



Board of Adjustment

**Staff Report
BOA-23874**

Hearing Date: April 8, 2025
Prepared by: Erin Roark
eroark@cityoftulsa.org
918-596-7618

Owner and Applicant Information

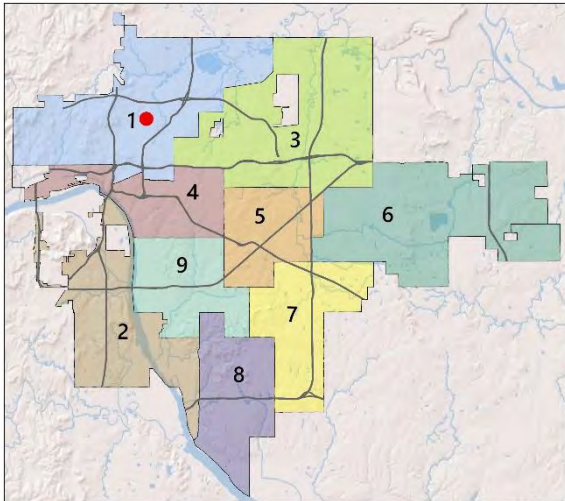
Applicant: Lee Michael Dalenberg
Property Owner: Lee M. & Hollie Dalenberg

Property Location

2212 North Owasso Avenue
Tract Size: ±0.33 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

Request Summary

Variance to increase the allowable floor area for a detached accessory building in the RS-4 district (Section 45.030-A).

Zoning

Zoning District: RS-4
Zoning Overlays: HNO

Comprehensive Plan Considerations

Land Use

Land Use Plan: Neighborhood
Small Area Plans: Unity Heritage
Development Era: Early Automobile Era

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: Sidewalks

Environment

Flood Area: N/A
Tree Canopy Coverage: 10-19%
Parks & Open Space: Lacy Park

Staff Analysis

The applicant is requesting a variance to increase the allowable floor area for a detached accessory building in the RS-4 district from 674 feet to 1,960 feet. (Section 45.030-A). A new detached accessory building is proposed. Another small storage shed is located on the property. In the RS-4 district, the aggregate floor area of detached accessory buildings is limited to 500 square feet or 40% of the floor area of the principal residential structure, whichever is greater. Based on the 1,654-square-foot floor area of the house, the maximum floor area of accessory buildings on the lot is 674 square feet. The detached accessory buildings would have a total floor area of approximately 1,960 square feet, which exceeds the maximum allowed floor area by 1,286 square feet.

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 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]

2. RS-2, RS-3, RS-4, RS-5 and RM Districts

In RS-2, RS-3, RS-4, RS-5, and RM districts, the total aggregate floor area of all detached 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] [2]

[1] For detached accessory buildings located within rear setbacks, see Section 90.090-C.

[2] See Section 45.031-D.6 for exceptions to these floor area limits for accessory buildings containing an Accessory Dwelling Unit.

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-4, HNO	Neighborhood	Residential
East	RS-4, HNO	Neighborhood	Residential
South	RS-4, HNO	Neighborhood	Residential

West	RS-4, HNO	Neighborhood	Residential
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Small Area Plans

The subject property is located within 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 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: Sidewalks are recommended along street frontages.

Arterial Traffic per Lane: N/A

Environmental Considerations

Flood Area: N/A

Tree Canopy Coverage: Tree canopy in the area is 11%. Preserving the limited existing canopy should be encouraged, as well as measures to increase the canopy through landscaping. Street-lining trees in particular should be encouraged to spread the benefit of the tree canopy to the pedestrian realm.

Parks & Open Space: Lacy Park is located nearby to the southwest of the subject property.

Sample Motion

I move to approve or deny a variance to increase the allowable floor area for a detached accessory building in the RS-4 district from 674 feet to 1,960 feet. (Section 45.030-A),

- 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

LTS 3 & 4 BLK 3, HENRY ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Exhibits

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



E APACHE ST

N PEORIA AVE

E WOODROW PL

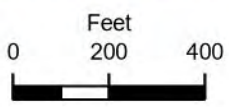
BOA-23874

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

Aerial Photo Date: 2025

8.5



 Subject Tract





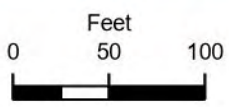
N NORFOLK AVE

N WAVASSO AVE

N PEORIA AVE

EXYLER ST

E WOODROW PL



Subject Tract

BOA-23874

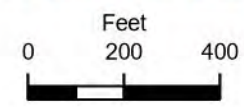
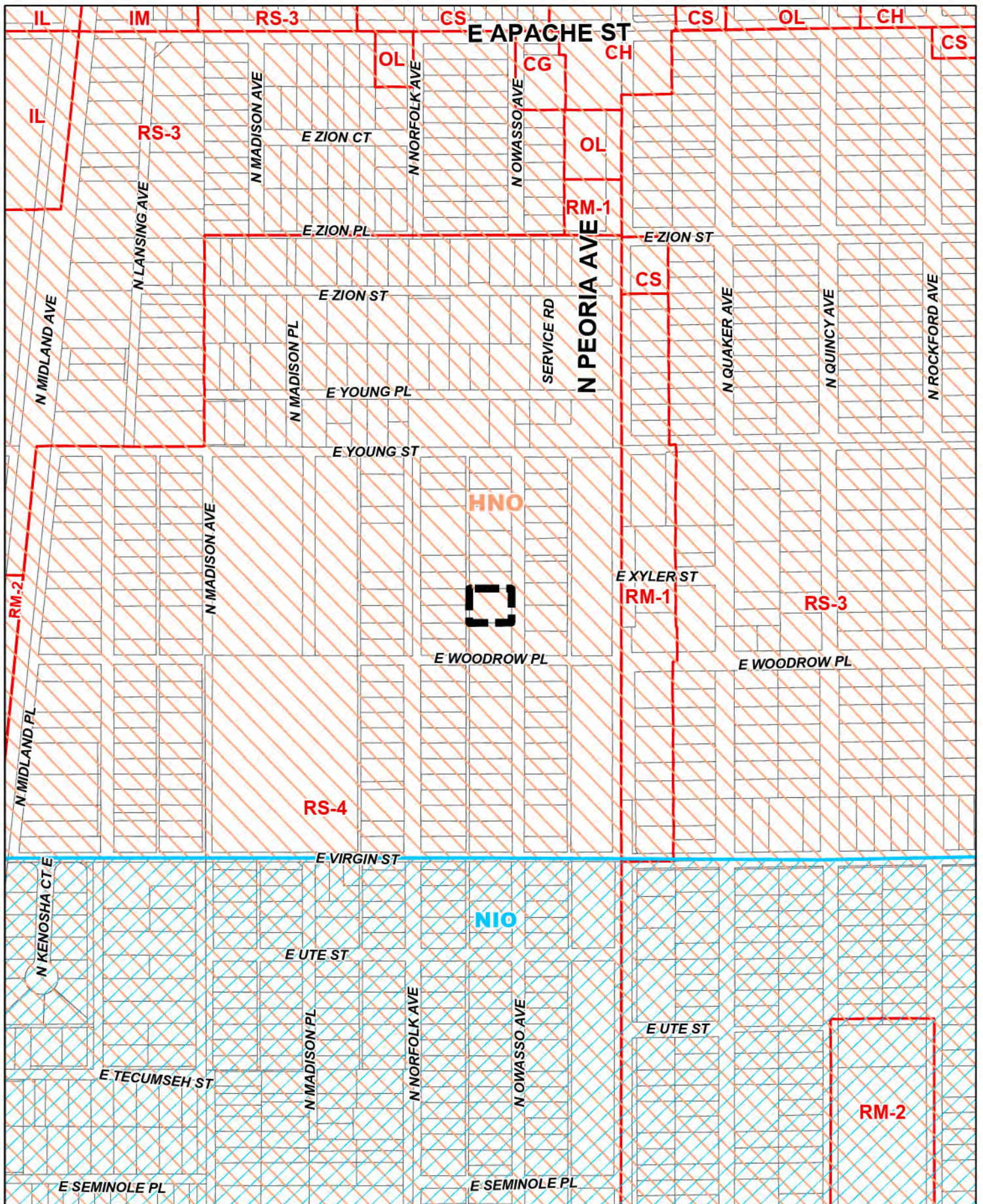
20-12 25

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

Aerial Photo Date: 2025



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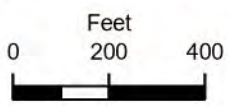
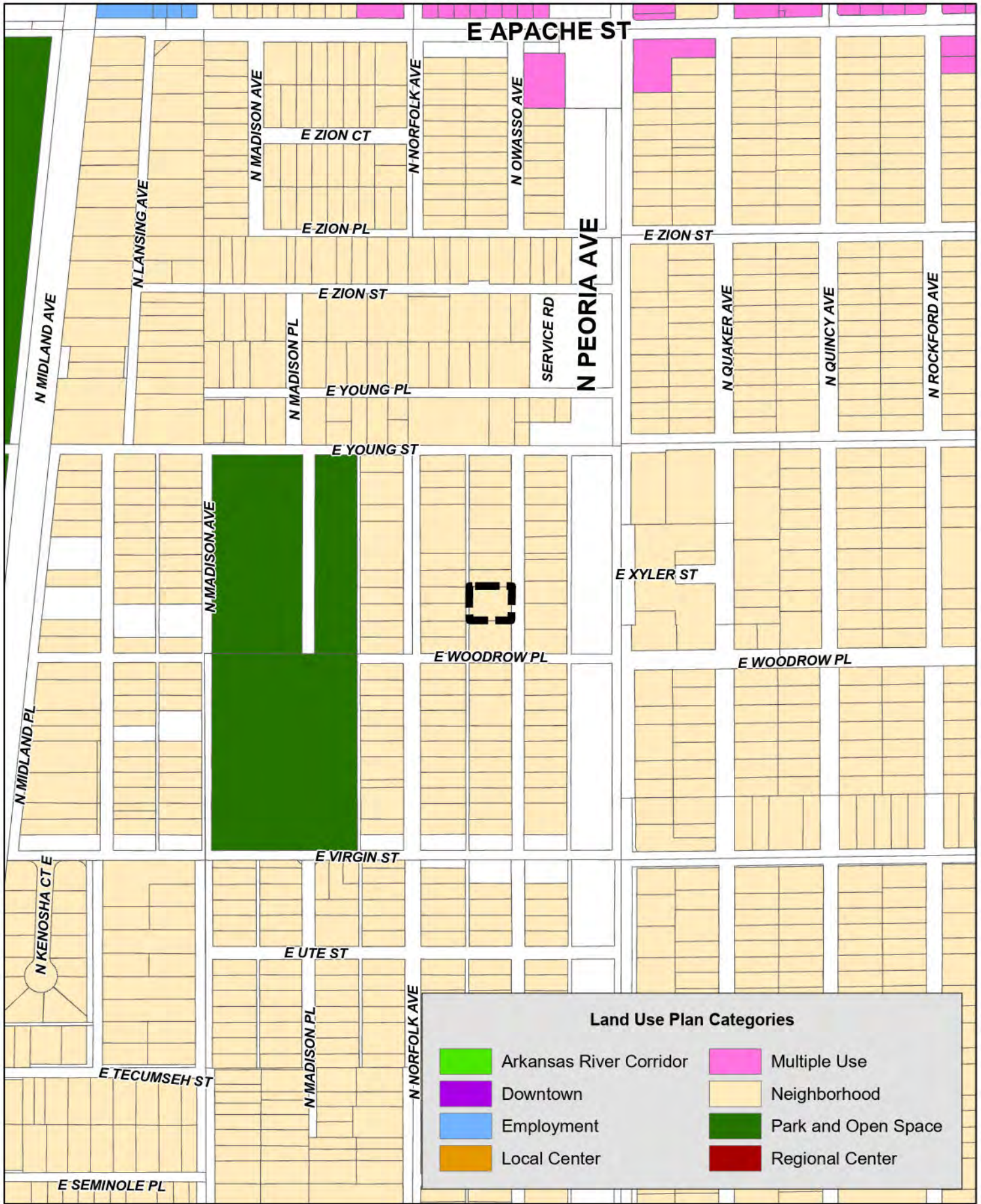
 Subject Tract

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 Subject Tract

BOA-23874

20-12 25



Variations - Proof of Hardship

The Board of Adjustment is allowed to approve variations only after determining that the following conditions exist. Below, describe how your request satisfies each of these conditions.

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;

- Building a garage on the existing concrete driveway structure would limit the functionality of the intended structure as an office and workspace.

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

- The maximum square foot rule doesn't account for unique property characteristics like larger lot sizes, which can comfortably accommodate a bigger structure without detracting from the overall purpose and spirit of the zoning code.

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 residence on the property is a house that was built in 1920. Adding square footage to the original structure rather than constructing a new structure such as the requested building, would be difficult to accomplish without compromising the integrity of the building for the practical use of a living space. The facade and materials used in construction of the building are not conducive to expansion.

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

- Having an additional office space that allows work from home is the result of unnecessary hardships like the quarantine measures of the COVID pandemic and

considers the need for more space for future pandemics that require social distancing and remote learning.

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

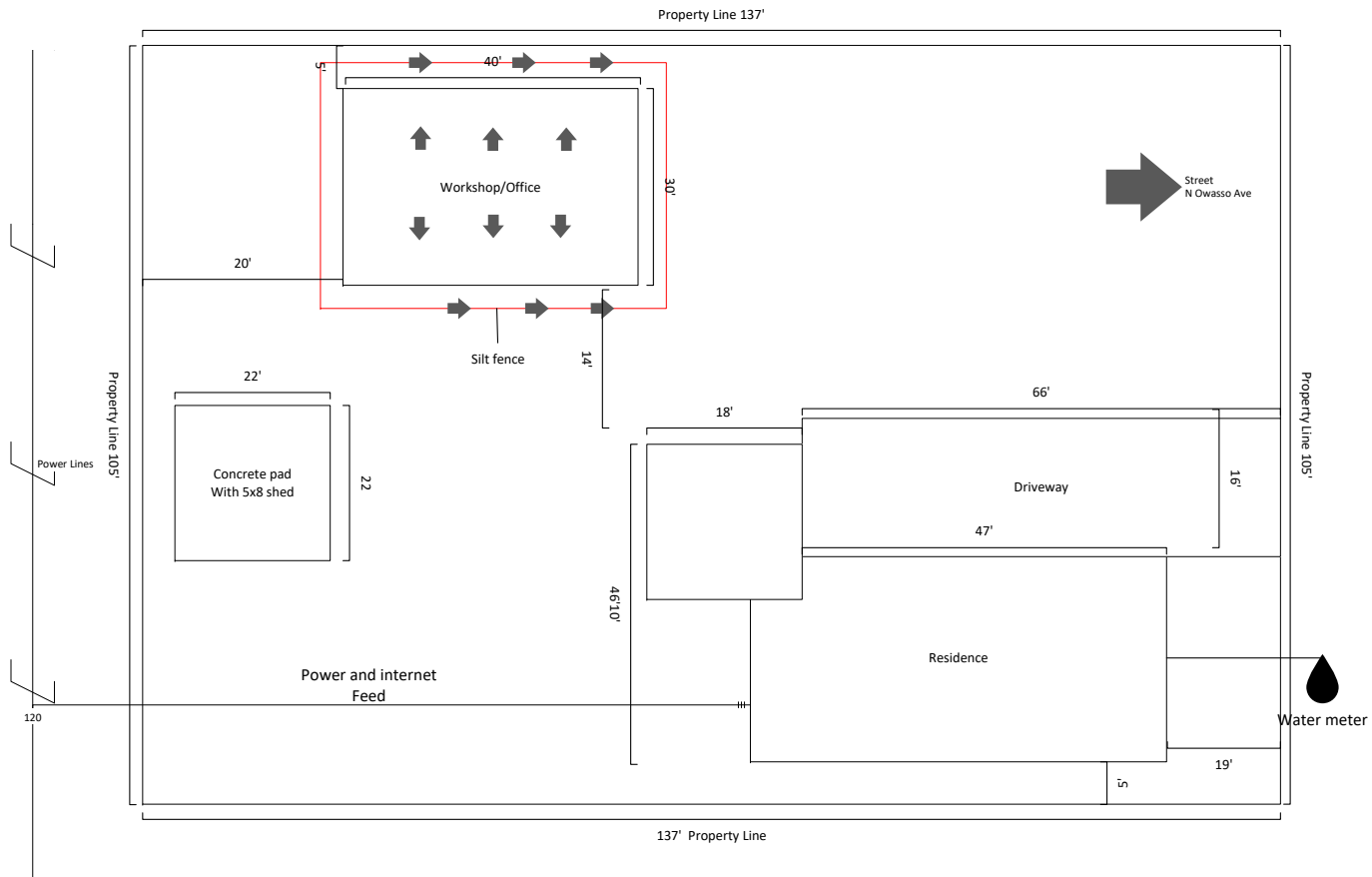
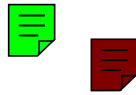
- The variance granted, of an increased square footage, is the minimum variance since another variance, such as for height, is not required because of our ability to move the building 20' away from the fence line.

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

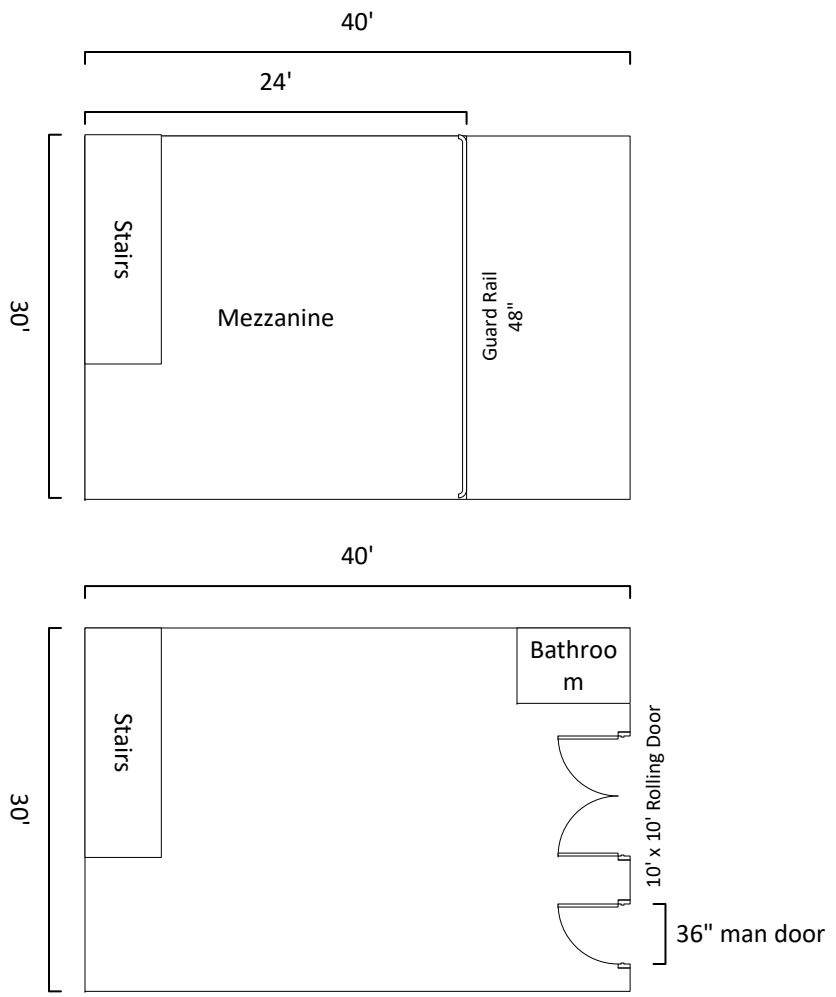
- The Lacy Park neighborhood has a diversity of housing structures that reflects the diversity of the residents of this neighborhood. It was purposeful that we purchased land within the bounds of the Cherokee Nation with a flat treeless lawn that allows us to grow as a family.
- The building is designed to match the exterior of our existing structure, as to present an appealing aesthetic.

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

- We considered window placement on the second story as to not view into the backyards of our neighbors, as to not invade the privacy of those in close proximity.
- Having a lot in the middle of the block, this structure will not impede the view of any stop signs or public right of ways.



Subdivision: HENRY ADDN
(18075)
Legal: LTS 3 & 4 BLK 3
Section: 25 Township: 20
Range: 12



Dear Neighbor,

We are Lee and Hollie Dalenberg at 2212 N. Owasso Ave. introducing ourselves because we would like to build an office/workshop on our property, which requires a variance from the City of Tulsa. Both of us work from home and need more space as our kids grow. The variance is for an increase of square footage up to 1900sqft. Per city requirements you will be getting a letter informing you of this. We wanted to be good neighbors and let you know ourselves. Let us know if you have any questions.

Thank you,

Lee and Hollie Dalenberg

Lee Dalenberg

970-769-8471

lee.dalenberg@gmail.com

Hollie Dalenberg

720-297-4717

hollie.dalenberg@gmail.com



DEVELOPMENT SERVICES

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

CITY OF TULSA

PLAN CORRECTIONS SUMMARY

BLDR-206016-2025 (2212 N OWASSO AVE E Tulsa, OK 74106)
Markup Summary #3

ARCHITECTURAL (1)



Subject: ARCHITECTURAL
Page Label: 1
Author: GEORGE GOZA
Date: 3/5/2025 8:23:40 AM
Status:
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Layer:
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R106.1.1 Information on submittal documents. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official. REVIEW COMMENT: Architectural review complete. Please respond to requirements from WSD (Water, Sewer and Drainage) and/or Zoning.

6-14



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: 1
Author: DWhiteman
Date: 3/4/2025 4:29:02 PM
Status:
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Section 45.030-A.2, RS-2, RS-3, RS-4, RS-5 and RM Districts. In RS-2, RS-3, RS-4, RS-5, and RM districts, the total aggregate floor area of all detached 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.

REVIEW COMMENT: You are proposing 2,020 sq. ft. of detached accessory structure floor area (including the existing shed). This exceeds 500 sq. ft. and 40% of the floor area of your house. Based on the floor area of your house/attached garage (1,654 sq. ft.) you are permitted 674 sq. ft. of detached accessory structure floor area on your lot. You may reduce the size of your proposed detached accessory structure so that all accessory structures have 674 square feet of floor area or less, or apply to Board of Adjustment for a variance to permit the combined floor area of detached accessory structures to exceed 40% of the principle structure floor area in an RS-4 zoning district. Please contact the Tulsa Planning Office at 918-596-7526 regarding Board of Adjustment schedules and procedures.