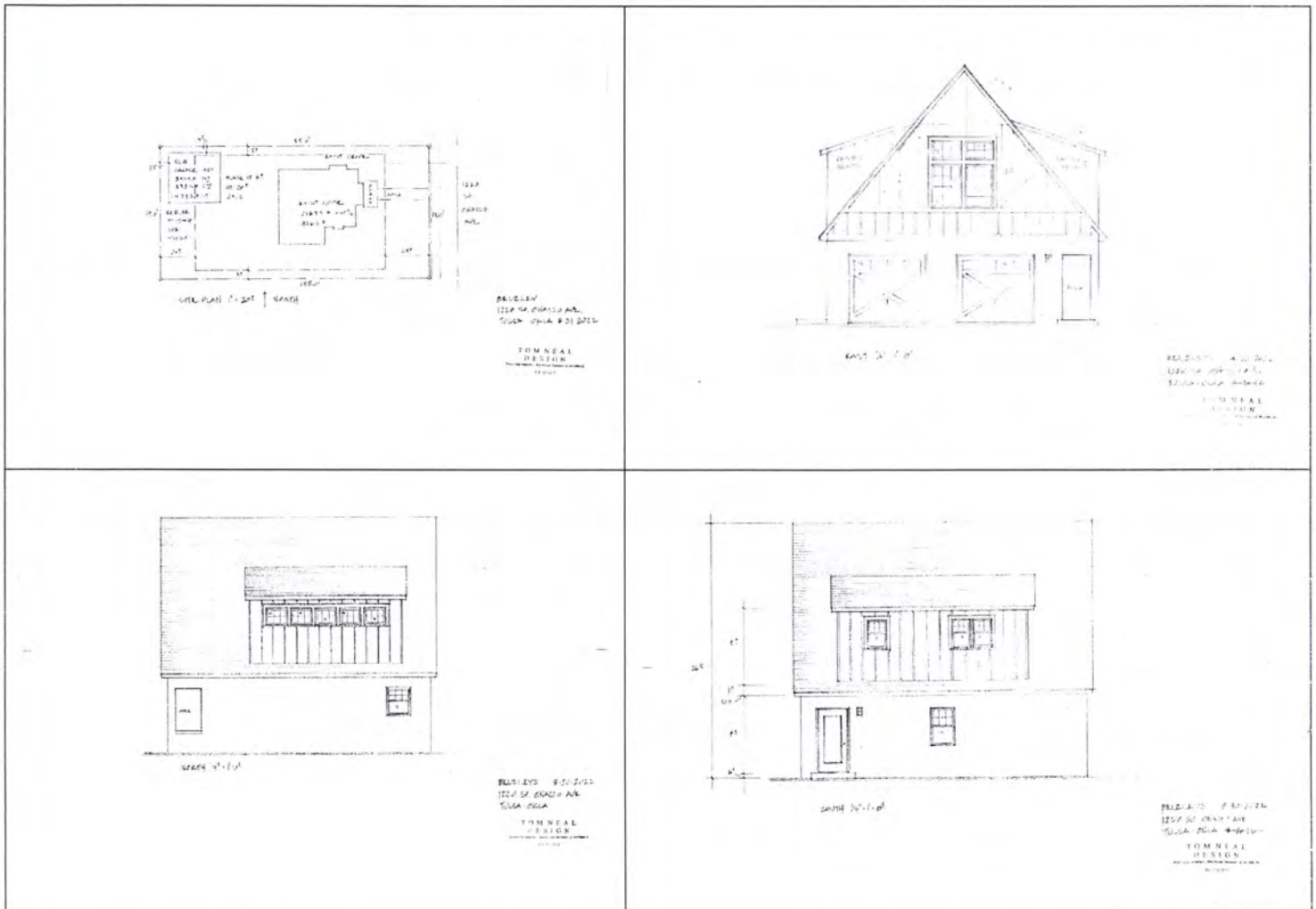
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Sincerely,

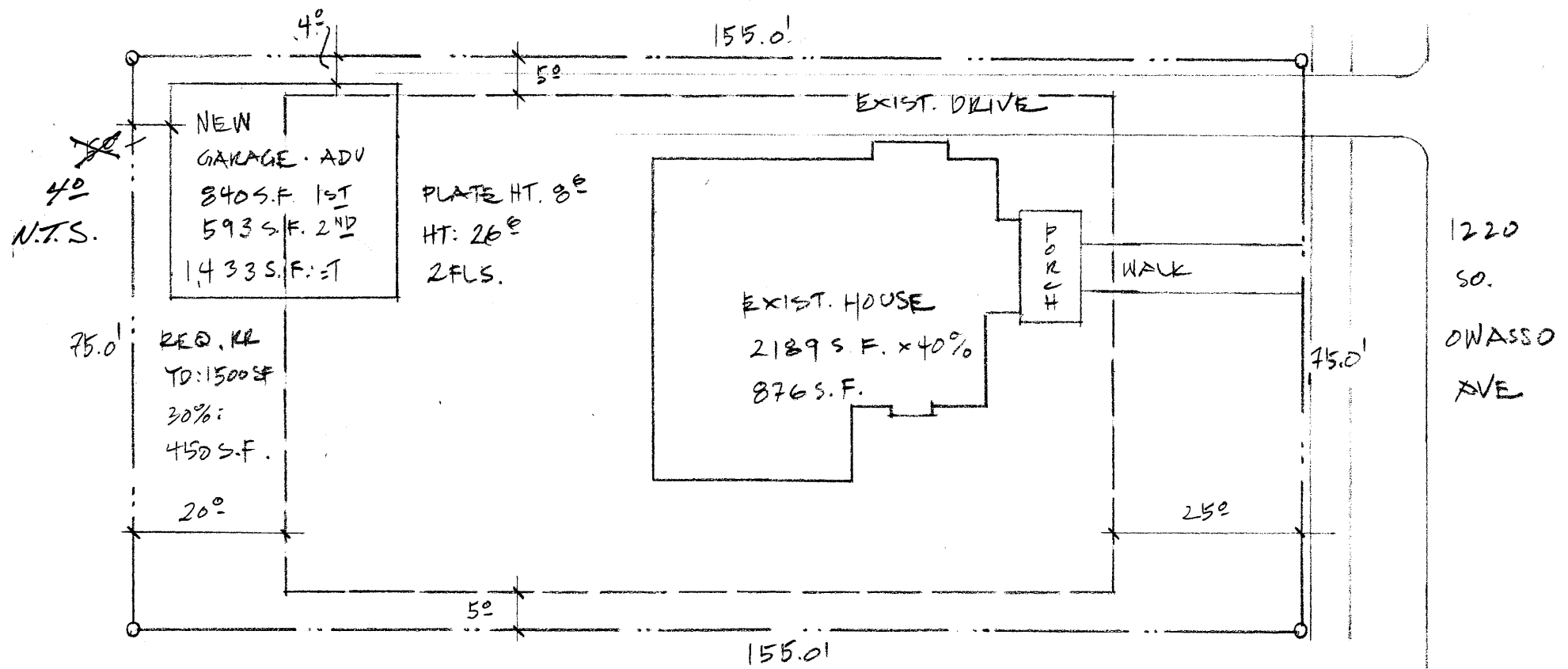
James C. Linger 1230 South Owasso Ave., Tulsa, OK 74120-5014
Printed Name Address

James C. Linger January 28, 2015
Signature Date





12.14

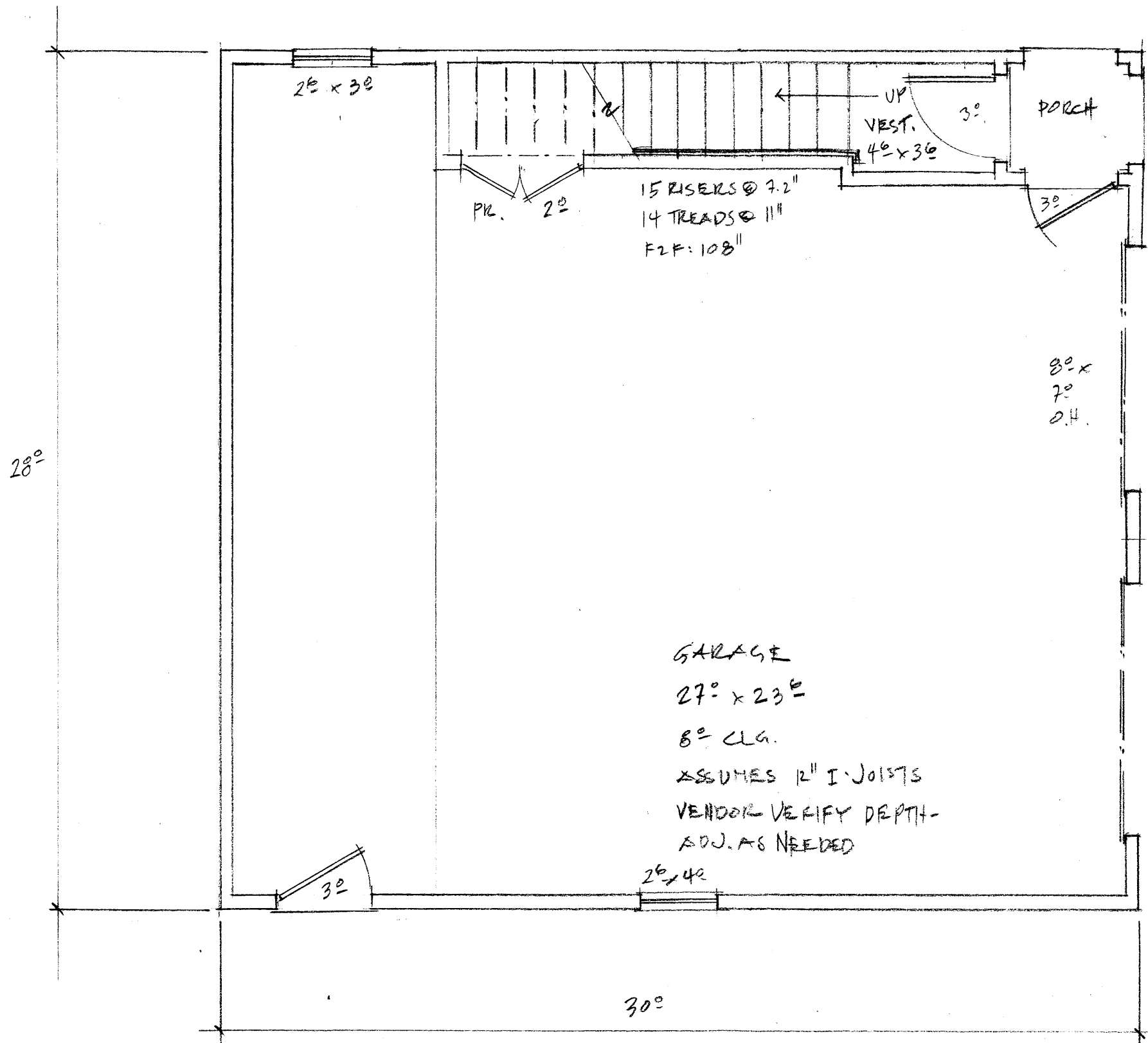


SITE PLAN 1" = 20' ↑ NORTH

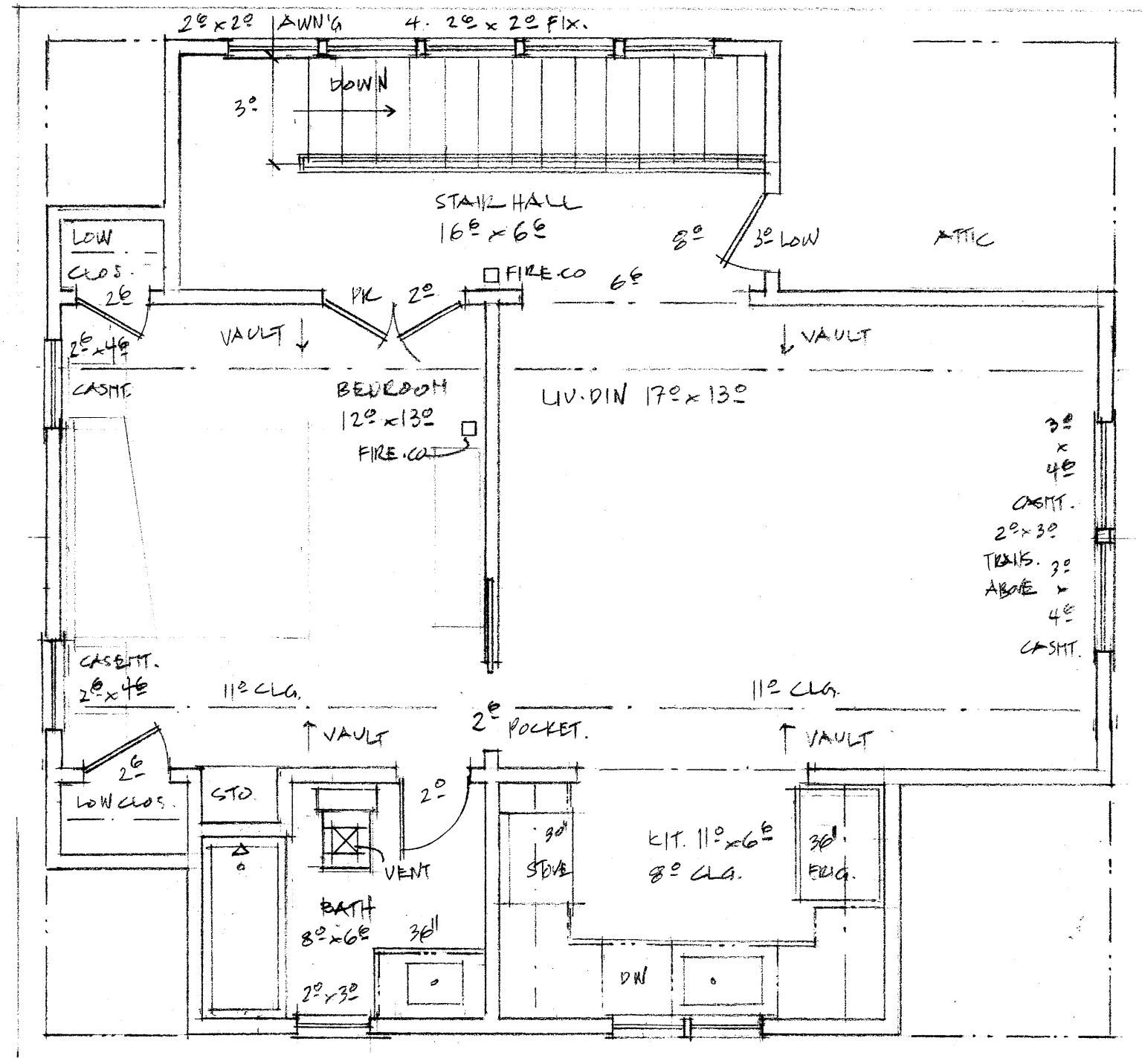
BELZLEY
 1220 SO. OWASSO AVE.
 TULSA, OKLA 8.31.2022

TOM NEAL
 DESIGN
 Associate member, American Institute of Architects

918.231.7372 12.15



BELZLETS 8.30.2022
1220 SO. OWASSO AVE
TULSA - OKLA 8.2022



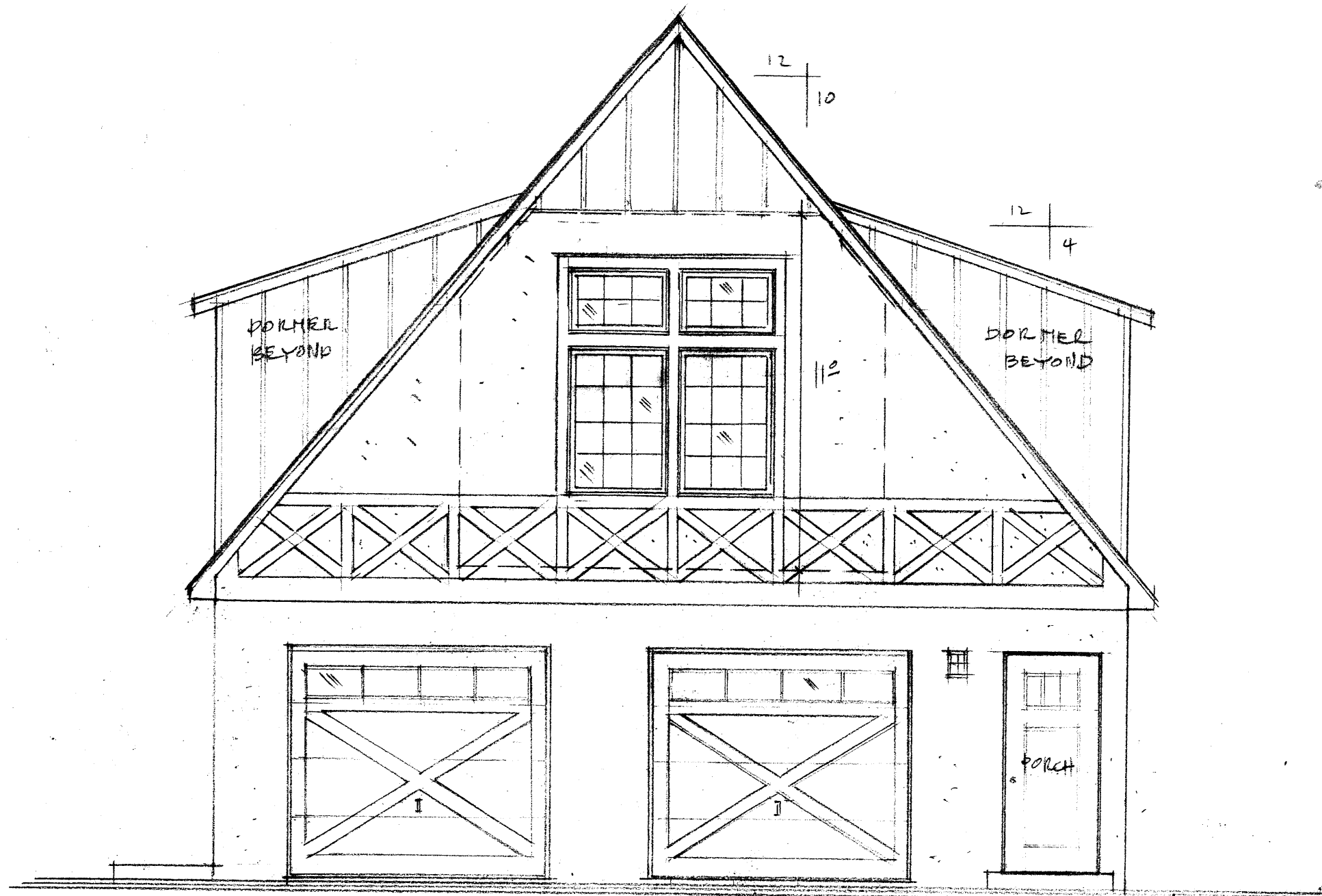
2ND FLOOR PLAN 1/4" = 1'-0" ↑ NORTH

BELZLEYS 8-30-2022
 1220 SO. DWASSO AVE.
 TULSA, OKLA 74102

TOM NEAL
 DESIGN
 Associate member, American Institute of Architects

918.231.7372

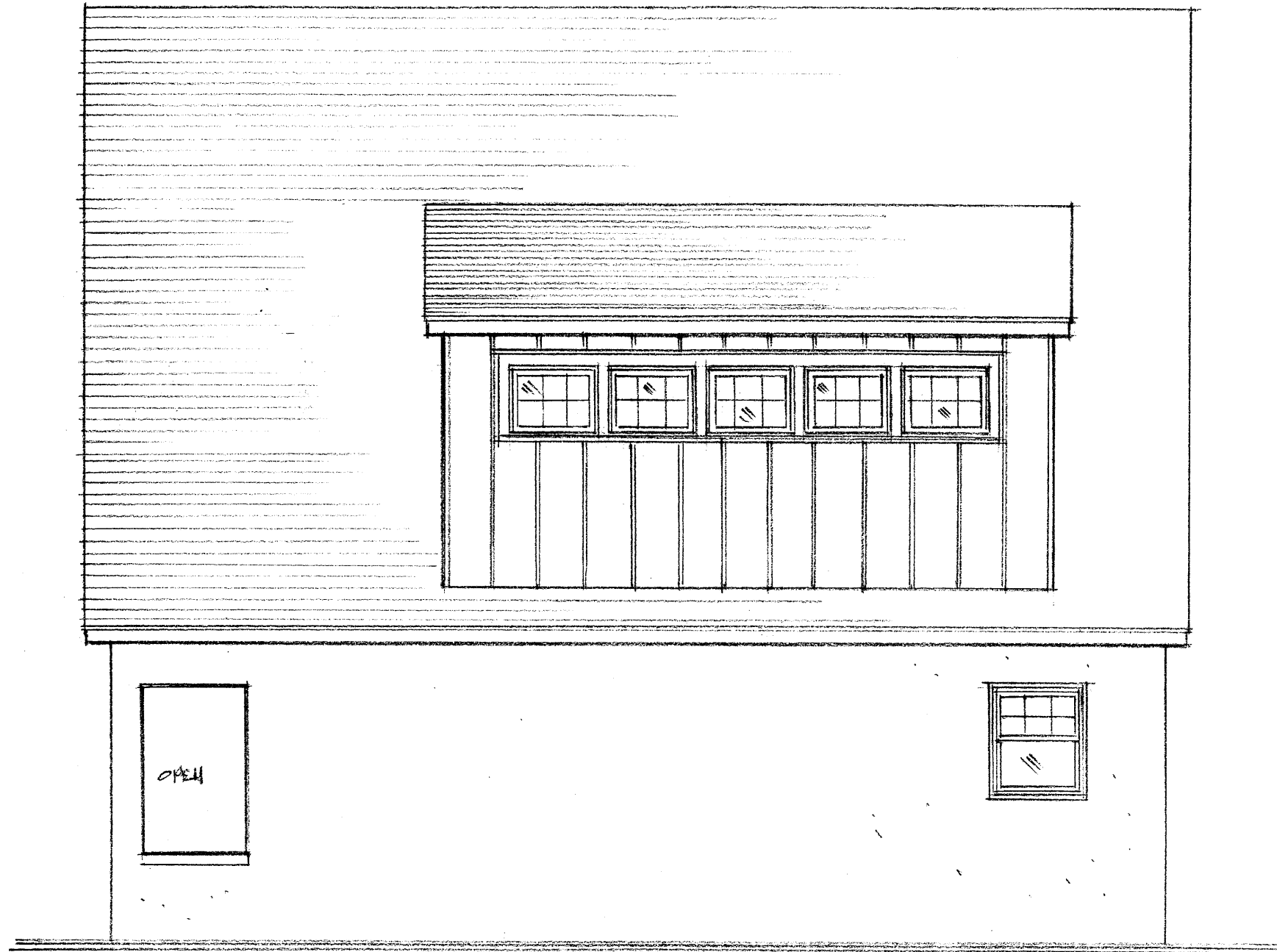
12.17



EAST 1/4" = 1'-0"

BELZLETS 8-30-2022
1220 SO. OWASSO AVE.
TULSA, OKLA 8-2022

TOM NEAL
DESIGN
Associate member, American Institute of Architects
918.231.7372
12.18

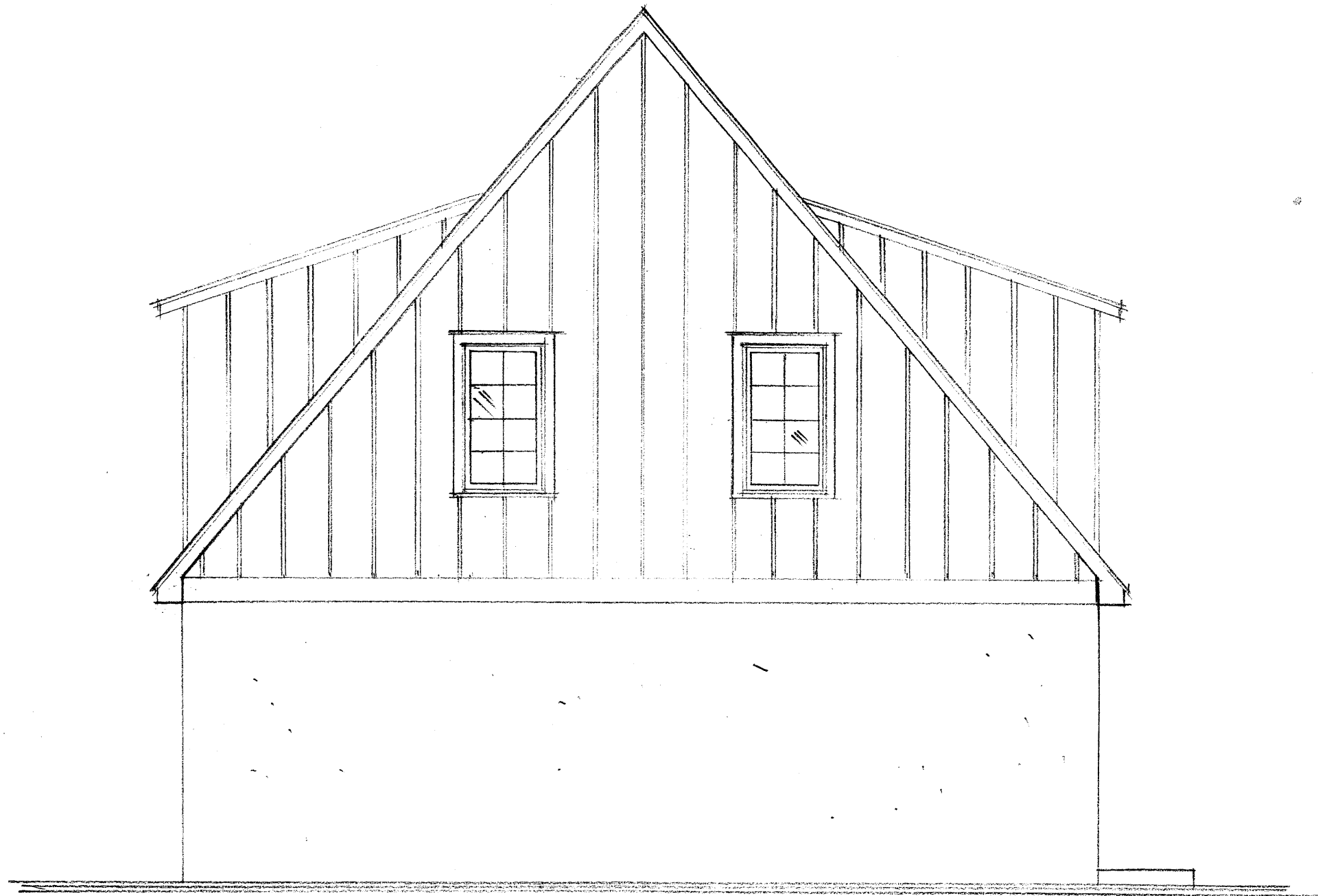


NORTH 1/4" = 1'-0"

BEIZLEYS 8-30-2022
1220 SO. ONASSO AVE
TULSA, OKLA

TOM NEAL
DESIGN
Associate member, American Institute of Architects

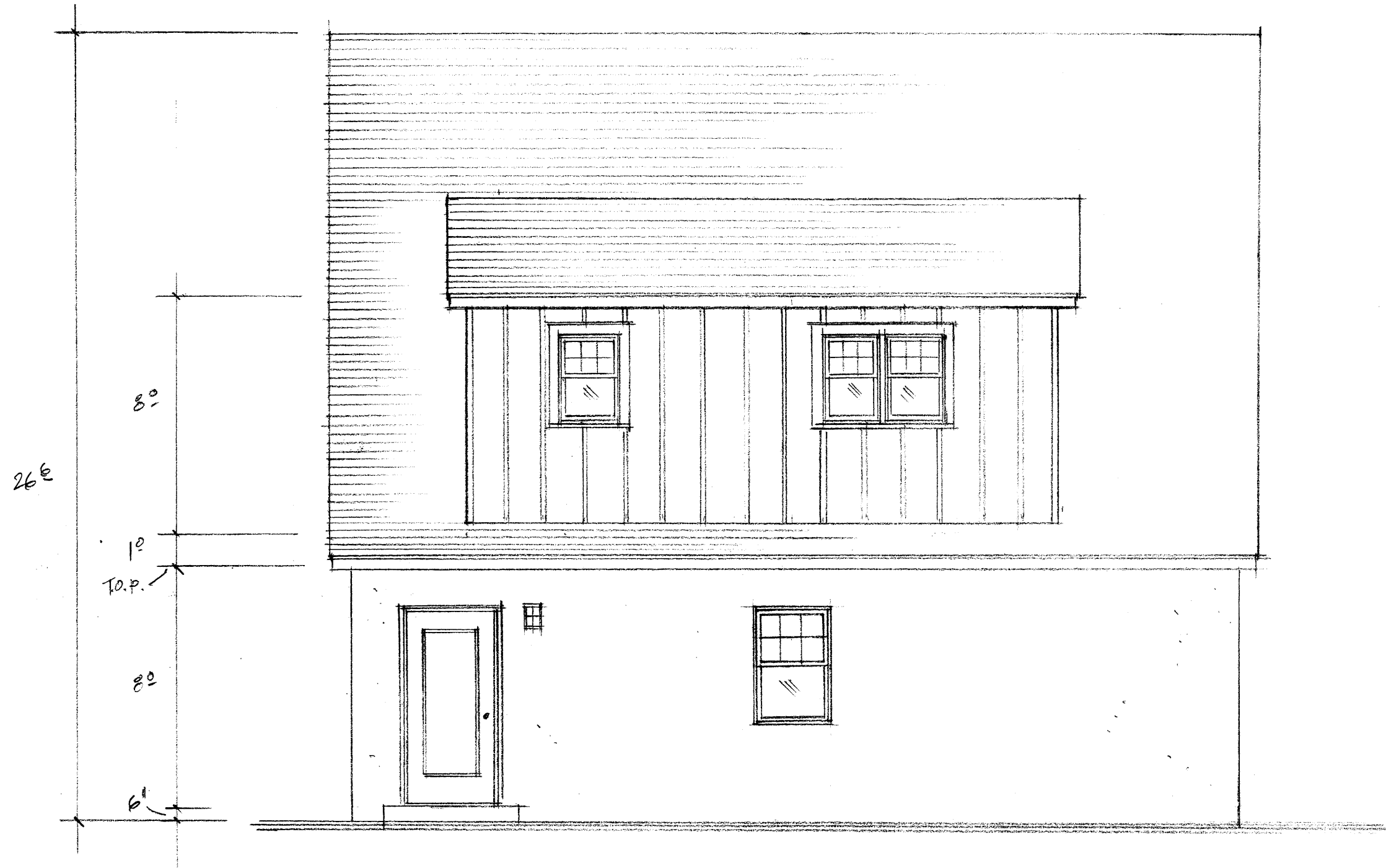
918.231.7342 12.19



WEST 1/4" = 1'-0"

BELZLEYS 8.30.2022
1220 SO. WASSO AVE.
TULSA, OKLA

TOM NEAL
DESIGN
Associate member, American Institute of Architects
918.231.7372 12.20



BELZLETS 8.30.2022
 1220 SO. OWASSO AVE.
 TULSA, OKLA ~~8.20.22~~

TOM NEAL
 DESIGN
 Associate member, American Institute of Architects

918.231.7372

12.21

Good, Felicity

From: Jonathan Belzley <belzley@gmail.com>
Sent: Thursday, February 20, 2025 5:21 PM
To: Tulsa Planning Office
Cc: Susanna Belzley
Subject: BOA-23866 - Belzley Garage/ADU

The Board of Adjustment,

As part of our outreach to our neighbors, I posted our rendering on our neighborhood Facebook page. So far, only likes and no comments. Also, Sunday, February 16th, was our annual neighborhood meeting where we nominated and voted for our new officers. We brought the rendering and plans to discuss. There were no expressions of concern—only encouragement from the neighborhood members in attendance.

Sincerely,

Jonathan Belzley

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Jonathan Belzley is with **Susanna Belzley**.

February 10 at 1:11 PM · 🌐



Hi All,

We are scheduled for a Board of Adjustment hearing on March 11. The photo is my attempt at a rendering. This will be a 2-car garage with a little storage on the back side and quarters above. We hope to have your support. This is a long time coming for us. I think we can all agree it's an improvement over what is there today!



Susanna Belzley, Andrew Turner and 10 others