Board of Adjustment

Staff Report
BOA-23893

Hearing Date: May 13, 2025
Prepared by: Erin Roark
eroark@cityoftulsa.org
918-596-7618

Owner and Applicant Information

Applicant: Nathalie Cornett

Property Owner: Garrison Evan & Shaelynn Marie Haning

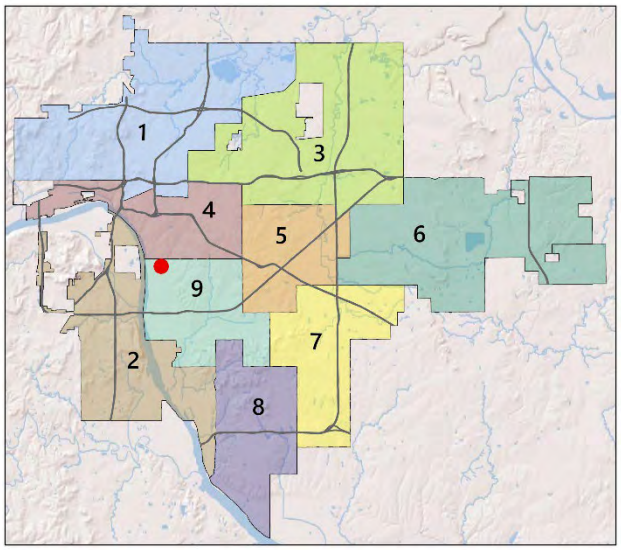
Property Location

1251 East 31st Court South

Tract Size: ±0.34 acres

Location within the City of Tulsa

(shown with City Council districts)



Elected Representatives

City Council: District 9, Carol Bush
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

Request Summary

Variance of the required 35-foot setback from East 31st Street South (Section 5.030, Table-5-3); Special Exception to permit a horizontal and vertical expansion of a non-conforming structure in the street setback (Section 80.030-D).

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: Streetcar Era

Transportation

Major Street & Highway Plan: Urban Arterial

planitulsa Street Type: Multi-Modal Street, Main Street

Transit: BRT Route

Existing Bike/Ped Facilities: Sidewalks, Sharrow

Planned Bike/Ped Facilities: Bike Lane

Environment

Flood Area: N/A

Tree Canopy Coverage: 20-29%

Parks & Open Space: Dr. Indu Dayal Meshri Park

Staff Analysis

The applicant is requesting a variance of the required street setback of 35 feet to 8 feet, 10 inches from East 31st Street South (Section 5.030, Table-5-3) and a special exception to permit a horizontal and vertical expansion of a non-conforming structure in the street setback (Section 80.030-D). The variance and special exception are requested for an addition to the existing building.

5.030-A Table of Regulations

The lot and building regulations of Table 5-3 apply to all principal uses and structures in R districts, except as otherwise expressly stated in this zoning code. General exceptions to these regulations and rules for measuring compliance can be found in Chapter 90. Regulations governing accessory uses and structures can be found in Chapter 45.

Table 5-3: R District Lot and Building Regulations

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
***													
Min. Building Setbacks (ft.)													
Street [3]													
Arterial or fwy service rd.	35	35	35	35	35	35	35	35	10	10	10	10	35
Other streets	35	35	30	25	20	20	25	10	10	10	10	10	25
Side (interior) [4]	15	5	5	5	5	5	5	5[5]	5[6]	5[6]	5[6]	5[7]	10
Rear [4]	25	25	25	20	20	20	20	20	20	20	10	20	15

Section 80.030 Nonconforming Structures

***

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.

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:

Location	*Existing Zoning/Overlay*	*Existing Land Use Designation*	*Existing Use*
North	RS-3	Neighborhood	Residential
East	RS-3	Neighborhood	Residential
South	RS-3	Neighborhood	Residential
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 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: East 31st Street South runs parallel to the north side of the subject property and is classified as a Urban Arterial, which has a planned minimum right-of-way width of 70 feet. South Peoria Avenue runs parallel to the east side of the subject property and is classified as a Urban Arterial, which has a planned minimum right-of-way width of 70 feet.

Comprehensive Plan Street Designation: East 31st Street South is designated as a Multi-Modal Street. Multi-modal streets support commercial and residential development along major arterial streets. These streets align with the recommendations for on-street bicycle infrastructure establish in the 2015 GO Plan, and they should be evaluated for feasibility with regard to the reallocation of street space for bicycle facilities.

South Peoria Avenue is designated as a Main Street. Main Streets are the streets whose land uses have maintained their historic or urban characteristics. Buildings have minimal setbacks, pedestrian infrastructure is safe and comfortable, and many buildings have a mix of uses, whether multiple storefronts, or a combination of retail and residential on different floors of the building. On-street parking, bicycle lanes, pedestrian islands, and curb extensions are used to slow traffic to a speed that is safe for pedestrians and cyclists. These streets are prime candidates for economic development and community development investment efforts.

New construction and renovations of existing properties should be consistent with the existing character of the Main Street, and maintain a high degree of pedestrian accessibility. Setbacks should be minimal, and parking should be located on the street, on the side of a building, or behind the building. Uses should be predominantly mixed-use, commercial, or higher density residential. Connectivity should be maintained to surrounding neighborhoods, but transitions between Main Street and Neighborhood areas should be considerate of potential compatibility issues, such

as noise, light, and parking. Interactions between Main Streets and neighborhoods should be identified and mitigated, but should not cause a decrease in quality of either environment.

Transit: BRT Route 700 runs along South Peoria Avenue.

Existing Bike/Ped Facilities: A Sharrow runs along East 31st Street South. Sidewalks are present along street frontages.

Planned Bike/Ped Facilities: The 2015 GOPlan recommends a Bike Lane along East 31st Street South.

Arterial Traffic per Lane: East 31st Street South has an average annual daily traffic (AADT) of 2,357 vehicles per lane. South Peoria Avenue has an AADT of 4,624 vehicles per lane.

Environmental Considerations

Flood Area: N/A

Tree Canopy Coverage: Tree canopy in the area is 24%. 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: Dr. Indu Dayal Meshri Park is located adjacent to the north of the subject property.

Sample Motion

Special Exception

I move to *approve or deny* a special exception to permit a horizontal and vertical expansion of a non-conforming structure in the street setback (Section 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.

Variance

I move to *approve or deny* a variance of the required street setback *from 35 feet to 8 feet, 10 inches* from East 31st Street South (Section 5.030, Table-5-3),

- 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

Lots Six (6), and Seven (7), Block One (1) of AMENDED Plat of Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6) and Seven (7), Block One (1); and Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13) and Fourteen (14), Block Two (2), WESTVIEW ADDITION, an Addition to the City of Tulsa, State of Oklahoma, according to the recorded Plat thereof; EXCEPT that portion of land, more particularly described as follows, to-wit: Beginning at the Northeast comer of Lot Seven (7), Block One (1), WESTVIEW ADDITION, Thence South along the East line of Lot Seven (7), a distance of 14 feet to a point; Thence in a Northwesterly direction along a straight line to a point on the North line of Lot Seven (7), said point being 15 feet West of the Northeast comer Thence East along the North line of Lot Seven (7), a distance of 15 feet to the Northeast comer of Lot Seven (7), which is the Point and Place of Beginning.

Exhibits

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

Feet
0 200 400

Subject Tract

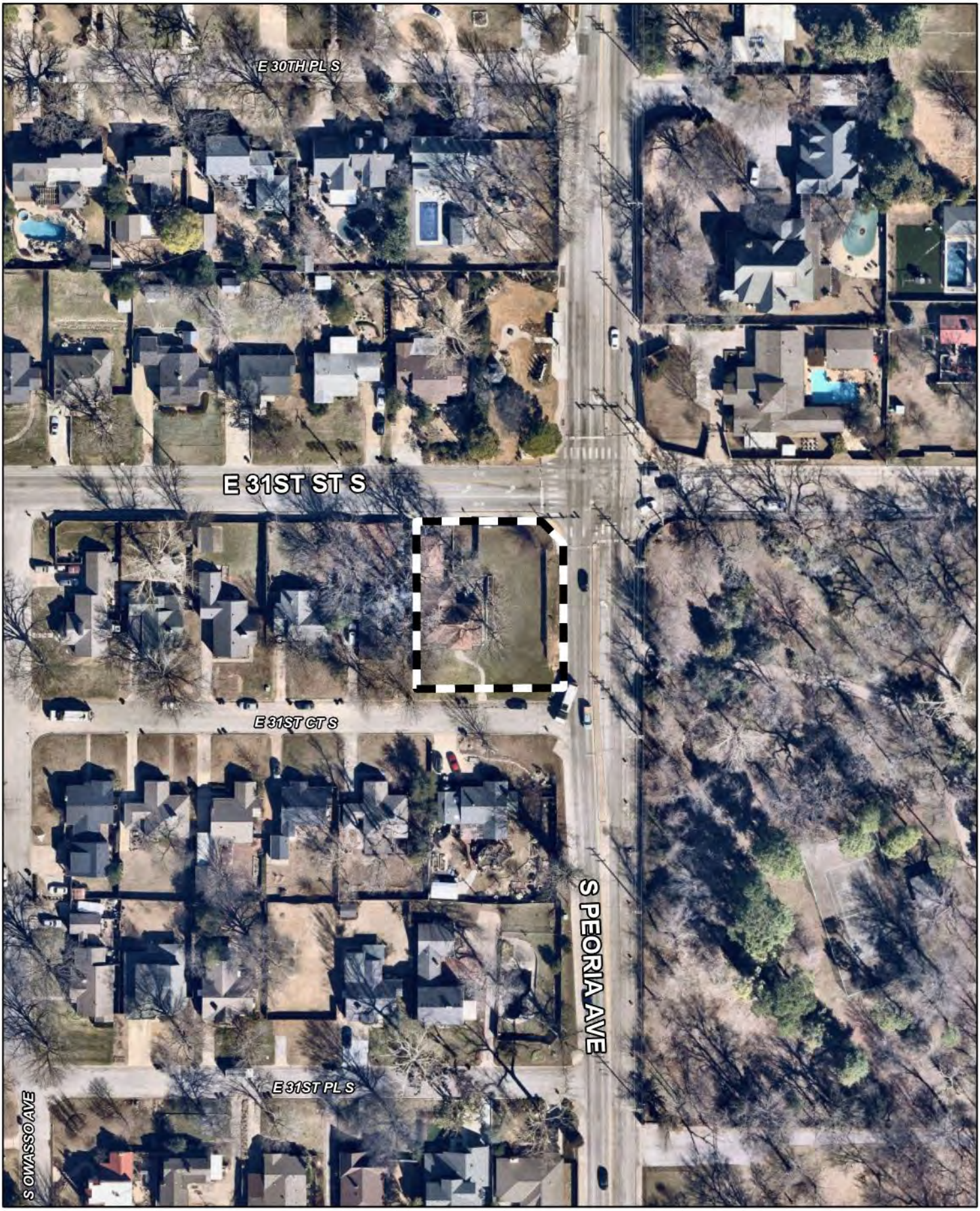
BOA-23893

19-12 24

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

Aerial Photo Date: 2025

N



Feet
0 50 100

Subject Tract

BOA-23893

19-12 24

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

Aerial Photo Date: 2025

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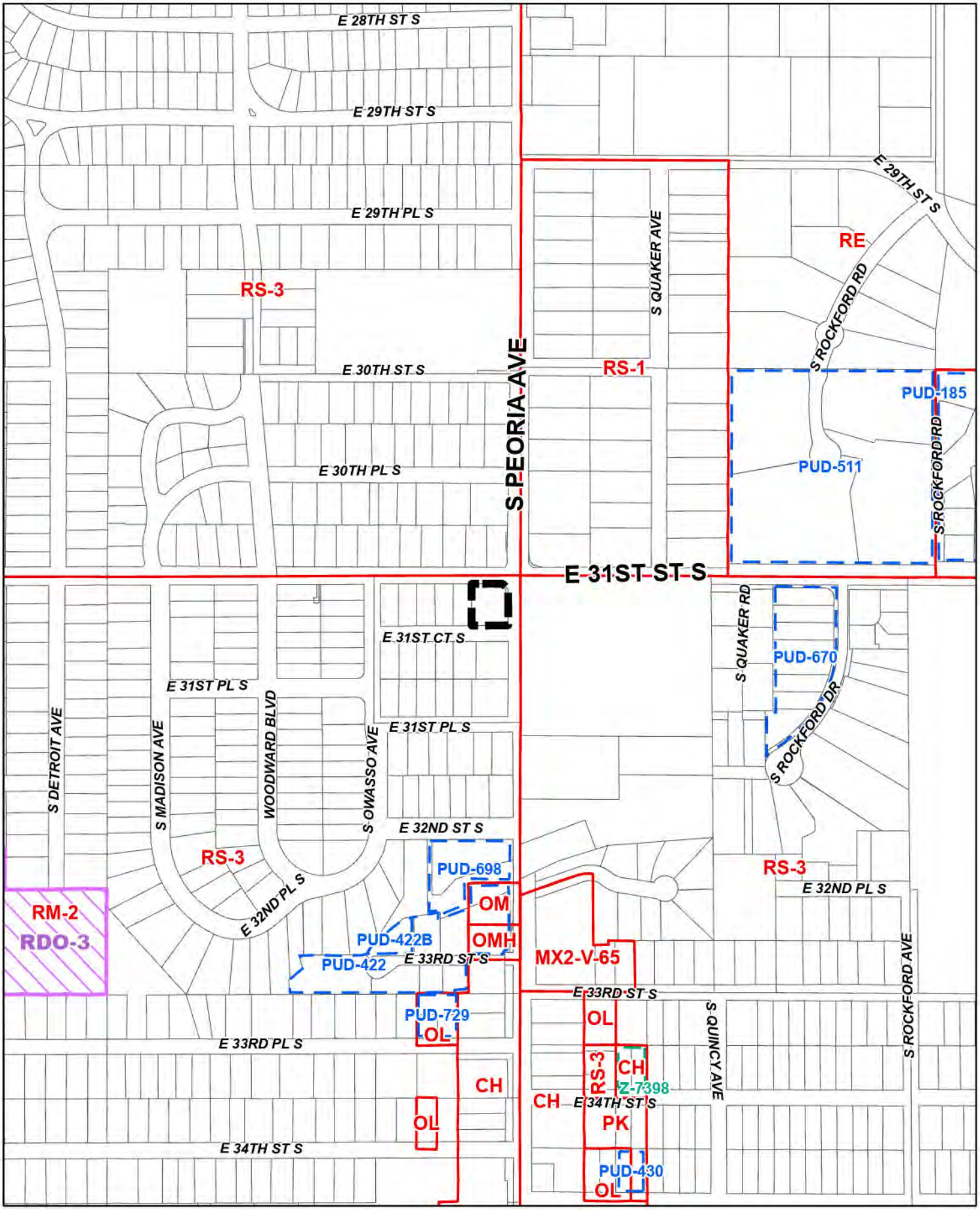
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E 29TH ST S
E 29TH PL S
RS-3
E 30TH ST S
E 30TH PL S
S PEORIA AVE
S QUAKER AVE
RS-1
RE
E 29TH ST S
S ROCKFORD RD
PUD-185
PUD-511
S ROCKFORD RD
E 31ST ST S
E 31ST CT S
E 31ST PL S
S DETROIT AVE
S MADISON AVE
WOODWARD BLVD
S OWASSO AVE
E 31ST PL S
S QUAKER RD
PUD-670
S ROCKFORD DR
E 32ND ST S
RS-3
PUD-698
OM
OMH
RM-2
RDO-3
E 32ND PL S
PUD-422B
PUD-422
E 33RD ST S
MX2-V-65
RS-3
E 32ND PL S
E 33RD ST S
PUD-729
OL
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S QUINCY AVE
S ROCKFORD AVE
E 33RD PL S
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RS-3
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Subject Tract
BOA-23893
19-12 24
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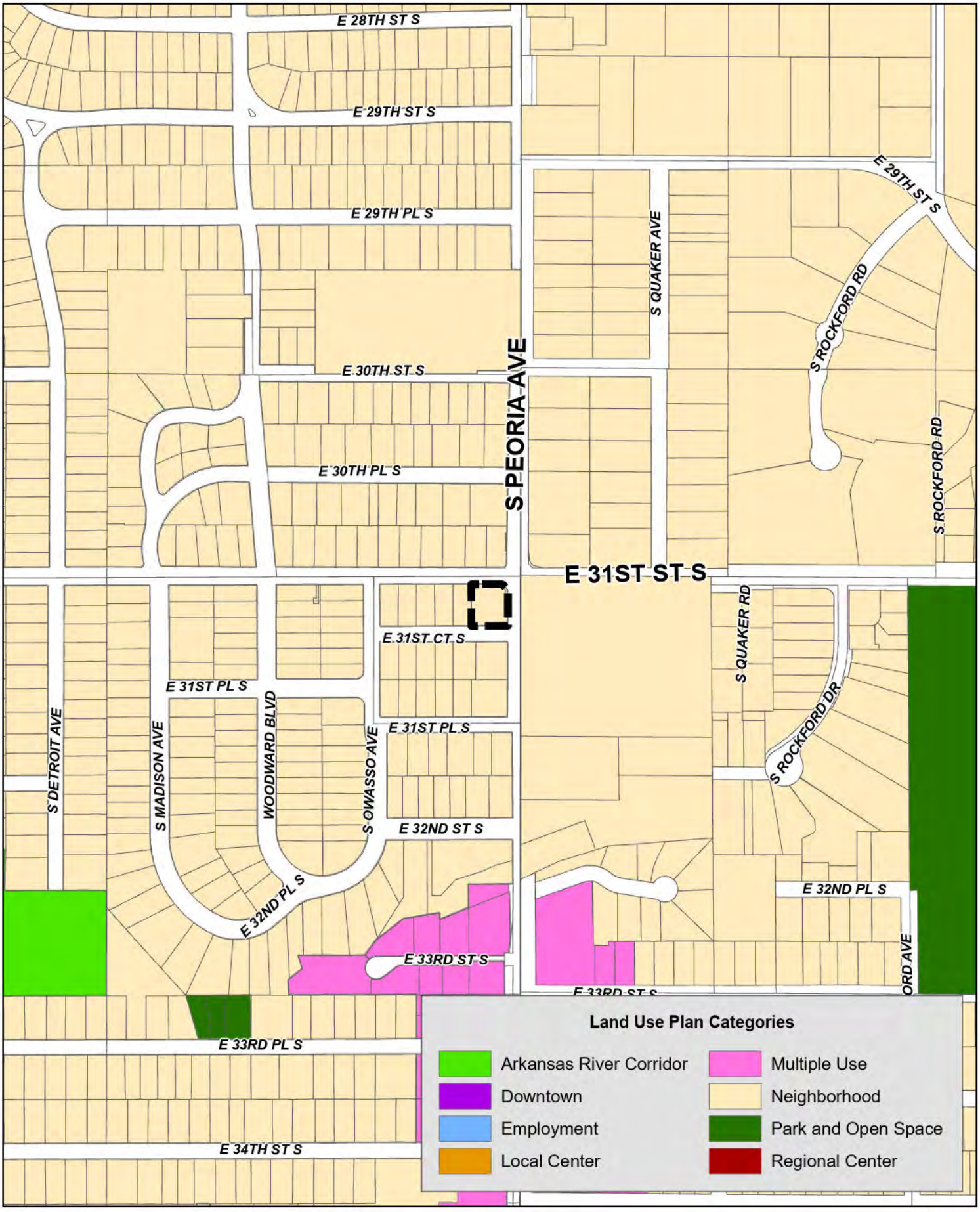
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S QUAKER RD
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S DETROIT AVE
S MADISON AVE
WOODWARD BLVD
S OWASSO AVE
E 32ND ST S
E 32ND PL S
E 32ND PL S
E 33RD ST S
E 33RD PL S
E 34TH ST S
Land Use Plan Categories
Arkansas River Corridor
Downtown
Employment
Local Center
Multiple Use
Neighborhood
Park and Open Space
Regional Center
Feet
0
200
400
Subject Tract
BOA-23893
19-12 24
N

Exhibit "A"

Lots Six (6), and Seven (7), Block One (1) of AMENDED Plat of Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6) and Seven (7), Block One (1); and Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13) and Fourteen (14), Block Two (2), WESTVIEW ADDITION, an Addition to the City of Tulsa, State of Oklahoma, according to the recorded Plat thereof; EXCEPT that portion of land, more particularly described as follows, to-wit:

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Exhibit "B"

The Applicant requests (1) a Special Exception pursuant to Section 80.030-D of the Tulsa Zoning Code (the "Code") for a vertical and horizontal wall extension of a nonconforming structure that is within a required street setback and (2) a Variance of the street setback in the RS-3 District, all to permit a remodel of an existing garage located at 1251 E. 31st Court (the "Property").

The Property is located the southwest corner of 31st & Peoria. Currently located on the Property are an existing residence and a detached garage constructed in 1950. The Property addresses E. 31st Court but vehicular access is derived through the rear yard from E. 31st Street. The Property owners desire to attach the garage to the residence and add a second story. A site plan of the existing garage and proposed remodel is attached hereto.

1. Special Exception

The existing detached garage is a lawfully nonconforming structure due to its being located closer than three feet from the side (west) property line. The location of the west wall will remain unchanged. However, the proposed expansion will extend the structure horizontally, to the east, and vertically, for the second story. Given the existing location of the garage for 75 years and the availability of side yard to the east, the proposed expansion will not be injurious to the neighborhood or otherwise detrimental to the neighborhood and is in harmony with the spirit and intent of the Code.

2. Variance

The existing detached garage is currently permitted, by right, to be located within the rear setback. However, by attaching the garage to the residence, a variance is required, despite there being no extension of the structure closer to E. 31st Street. The Property is bounded by public streets on three sides, including two arterials, which severely restricts the buildable area of the lot. Because 31st Street is an arterial street, the required setback, including planned right-of-way, is 70 feet. This, coupled with the fact that no setback variance would be required if the structure were to remain detached, results in unnecessary hardship. These conditions are unique to the Property and the requested variance is the minimum relief necessary.

HANING RESIDENCE

Tulsa, Oklahoma

ADDRESS	1251 E 31st Ct Tulsa, Oklahoma 74105
LEGAL DESCRIPTION	Subdivision: WESTVIEW ADDN AMD L1-7 B1 & L1-14 B2 (46850) Legal: ALL LT 6 & LT 7 LESS TRI BEG NEC LT 7 TH S14 NW TO NL E15 POB FOR ST & LESS LT 7 BEG 14S NEC LT 7 TH S15 W8 N15 NW19.76 E7 SE20.49 POB BLK 1 Section: 24 Township: 19 Range: 12
PARCEL NUMBER	46850-92-24-09830
ZONING	RS-3 Residential Single Family High Density
USE / CONSTRUCTION	Single-Family Residential 2 Story - Wood Frame
EXISTING HOME	1,688 SF
EXISTING GARAGE	607 SF
PROPOSED NEW	62 SF
TOTAL PROPOSED	2,357 SF

SHEET INDEX

G-001	GENERAL NOTES
AS-001	ARCHITECTURAL SITE PLAN
A-101	EXISTING PLANS
A-102	FLOOR PLANS - REFERENCE
A-103	FLOOR PLANS- DIMENSION
A-104	FOUNDATION
A-105	FINISH PLAN + PLUMBING
A-106	ELECTRIC + RCP
A-107	ROOF PLAN
A-201	EXTERIOR ELEVATIONS
A-401	INTERIOR ELEVATIONS
A-601	SCHEDULES

PROJECT DESCRIPTION

The scope of work depicted in these documents is an addition to a residence at 1251 E 31st Ct. Tulsa, Oklahoma 74105.
The 62sf addition connects the existing house to the existing garage and adds a second story to the existing garage.

APPLICABLE CODES

2018 INTERNATIONAL RESIDENTIAL CODE, Title 51
2020 INTERNATIONAL ELECTRIC CODE WITH LOCAL AMENDMENTS
2018 INTERNATIONAL PLUMBING CODE WITH LOCAL AMENDMENTS
2018 INTERNATIONAL MECHANICAL CODE WITH LOCAL AMENDMENTS
TULSA ZONING CODE - AMENDED 02.2024
FEMA FLOODPLAINS / TULSA REGULATORY FLOODPLAIN

perkins architecture

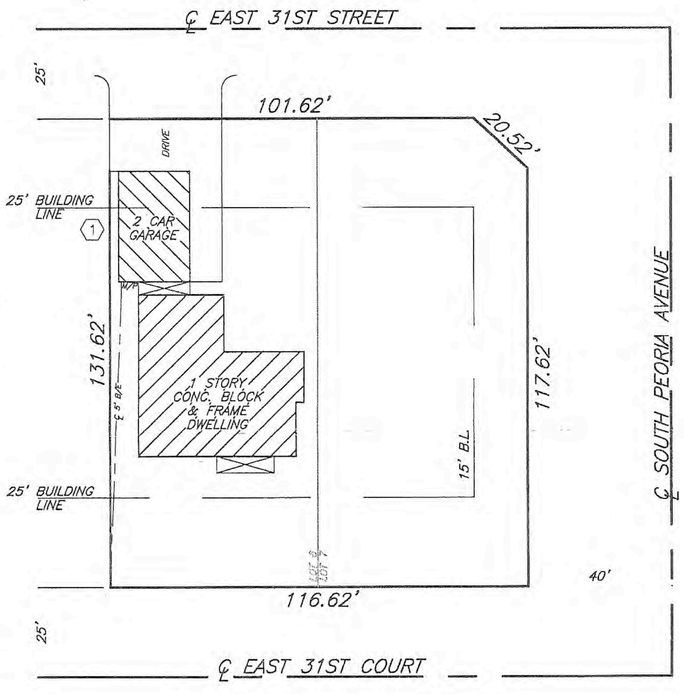
STATE OF OKLAHOMA
JEREMY WAYNE PERKINS
14759
TULSA, OK
LICENSED ARCHITECT

o: 918.743.9444
perkinsarchitecture.com

HANING RESIDENCE
1251 E 31ST CT
TULSA, OK 74105

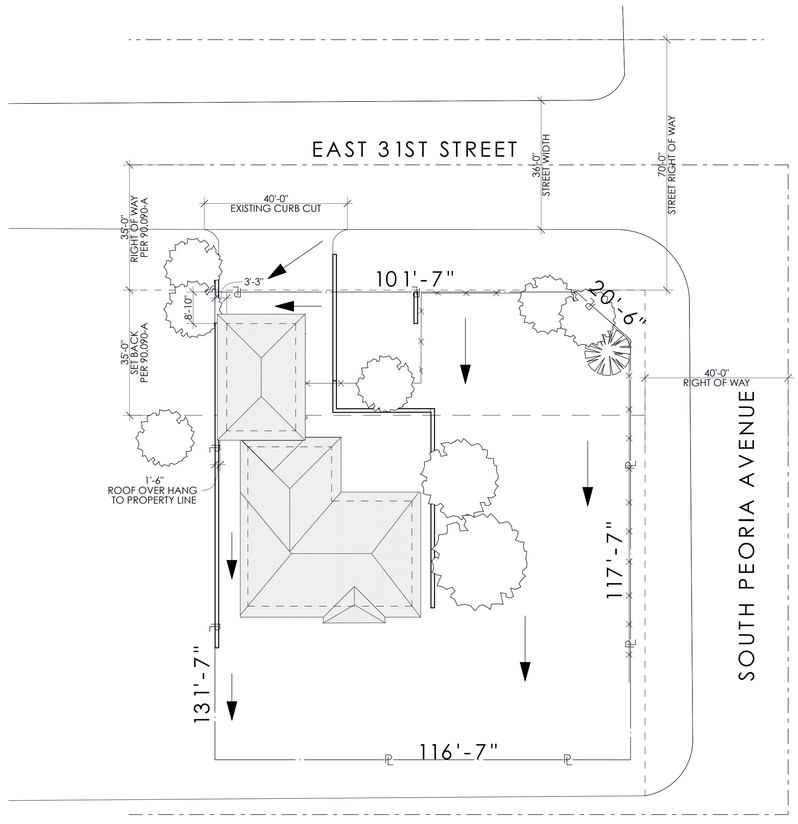
drawing:
Cover Sheet

date: 2/5/25



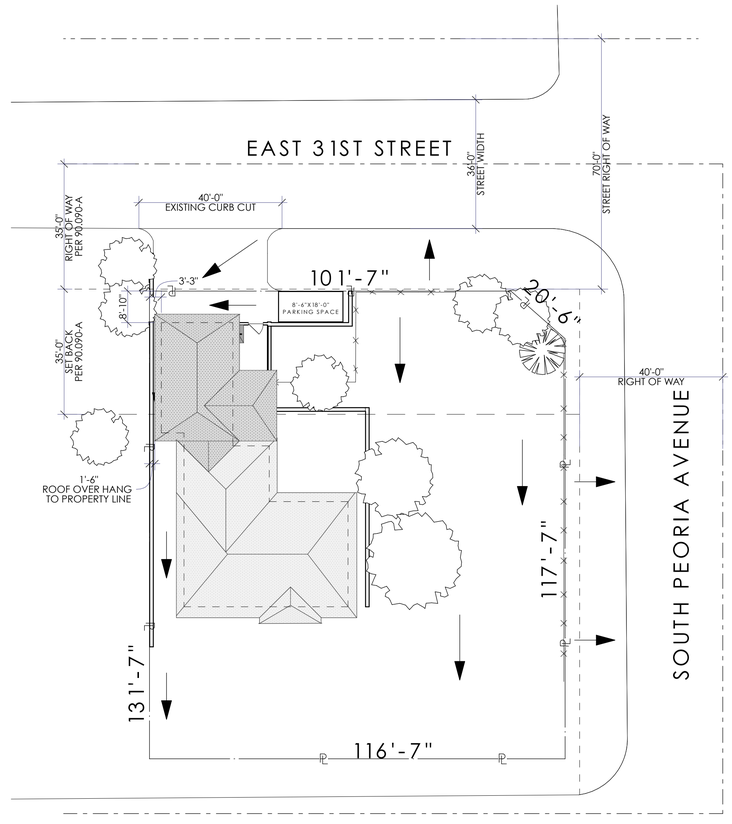
3 EXISTING PLAT

NOT TO SCALE



2 ARCHITECTURAL SITE PLAN - EXISTING

SCALE: 1" = 20'



1 ARCHITECTURAL SITE PLAN

SCALE: 1" = 20'

perkins architecture

o: 918.743.9444
perkinsarchitecture.com

HANING RESIDENCE

1251 E 31ST CT
TULSA, OK 74105

drawing:
ARCHITECTUR AL SITE PLAN

N

AS-001

date: 2/5/25

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

CITY OF TULSA
PLAN CORRECTIONS SUMMARY

BLDR-203007-2025 (1251 E 31ST CT S Tulsa, OK 74105) Markup Summary #2

Zoning Review (2)

Subject: Zoning Review
Page Label: 3
Author: DWhiteman
Date: 2/3/2025 10:12:26 AM
Status:
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Layer:
Space:

Section 5.030-A Table of Regulations. The lot and building regulations of Table 5-3 apply to all principal uses and structures in R districts, except as otherwise expressly stated in this zoning code. General exceptions to these regulations and rules for measuring compliance can be found in Chapter 90. Regulations governing accessory uses and structures can be found in Chapter 45.
REVIEW COMMENT: A 35' setback is required from 31st St. Since 31st St. has a 70' wide planned ROW, this means that the setback from 31st St. is required to be 70' from the center of the street (35' for half of the planned ROW width plus 35' required setback from an arterial street).

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

CITY OF TULSA
PLAN CORRECTIONS SUMMARY

Subject: Zoning Review
Page Label: 3
Author: DWhiteman
Date: 2/3/2025 10:12:29 AM
Status:
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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.
REVIEW COMMENT: You are proposing to expand an existing non-conforming structure in a way that increases the extent of the non-conformity, due to the setback requirement from 31st St. You may apply to the board of adjustment for a vertical and horizontal wall extension of a non-conforming structure that is within a required street setback.