



Board of Adjustment

**Staff Report
BOA-23875**

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

Owner and Applicant Information

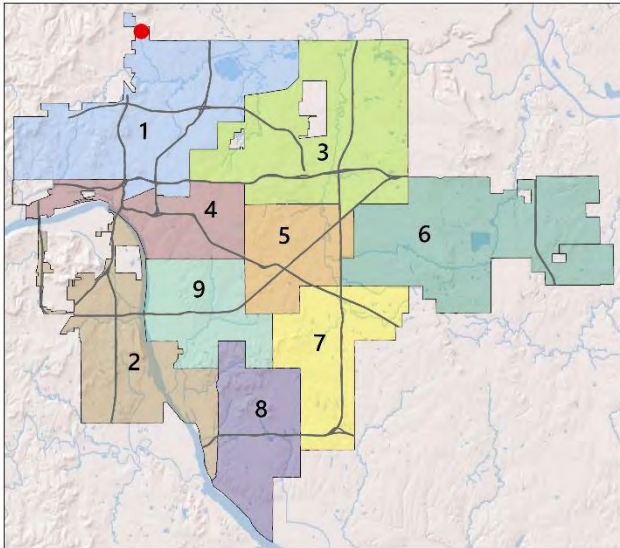
Applicant: Velincia Jones
Property Owner: PeelOffProperties LLC

Property Location

5935 North Frankfort Avenue
Tract Size: ±0.17 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 a duplex in the RS-3 district (Section 5.020, Table 5-2, Table 5-2.5).

Zoning

Zoning District: RS-3
Zoning Overlays: N/A

Comprehensive Plan Considerations

Land Use

Land Use Plan: Neighborhood
Small Area Plans: N/A
Development Era: Late 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: 20-29%
Parks & Open Space: N/A

Staff Analysis

The applicant is requesting a special exception to permit a duplex in the RS-3 district (Section 5.020, Table 5-2, Table 5-2.5).

Section 5.020 Use Regulations

Principal uses are allowed in R districts in accordance with Table 5-2.

Table 5-2: R District Use Regulations

USE CATEGORY	RE	RS-					RD	RT	RM-				RMH	Supplemental Regulations
Subcategory		1	2	3	4	5			0	1	2	3		
Specific use														
RESIDENTIAL														
Household Living (if in allowed building type identified in Table 5-2.5)														
Single household	P	P	P	P	P	P	P	P	P	P	P	P	P	
Two households on single lot	-	-	-	S	S	S	P	P	P	P	P	P	-	

Table 5-2.5: R District Building Type Regulations for Household Living

USE CATEGORY	RE	RS-					RD	RT	RM-				RMH	Supplemental Regulations
Subcategory		1	2	3	4	5			0	1	2	3		
Specific Uses														
Building Type														
RESIDENTIAL														
Household Living														

Two households on single lot														
Duplex	-	-	-	S	S	S	P	P	P	P	P	P	-	

Relevant Case History

- None found.

Comprehensive Plan Considerations

Land Use Plan

The 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	Vacant
East	RS-3	Neighborhood	Residential
South	RS-3	Neighborhood	Vacant
West	RS-3	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 Late Automobile Era (1950s-present), which has grown since the mainstreaming of automobile-centric lifestyles, with a high degree of separation between residential and nonresidential uses, and low levels of street connectivity. In these areas, transportation is nearly exclusively concentrated on the mile-by-mile arterial grid, and major streets are often both transportation corridors and destination corridors, which can lead to traffic congestion. Nonresidential uses are predominantly located at the intersections of major arterial streets. Priorities in these areas include commercial revitalization, placemaking, community gathering opportunities, conservation of natural areas, a high degree of privacy, one-stop shopping, and commuting routes.

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 22%. 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 special exception to permit a duplex in the RS-3 district (Section 5.020, Table 5-2, Table 5-2.5),

- per the conceptual plan(s) shown on page(s) _____ of the agenda packet.
- subject to the following conditions (including time limitation, if any): _____.

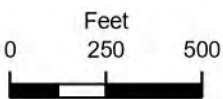
The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Property Description

LT 6 BLK 5, SUBURBAN HILLS 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-23875

20-12 01

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

Aerial Photo Date: 2025



9.5



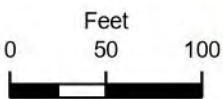
E 59TH PL N

N FRANKFORT PL

E 59TH PL N

N FRANKFORT AVE

E 59TH ST N



Subject Tract

BOA-23875

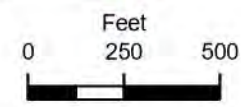
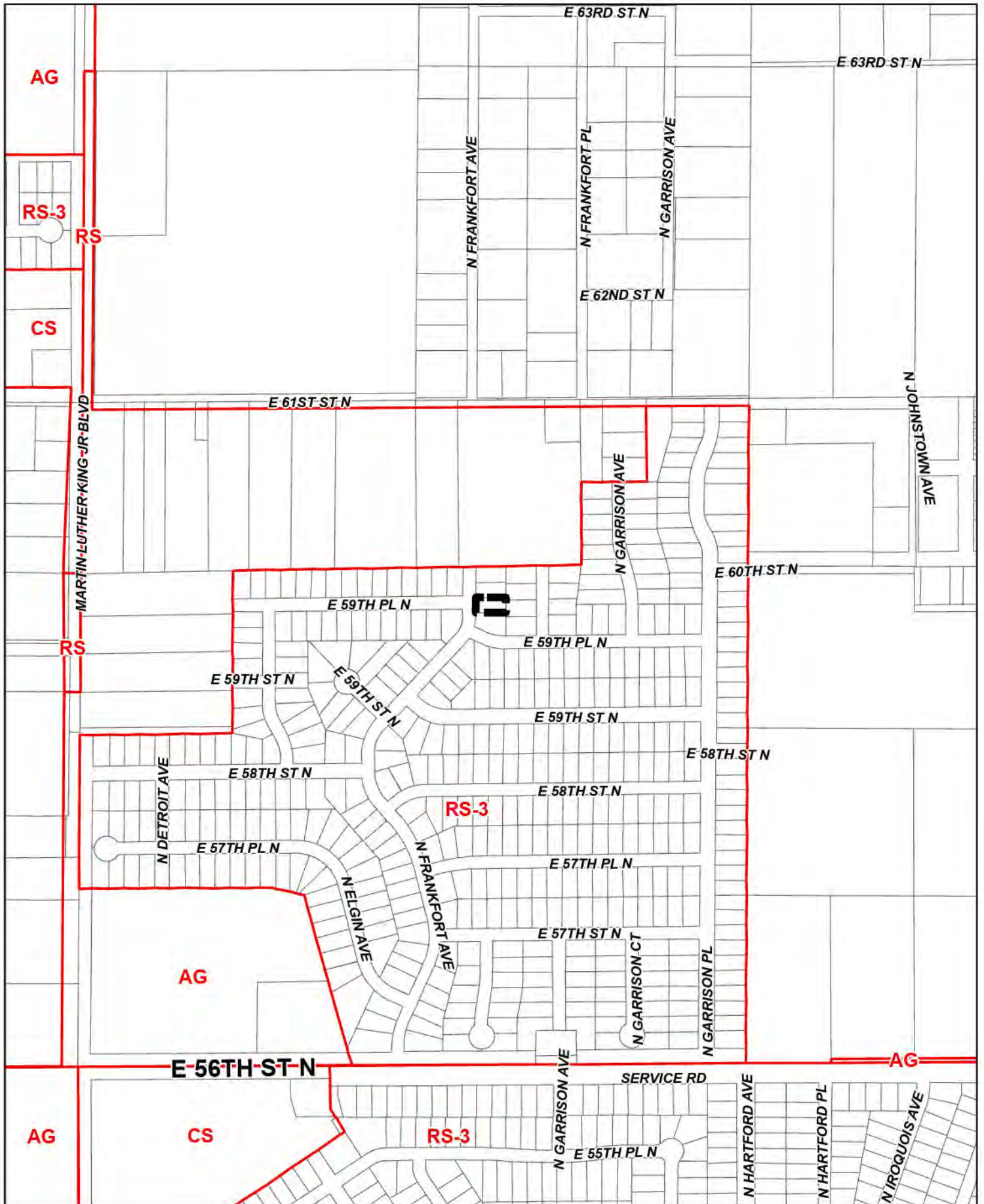
20-12 01

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

Aerial Photo Date: 2025



9.6



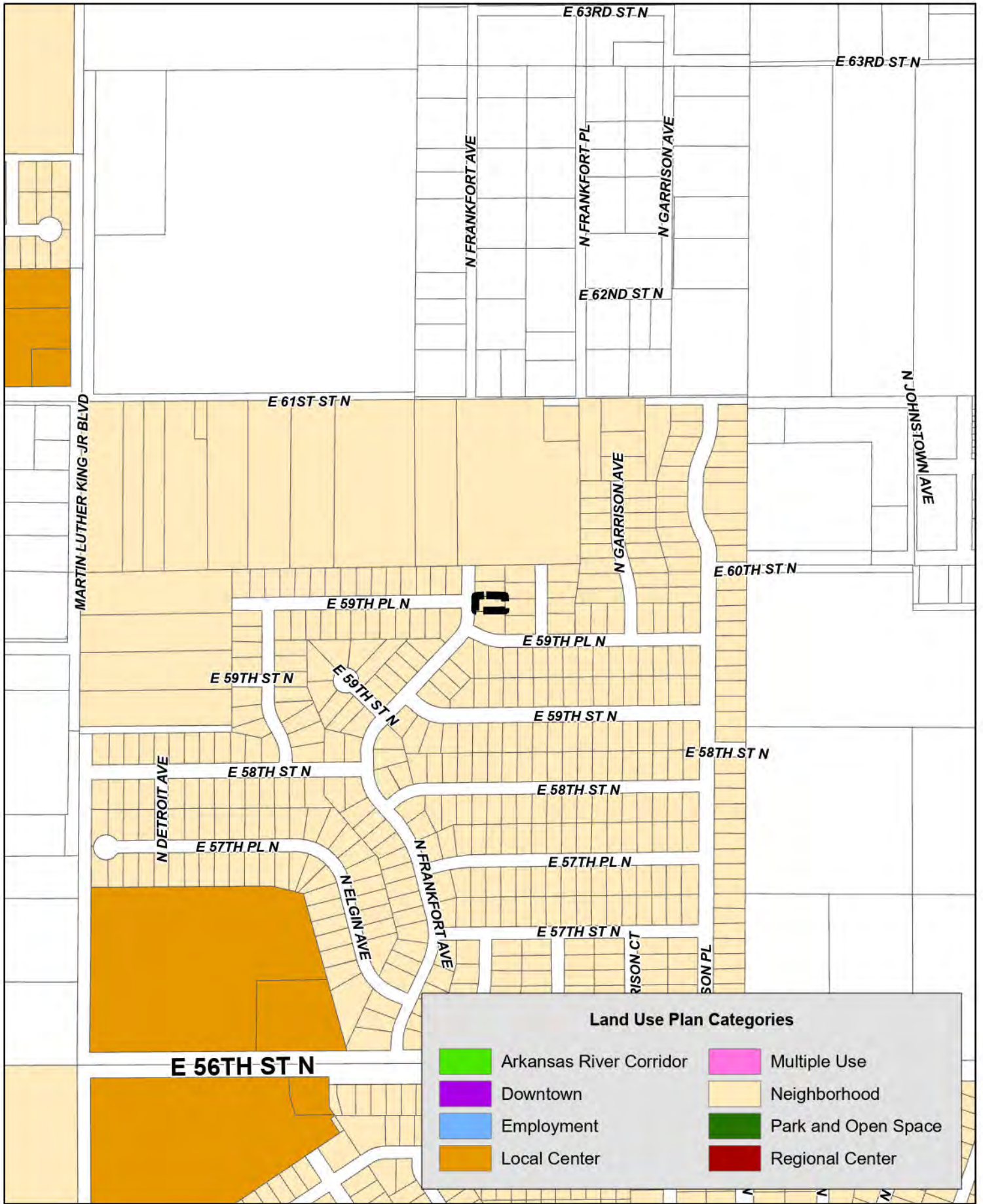
 Subject Tract

BOA-23875









20-12 01

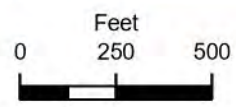


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Land Use Plan Categories

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



 Subject Tract

BOA-23875

20-12 01



9.8

Variances

Proof of Hardship

The Board of Adjustment is allowed to approve variances 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;

There are no hardships identified in the physical surroundings, shape, or topographic conditions of the property. The lot is nearly level with no trees.

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

The request is to allow for current zoning of single family home to allow for a duplex, which will allow for the undeveloped lot to develop in accordance with the city planning designs and allow for additional affordable housing in the North part of Tulsa.

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;

This property, and the design of the dwelling, are unique to the property size and layout of the lot itself.

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

This request is not due to practical difficulty or unnecessary hardship, was not self-imposed by the current property owner. This request is to allow for more affordable housing in North Tulsa while also allowing

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

Total open space per unit is 2,500 sq ft, with each dwelling at 420 sq ft. livable space and would remain close in character to the existing neighborhood. The request is only to allow for a duplex, with all other city planning and design requirements met without exception.

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

Correct. The dwelling will match the existing style and environment of the existing dwellings. The house will have a smooth exterior finish with a natural color tone and will be one of the first in the area to offer a sidewalk meeting with future city plans for all neighborhoods.

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.

Correct. The dwelling will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the zoning code or comprehensive plan.

Special Exceptions

The Board of Adjustment is allowed to approve special exceptions only after determining that the following conditions exist. Below, explain how your requests satisfy these conditions:

1. The special exception will be in harmony with the spirit and intent of the Zoning Code; and

The design of the site and the duplex itself will follow the HOA requirements and addendums as well as the City of Tulsa zone requirements - in partnership and approval with the planning and permitting offices and zoning code.

2. The special exception will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Correct, this special exception will not be injurious or detrimental to public welfare. Ideally, this special exception will allow for development of the property and residences, enhancing the community.

Conditions

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 likely need additional permits.

Call 918.596.9456 to speak with the Permit Center or Development Services Plans Review.

LEGEND

- ⊕ - CENTERLINE
- B/L - BUILDING LINE
- U/E - UTILITY EASEMENT
- S/E - SERVICE ENTRANCE
- R/W - RIGHT-OF-WAY
- MAE - MUTUAL ACCESS ESMT
- B/E - BURIED ELEC. ESMT
- L/E - LANDSCAPE ESMT
- D/E - DRAINAGE ESMT
- W/E - WATERLINE ESMT
- TRNSFRMR - TRANSFORMER



MORTGAGE INSPECTION REPORT
 NOT A LAND OR BOUNDARY SURVEY



SCALE: 1"=30'

SELLER: Waya Properties LLC

BUYER: Peel Off Properties, LLC

CLIENT: FirsTitle



FLOOD PLAIN STATEMENT:

THIS PROPERTY IS LOCATED IN ZONE X (UNSHADED AREAS) PER FLOOD INSURANCE RATE MAP 40143C0226L EFFECTIVE OCTOBER 16, 2012. ZONE X (UNSHADED) DEFINED AS AREA OF MINIMAL CHANCE OF FLOOD HAZARD.

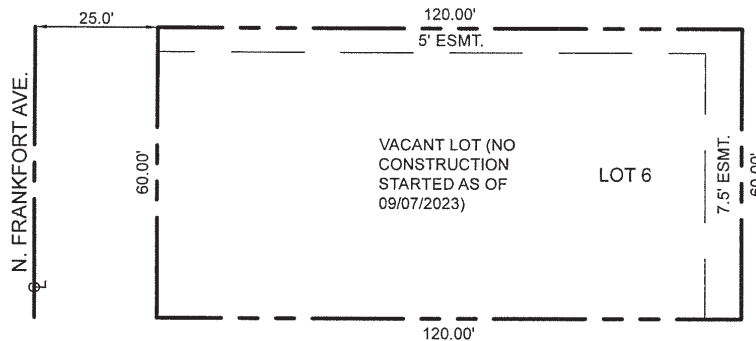
SURVEYOR'S NOTE:

THE FOLLOWING FOUND IN TITLE COMMITMENT #661574, DATED 03/31/2023: DOES AFFECT THE PROPERTY:

- #10 ITEMS CONTAINED IN THE PLAT AND DEED OF DEDICATION/COVENANTS AND RESTRICTIONS, OF SUBURBAN HILLS, PLAT NO. 2318, BK 3135 PG 674
- #12 BK 1199 PG 339 IS A BLANKET EASEMENT, EXACT LOCATION CANNOT BE DETERMINED
- #13 BK 1212 PG 29 (BLNKT. ESMT.)
- #14 BK 1281 PG 572 (BLNKT. ESMT.)
- #21 BK 1106 PG 123 (BLNKT. ESMT.)

DOES NOT AFFECT THE PROPERTY:

- ITEM 11 & ITEMS 15 THRU 20



DATE OF FIELD INSPECTION:

SEPTEMBER 7TH, 2023

LEGAL DESCRIPTION:

LOT SIX (6), BLOCK FIVE (5), SUBURBAN HILLS, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

ALSO KNOWN AS:

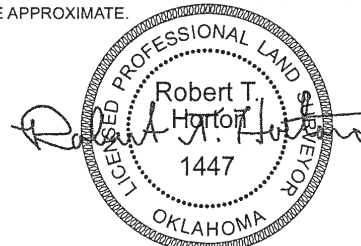
5935 NORTH FRANKFORT AVENUE, TULSA, OK 74126

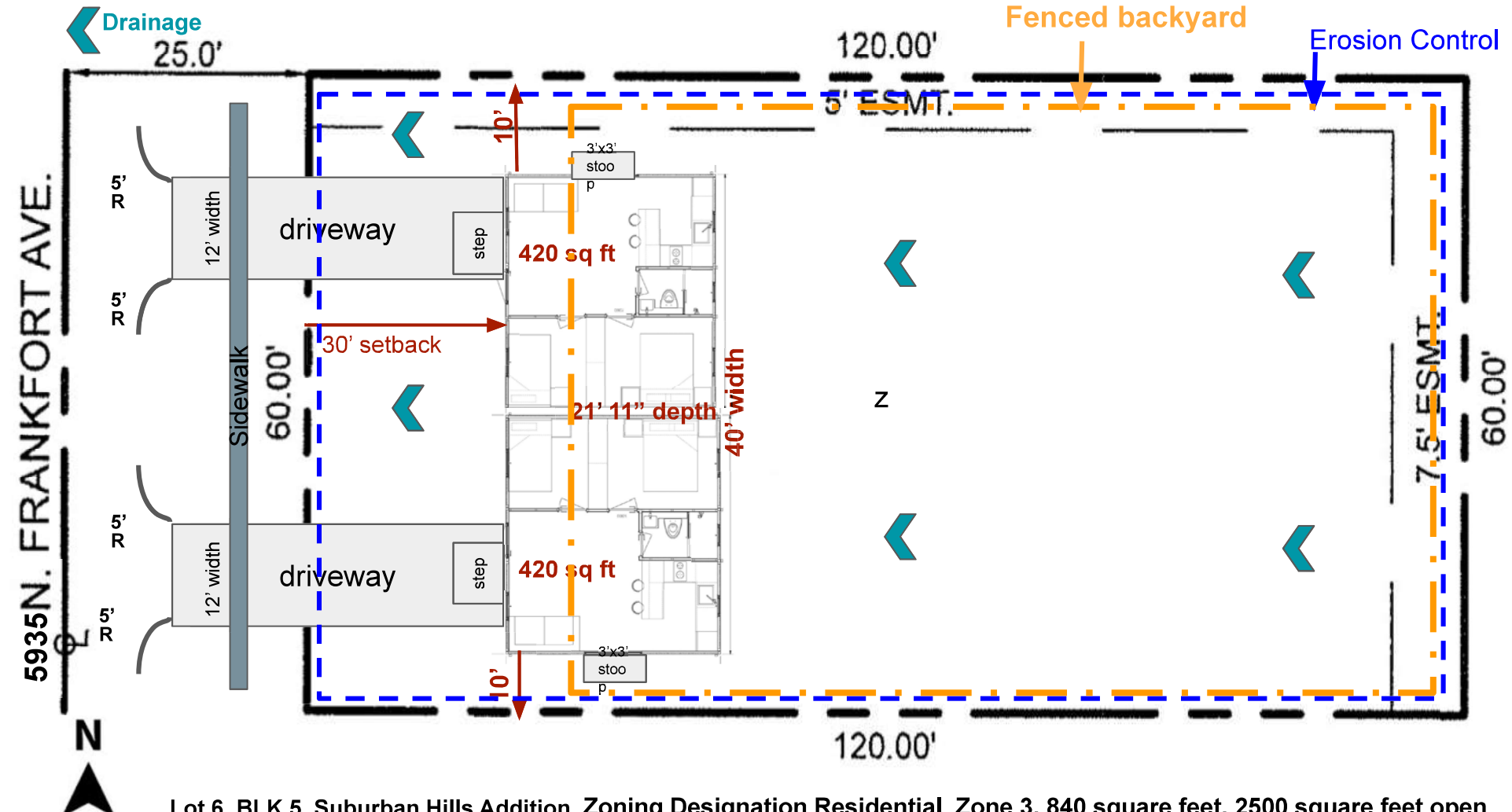
CERTIFICATION:

THIS MORTGAGE INSPECTION REPORT WAS PREPARED FOR FIRSTTITLE/FIDELITY NATIONAL TITLE INSURANCE COMPANY. IT IS NOT A LAND OR BOUNDARY SURVEY PLAT, AND IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OF FENCE, BUILDING, OR OTHER FUTURE IMPROVEMENT LINES. THIS INSPECTION PLAT WAS PREPARED SOLELY FOR THE CLIENT LISTED HEREON AND MAY NOT BE USED FOR ANY SUBSEQUENT LOAN CLOSING, REFINANCE, OR OTHER TRANSACTION; AND THAT NO RESPONSIBILITY OR LIABILITIES ASSUMED HEREIN OR HEREBY TO THE PRESENT OR FUTURE LAND OWNER OR OCCUPANT. THE ACCOMPANYING SKETCH IS A TRUE REPRESENTATION OF THE CONDITIONS THAT WERE FOUND AT THE TIME OF THE INSPECTION, AND THE LINEAR AND ANGULAR VALUES SHOWN ON THE SKETCH, IF ANY, ARE BASED ON RECORD OR DEED INFORMATION AND HAVE NOT BEEN VERIFIED UNLESS NOTED. THE DWELLING LIES WHOLLY WITHIN THE BOUNDARIES OF THE DESCRIBED LOT UNLESS OTHERWISE NOTED. NO PROPERTY CORNERS WERE SET BY BAKER SURVEYING. UNDERGROUND UTILITIES WERE NOT FIELD LOCATED AND THEREFORE ARE NOT SHOWN ON THIS INSPECTION PLAT UNLESS SPECIFICALLY REQUESTED BY THE CLIENT. BURIED SERVICE CABLE LOCATIONS ARE APPROXIMATE.

WITNESS MY HAND AND SEAL THIS DATE: SEPTEMBER 22ND, 2023

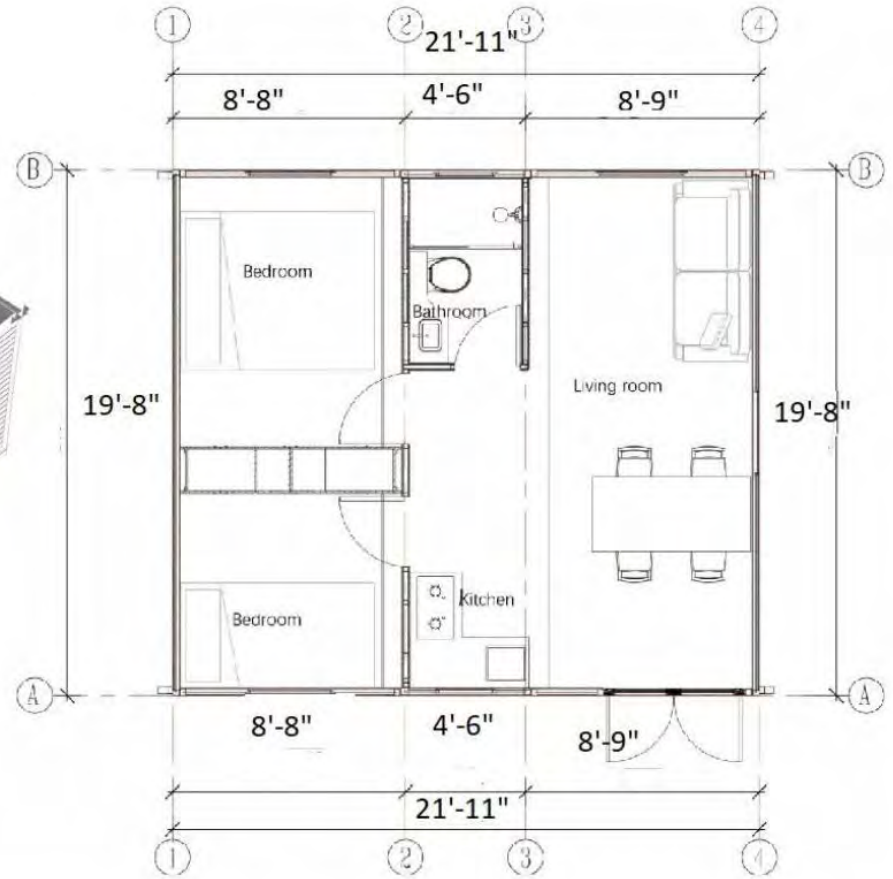
BAKER SURVEYING, LLC
 4677 SOUTH 83RD EAST AVENUE
 TULSA, OKLAHOMA 74145
 OKLAHOMA CA #5816 EXPIRES 6/30/2024
 (918) 271-5793





Lot 6, BLK 5, Suburban Hills Addition, Zoning Designation Residential Zone 3, 840 square feet, 2500 square feet open











and have caused the above described land to be surveyed, , staked, platted and subdivided into lots, blocks and streets, and have designated the same as "SUBURBAN HILLS ADDITION" to the City of Tulsa, Tulsa County, Oklahoma.

NOW, THEREFORE, the undersigned owners do hereby dedicate for public use all of the Streets as shown on said plat and do hereby guarantee the title to all of the land covered by said streets for the purpose of providing an orderly development of the above described real estate and in order to provide adequate restrictive covenants for the mutual benefit of themselves and their successors in title to the subdivisions of said land (hereinafter referred to as lots) the undersigned do hereby impose the following restrictions and reservations and create the easements which shall be binding upon them, their successors and assigns, to-wit:

These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until September 2, 1984, at which time said covenants shall be automatically extended for successive periods of 10 years, unless by vote of a majority of the then owners of the lots it is agreed to change said covenants in whole or in part.

If the parties hereto, or any of them, or their heirs or assigns, shall violate or attempt to violate any of the covenants herein, it shall be lawful for any other person or persons owning any real property situated in said development or subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenants and either to prevent him or them from so doing or to recover damages or other dues for such violation. Invalidation of any one of these covenants by Judgment or Court Order shall in no wise affect any of the other provisions which shall remain in full force and effect.

- A. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family dwelling not to exceed one story in height and a private garage attached for not more than two cars.
- B. No building of any description shall be moved from any other location to any lot in the Addition.
- C. All lots to be for residential dwellings only.
- D. No fence or wall shall be erected, placed or altered on any lot nearer to any street than the minimum building set back line as noted herein.
- E. No detached single-family dwelling, of less than 720 square feet in floor area, exclusive of open porches and garages, shall be permitted on any lot.
- F. All building shall be located on the lots so as to provide a minimum of a 25 feet front yard building set back line and a minimum of a 15 foot side yard building set back line if the lot adjoins two streets. In any event, no building shall be located on any lot nearer than 25 feet to the front lot line or nearer than 15 feet to any side street line. No dwelling shall be located on any interior lot nearer than 25 feet to the rear lot line or more than 5 feet to the side lot line. For the purpose of this covenant, eaves, steps and open porches shall not be constructed to permit any portion of a building on any lot to encroach upon another lot.
- G. No obnoxious or offensive trade or enterprise shall be carried on upon any lot, nor shall anything be done thereon which may be, or become an annoyance or nuisance to the neighborhood.
- H. No wall, hedge, or other barrier with a height of more than 5 feet shall be erected on or placed on any lot; nor shall any wall, hedge, or other barrier be nearer than the front building line of said lot.
- I. Easements for installation and maintenance of utilities and drainage facilities are reserved, as shown on the recorded plat.
- J. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any lot at any time as a residence, either temporarily or permanently.
- K. That the limits of non-access be as shown on the filed plat.
- L. The undersigned owners further dedicate to the public use forever easements and rights-of-way as shown and designated on the accompanying plat for the several purposes of constructing, maintaining, operating, repairing, removing and replacing any and all public utilities including storm and sanitary sewers, telephone lines, electric power lines and transformers, gas lines and water lines, together with all fittings and equipment for each of such facilities including the poles, wires, conduits, power lines, pipes, valves, meters and any other appurtenances thereto, with the right of ingress and egress upon said easements and rights-of-way for the uses and purposes of aforesaid together with similar rights in each and all of the streets and alleys shown on said plat; PROVIDED, HOWEVER, that the undersigned owners hereby reserve the right to construct, maintain, operate, lay and relay water lines and sewer lines together with the right of ingress and egress for such construction, maintenance, operation, laying and relaying over, across and along all of the public streets and alleys shown in said plat, and over, across and along all strips of land included within the easements shown thereon, both for the purpose of furnishing water and/or sewer service to the area included in said plat and to any other areas.

IN WITNESS WHEREOF, we have hereto set our hands at Tulsa, Tulsa County, Oklahoma, this 8 day of Sept., 1959.