



CITY OF  
**Tulsa**  
Board of Adjustment

**Case Number:** BOA-23572

**Hearing Date:** 10/10/2023 1:00 PM

**Case Report Prepared by:**

Sean Wallace

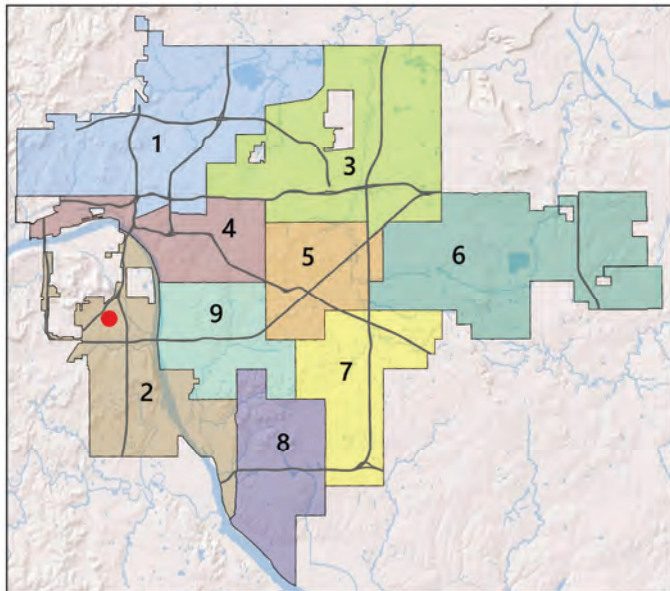
**Owner and Applicant Information:**

**Applicant:** Atul Sood

**Property Owner:** R-EST LLC

**Action Requested:** Special Exception to permit the alteration, expansion or enlargement of a structure with an existing non-conforming street setback (Sec. 80.030-D)

**Location Map:**



**Additional Information:**

**Present Use:** Residential

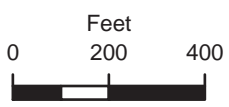
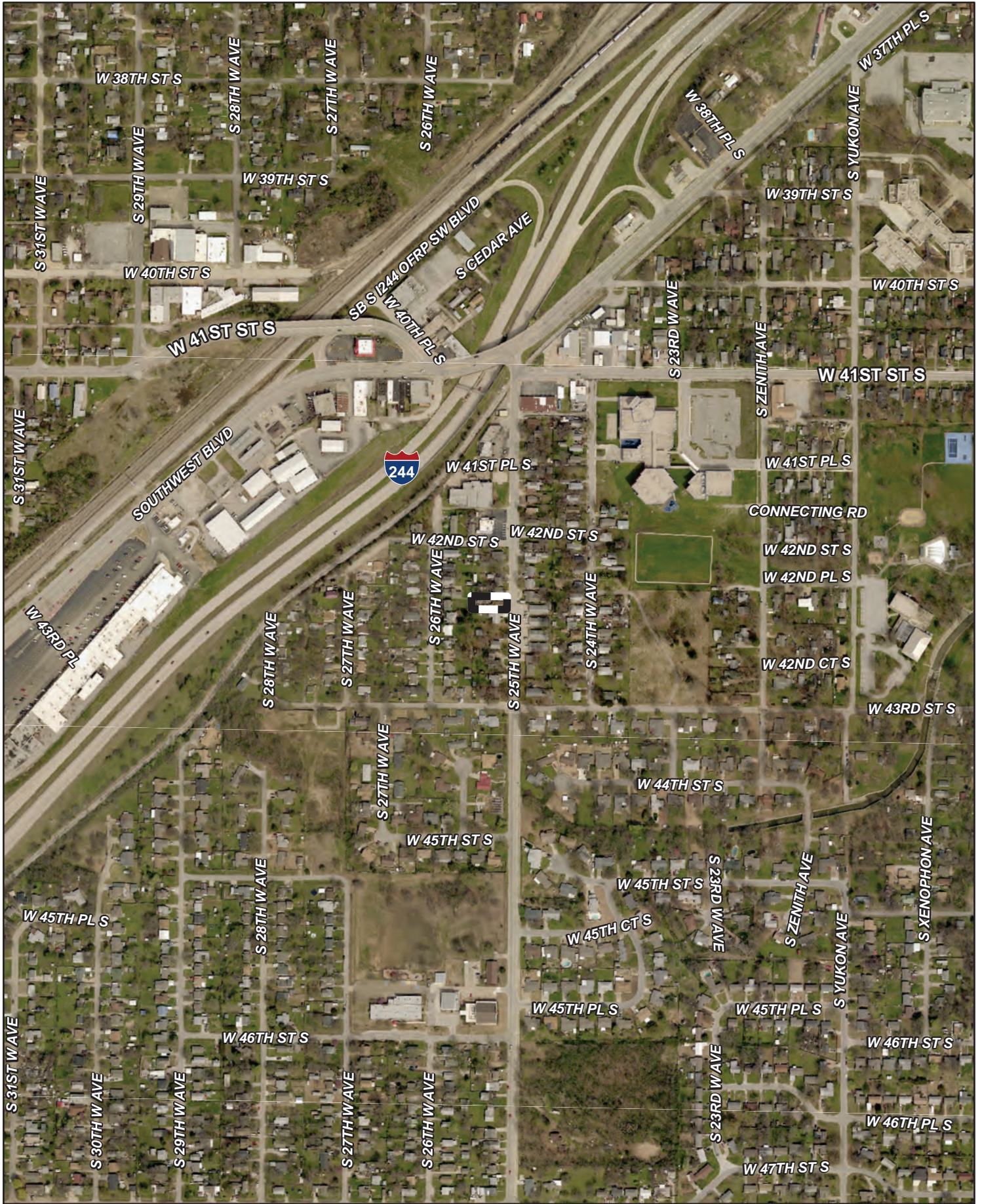
**Tract Size:** 0.16 acres

**Location:** 4216 S. 25<sup>th</sup> Ave W

**Present Zoning:** RS-3

**Case History:**

09/26/23: First appearance on agenda, Board continued item until the next hearing.



 Subject Tract

**BOA-23572**

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

Aerial Photo Date: 2021



3.2

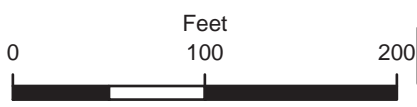
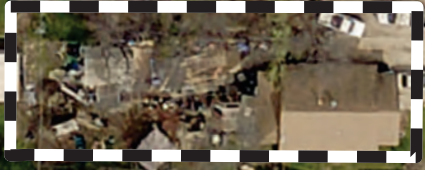


W 42ND ST S

W 42ND ST S

S 26TH W AVE

S 25TH W AVE

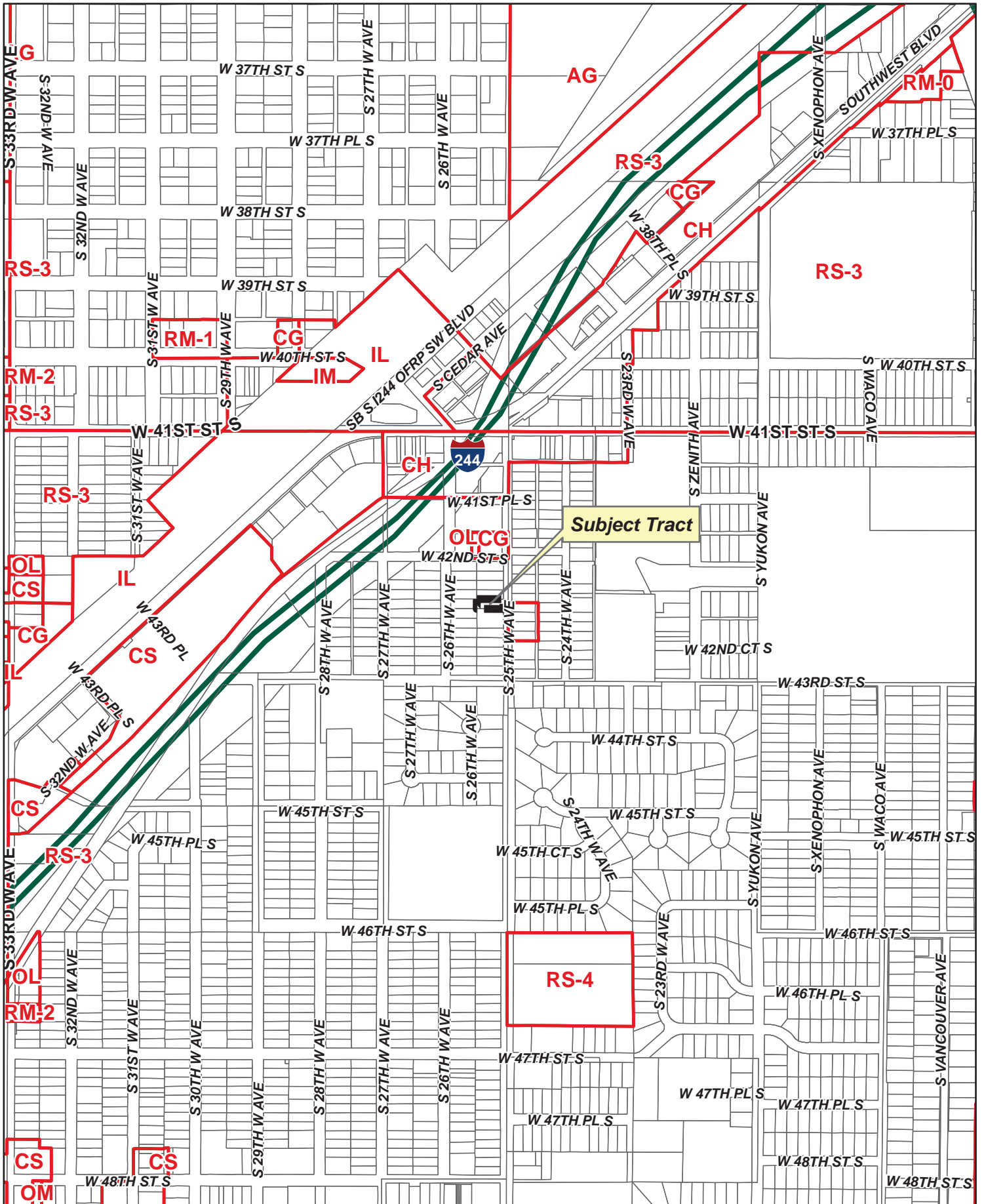


Subject **BOA-23572**  
Tract

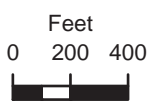
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2021





Subject Tract



**BOA-23572**



**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:** 9227

**Case Number:** BOA-23572

**CD:** 2

**HEARING DATE:** 09/26/2023 1:00 PM

**APPLICANT:** Atul Sood

**ACTION REQUESTED:** Special Exception to permit the alteration, expansion or enlargement of a structure with an existing non-conforming street setback (Sec. 80.030-D)

**LOCATION:** 4216 S 25 AV W

**ZONED:** RS-3

**PRESENT USE:** Residential

**TRACT SIZE:** 7000.12 SQ FT

**LEGAL DESCRIPTION:** LT 5 BLK 1 & E5 VAC ALLEY ADJ ON W, PARK ADDN - RED FORK CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

**RELEVANT PREVIOUS ACTIONS:** None.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of a "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 off a lower-order street separated from the arterial, then it would be considered Neighborhood.

**STAFF ANALYSIS:**

Applicant is seeking to remodel/rebuild front-porch that lies within the 25-foot front setback. A majority of the original homes in the same street are built at or near the requested building line.

**80.030-D Alterations, Enlargements and Expansions**

Alterations, including enlargements and expansions, are permitted if the proposed alteration or expansion complies with all applicable lot and building regulations and does not increase the extent of the nonconformity. A building with a nonconforming street setback, for example, may be expanded to the rear as long as the rear expansion complies with applicable rear setback regulations and all other applicable lot and building regulations. Horizontal and vertical extensions of an exterior wall that is nonconforming with regard to applicable setbacks may be approved in accordance with the special exception procedures of [Section 70.120](#), provided the extensions are not located closer to the lot line than the existing structure.

**SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a Special Exception to permit the alteration, expansion or enlargement of a structure with an existing non-conforming street setback (Sec. 80.030-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.



***Subject Property***



***Subject property facing south.***



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

# CITY OF TULSA

## CORRECTIONS SUMMARY

### Zoning Review (1)



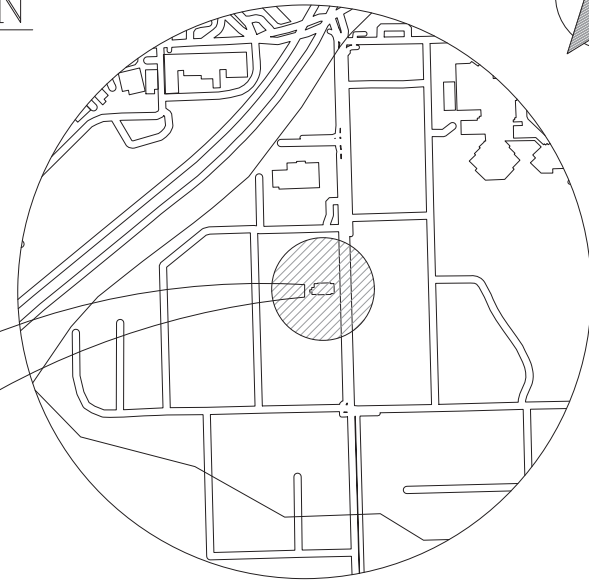
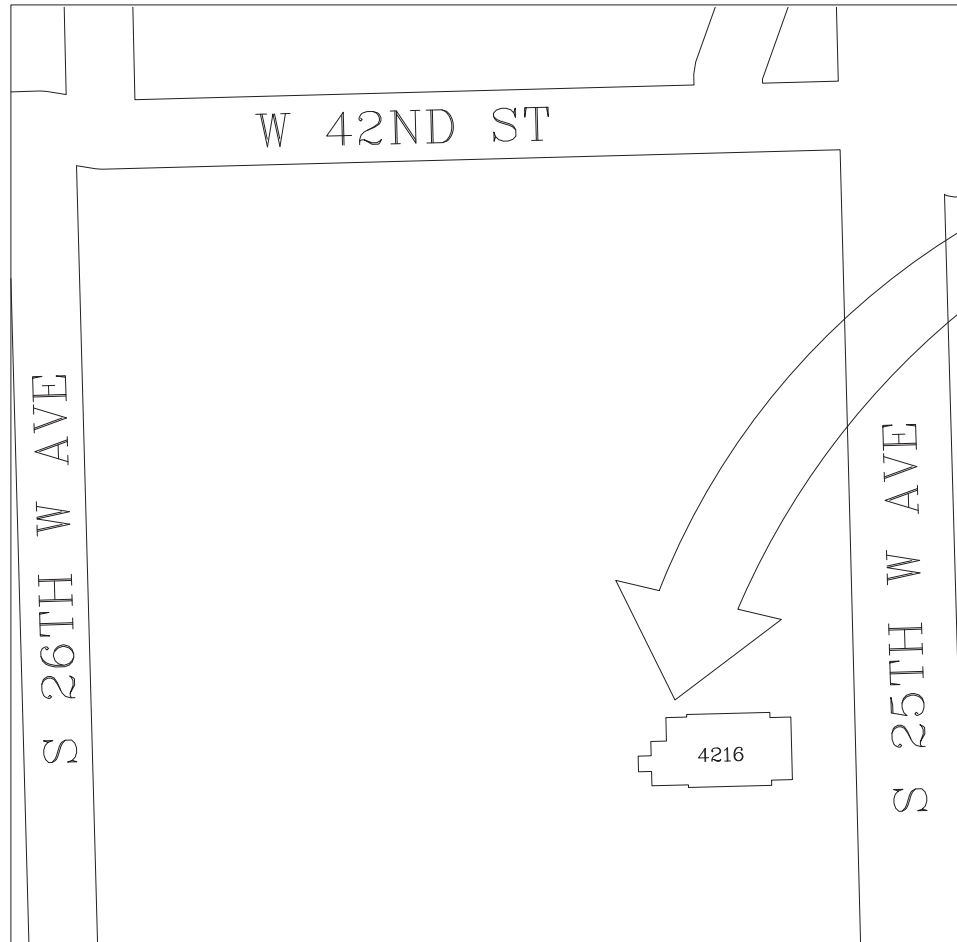
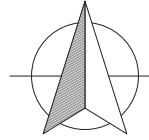
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**Page Label:** 8  
**Author:** DWhiteman  
**Date:** 8/15/2023 9:23:49 AM  
**Status:**  
**Color:** ■  
**Layer:**  
**Space:**

Section 90.090-A.1, Measurement. Street setbacks are measured from the actual right-of-way line of the street (other than an alley), provided that if the following measurement results in a greater set-back, the greater setback applies: For streets shown on the major street and highway plan, if the width of the planned right-of-way exceeds the width of the actual right-of-way, the measurement must be taken from the planned right-of-way.

Section 80.030-D, Alterations, Enlargements and Expansions. Alterations, including enlargements and expansions, are permitted if the proposed alteration or expansion complies with all applicable lot and building regulations and does not increase the extent of the nonconformity. A building with a nonconforming street setback, for example, may be expanded to the rear as long as the rear expansion complies with applicable rear setback regulations and all other applicable lot and building regulations. Horizontal and vertical extensions of an exterior wall that is nonconforming with regard to applicable setbacks may be approved in accordance with the special exception procedures of Section 70.120, provided the extensions are not located closer to the lot line than the existing structure.

Review Comment: Even though the front porch being replaced is existing, all new construction must meet current codes. At this location, the planned right of way (ROW) width for 25th W. Ave. is 60' wide. This lot is zoned RS-3 which requires a 25' front setback. Therefore, all new construction should have a setback of 55' from the center of 25th W. Ave. (30' for half of the ROW plus 25' for RS-3 front setback). As it is now, the front porch is only 38' 3" from the center of the street, so the house is encroaching 16' 9" into the front setback. In order to rebuild any portion of the house that is encroaching into the front setback, you must request a special exception from the Board of Adjustment. As an alternative, you can remodel the front porch and convert some or all of it into living space without expanding, enlarging, or rebuilding it.

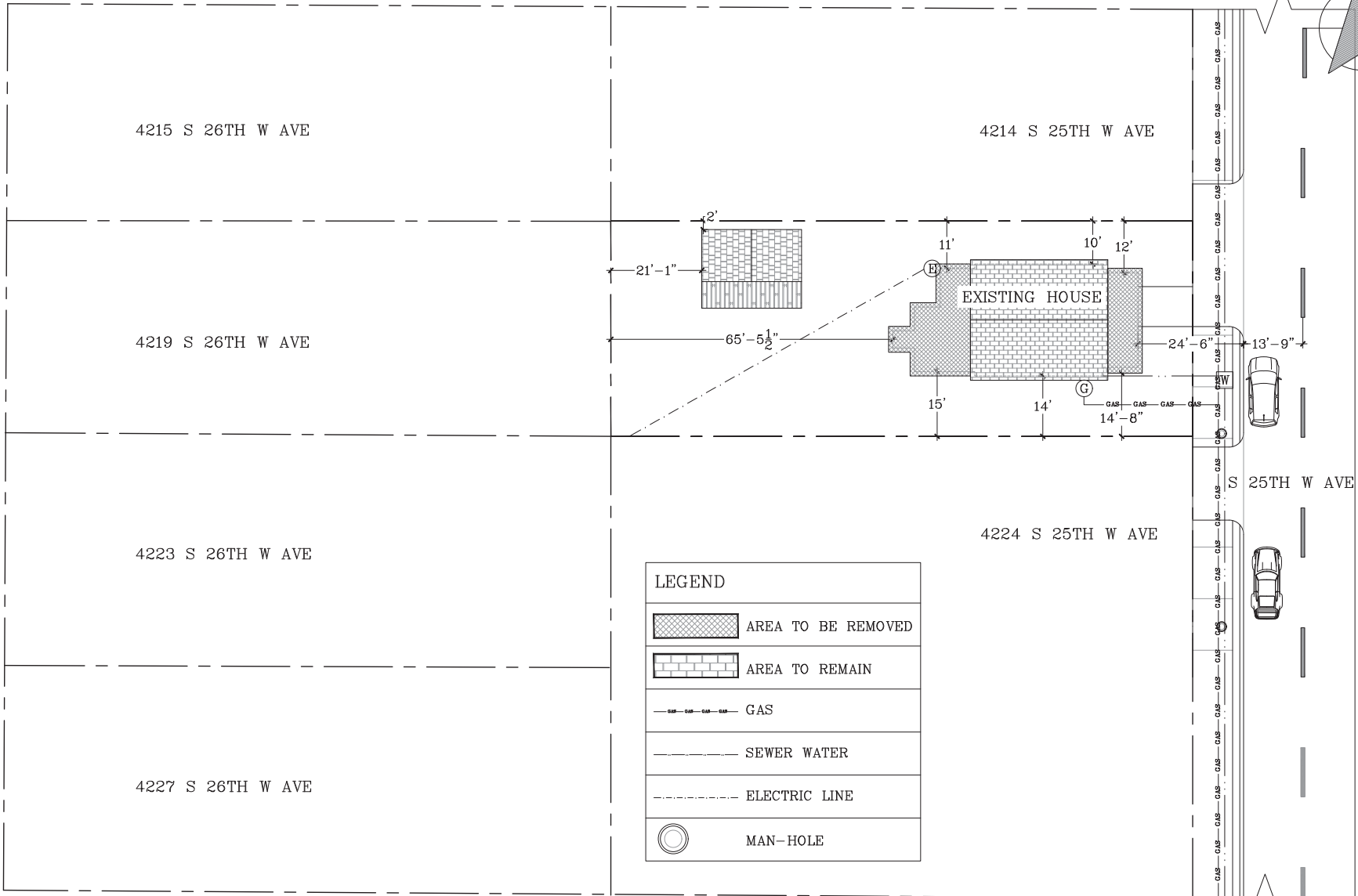
Lot 5 Block 1 & E5 VAC ALLEYADJ ON  
W, PARK ADDN-Red Fork



PAGE INDEX	
NAME	NUMBER
COVER SHEET	A-0.0
EXISTING SITE PLAN	A-1.0
PROPOSED SITE PLAN	A-2.0
EXISTING PLAN VIEW	A-3.0
DEMOLITION PLAN	A-4.0
FRAMING PLAN VIEW	A-5.0
PROPOSED PLAN VIEW	A-6.0
EXISTING ELEVATIONS	A-7.0
PROPOSED ELEVATIONS	A-8.0
EXISTING FOUNDATIONS	S-1.0
PROPOSED FOUNDATIONS	S-2.0
DETAIL	D-1.0

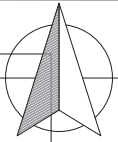
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DISCREPTION
REV. NO. DATE
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DRAWN BY: DRAFTING CONSULTANTS
SCALE: AS INDICATED
DATE: 07.31.23
ISSUE: Progress
CONTENT: Cover Sheet
SHEET NUMBER: A-0.0



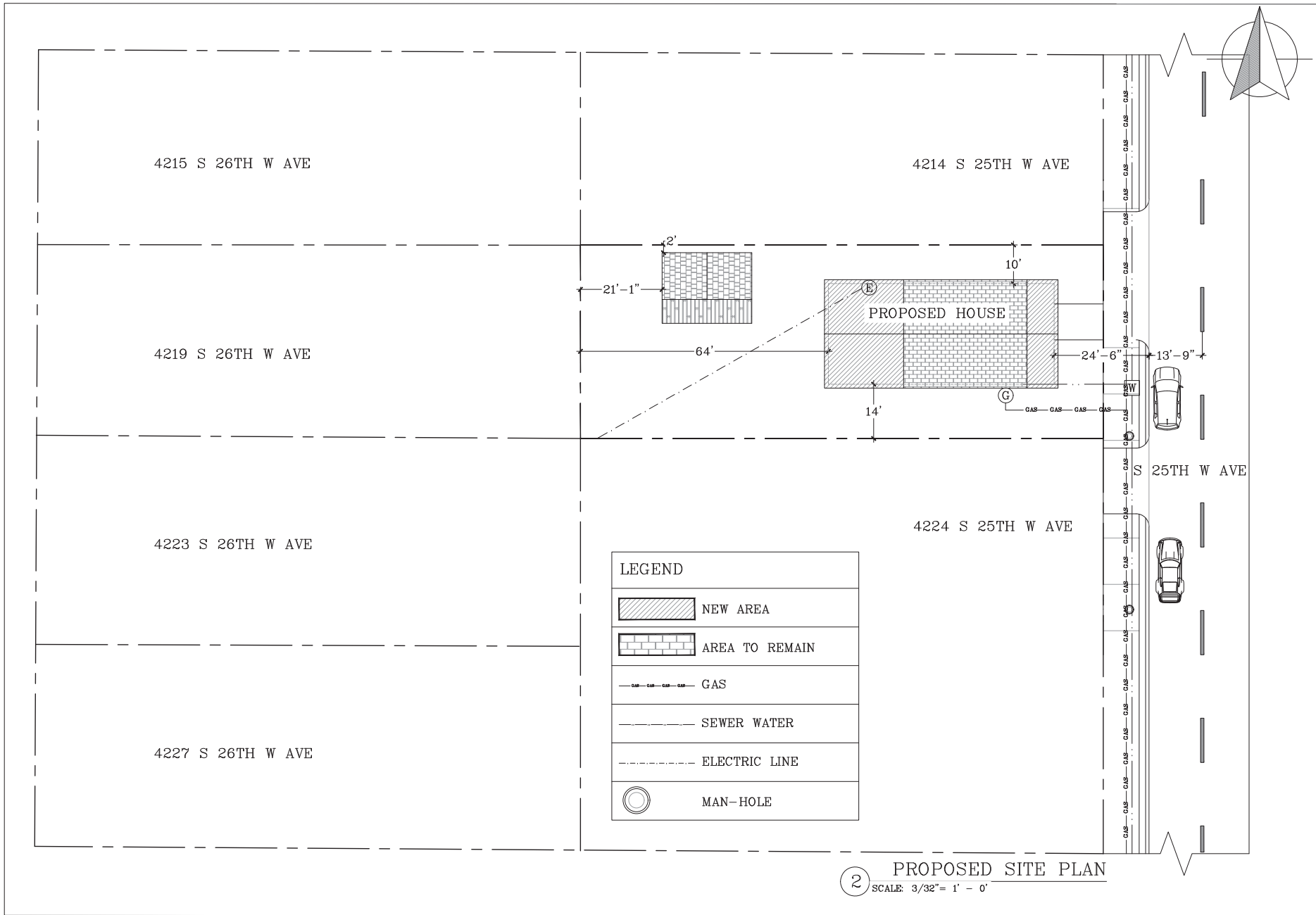





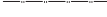


LEGEND	
	AREA TO BE REMOVED
	AREA TO REMAIN
	GAS
	SEWER WATER
	ELECTRIC LINE
	MAN-HOLE

1 EXISTING SITE PLAN  
SCALE: 3/32" = 1' - 0"



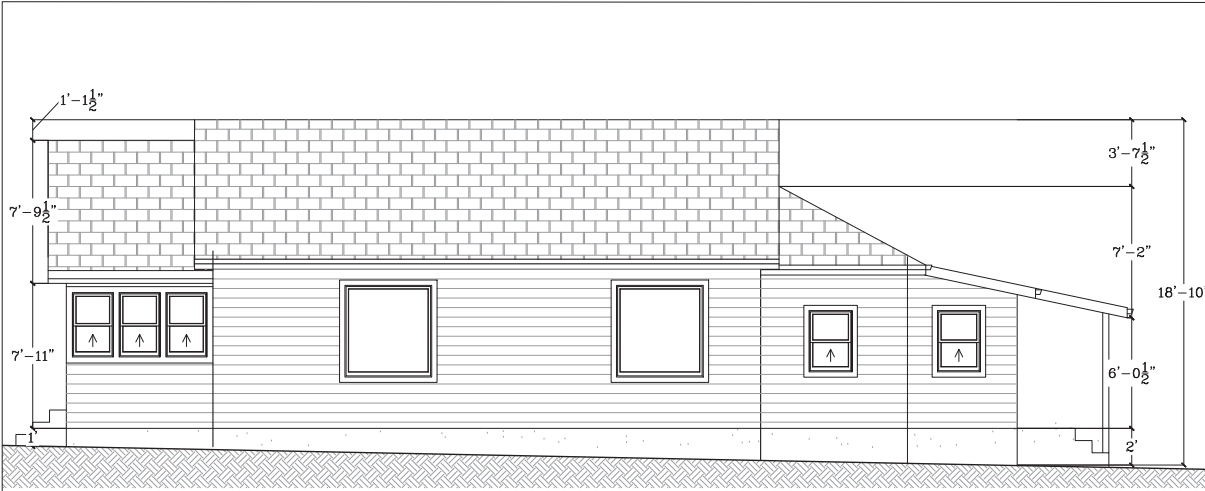
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DATE:	07.31.23
ISSUE:	Progress
CONTENT:	Existing Site Plan
SHEET NUMBER:	A-1.0



LEGEND	
	NEW AREA
	AREA TO REMAIN
	GAS
	SEWER WATER
	ELECTRIC LINE
	MAN-HOLE

2 PROPOSED SITE PLAN  
SCALE: 3/32" = 1' - 0'

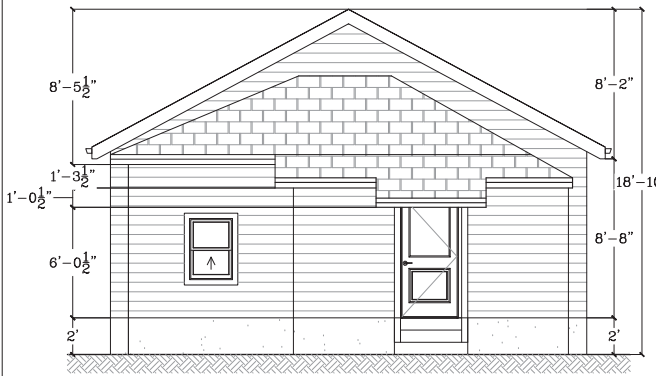
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DATE: 07.31.23	
ISSUE: Progress	
CONTENT:	
Proposed Site Plan	
SHEET NUMBER:	
A-2.0	



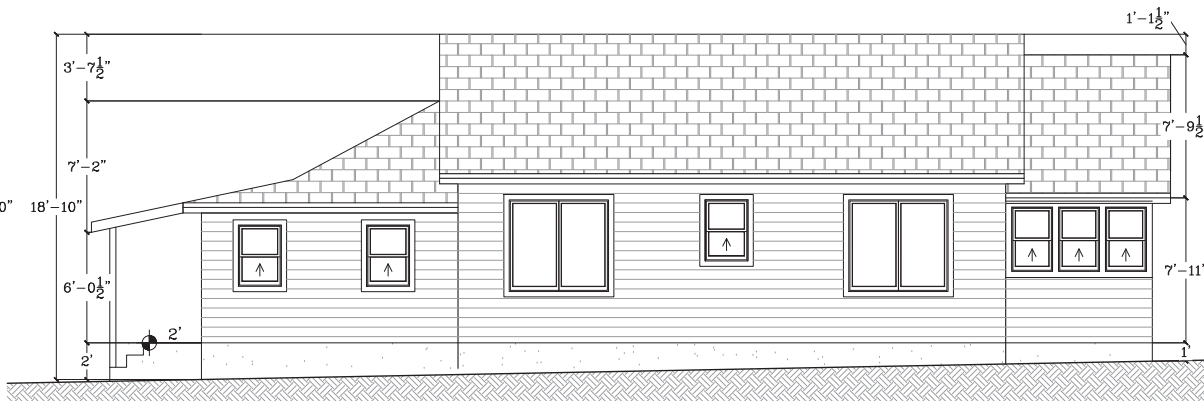
**(A)** EXISTING NORTH ELEVATION  
SCALE: 5/16" = 1' - 0'



**(B)** EXISTING EAST ELEVATION  
SCALE: 5/16" = 1' - 0'



**(C)** EXISTING WEST ELEVATION  
SCALE: 5/16" = 1' - 0'



**(D)** EXISTING SOUTH ELEVATION  
SCALE: 5/16" = 1' - 0'

REV. NO.	DATE	DESCRIPTION

PROJECT: 4216 S 25TH W AVE,  
TULSA, OK 74107

DRAWN BY:  
DRAFTING CONSULTANTS  
SCALE:  
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DATE:  
07.31.23  
ISSUE:  
Progress  
CONTENT:

Existing Elevations

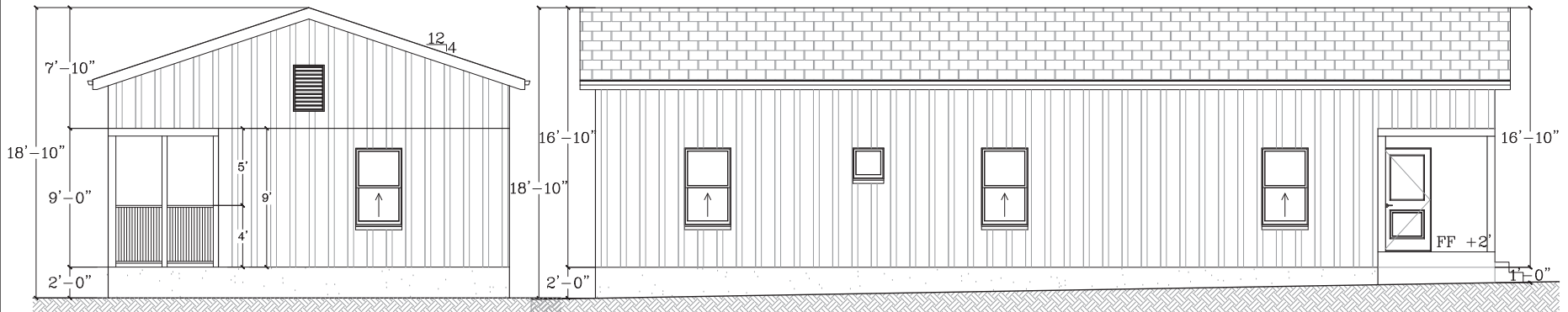
SHEET NUMBER:

A-9.0



**A** PROPOSED NORTH ELEVATION  
SCALE: 5/16" = 1' - 0"

**B** PROPOSED EAST ELEVATION  
SCALE: 5/16" = 1' - 0"



**C** PROPOSED WEST ELEVATION  
SCALE: 5/16" = 1' - 0"

**D** PROPOSED SOUTH ELEVATION  
SCALE: 5/16" = 1' - 0"

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DESCRIPTION

REV. NO. DATE

PROJECT:  
4216 S 25TH W AVE,  
TULSA, OK 74107

PROJECT:

DRAWN BY:

DRAFTING CONSULTANTS

SCALE:

AS INDICATED

DATE:

07.31.23

ISSUE:

Progress

CONTENT:

Proposed Elevations

SHEET NUMBER:

A-10.0