



**Board of Adjustment**

**Staff Report  
BOA-23933**

**Hearing Date:** September 9, 2025  
**Prepared by:** Erin Roark  
eroark@cityoftulsa.org  
918-596-7618

**Owner and Applicant Information**

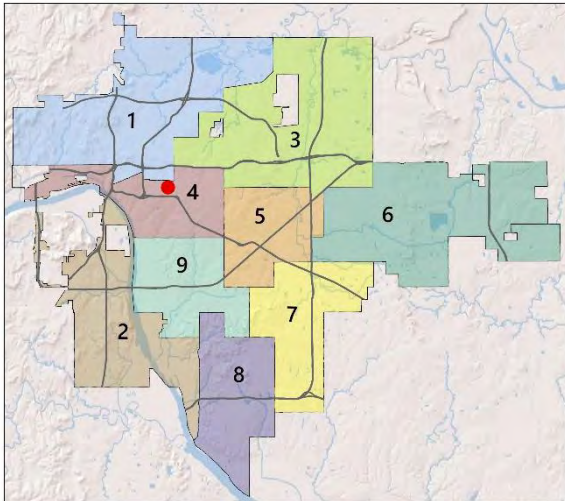
Applicant: AEKDB of Tulsa, LLC  
Property Owner: AEKDB of Tulsa, LLC

**Property Location**

2006 East 7th Place South  
Tract Size: ±1.17 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

**Request Summary**

Variance to reduce the required 10-foot street setback in the IM district (Section 15.030, Table 15-3); Special Exception to increase the permitted fence height of four feet within the street setback (Section 45.080-A).

**Zoning**

Zoning District: IM  
Zoning Overlays: N/A

**Comprehensive Plan Considerations**

**Land Use**

Land Use Plan: Employment  
Small Area Plans: Kendall-Whittier  
Development Era: Streetcar 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: Tulsa Regulatory Floodplain  
Tree Canopy Coverage: 0-9%  
Parks & Open Space: N/A

**Staff Analysis**

The applicant is requesting a variance reduce the required street setback in the IM district from 10 feet to 0 feet (Section 15.030, Table 15-3) and a special exception to increase the permitted fence height within the street setback from 4 feet to 8 feet (Section 45.080-A).

**Section 15.030 Lot and Building Regulations**

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*Table 15-3: O, C and I District Lot and Building Regulations*

Regulations	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH
Minimum Lot Area (sq. ft.)	-	-	-	10,000	-	-	-	-	-	-	-
Minimum Street Frontage (feet)	50	50	50	-	50	50	-	-	50	50	50
Maximum Floor Area Ratio (FAR)	0.40	0.50	2.00	8.00	0.50	0.75	-	-	-	-	-
Minimum Lot Area per Unit (sq. ft.)	-	-	-	-	-	-	-	-	-	-	-
Min. Open Space per Unit (sq. ft.)	-	-	-	-	-	-	-	-	-	-	-
<b>Building Setbacks (feet)</b>											
Street [1]	10	10	10	10	10	10	-	-	10	10	10
From AG, AG-R, or R district	10	10[2]	10[2]	10	10[2]	10[2]	-	-	75[3]	75[3]	75[3]
From O district	-	-	-	-	-	-	-	-	75[3]	75[3]	75[3]
Max. Building Coverage (% of lot)	-	-	-	-	-	-	-	-	-	-	-
Maximum Building Height (feet)	35	-	-	-	-	-	-	-	-	-	-

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**Section 45.080 Fences and Walls**

**45.080-A** Fences and walls within required building setbacks may not exceed 8 feet in height, except that in required street setbacks fences and walls may not exceed 4 feet in height. However, in R zoned districts, fences up to 8 feet in height are permitted in side street setbacks of detached houses or duplexes located on corner lots and in street setbacks abutting the rear lot line of houses or duplexes located on double frontage lots. The board of adjustment is authorized to modify these fence and wall regulations in accordance with the special exception procedures of [Section 70.120](#).

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**Section 90.090 Setbacks**

**90.090-A Measurement**

Required setbacks are measured from the applicable lot line, right-of-way, planned right-of-way or location referred to below. Building setbacks are measured to the nearest exterior building wall. Minimum setbacks that apply to other features (parking areas, fences, storage areas) are measured from the nearest point of the area or feature for which a setback is required. See [90.090-C](#) for information on structures and building features that are allowed to occupy setback and yard areas in R zoning districts. Unless otherwise expressly stated, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan. If a variance of the prohibition against location of a structure within the right-of-way or planned right-of-way is granted by the Board of Adjustment, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets

shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan, unless a license has been granted by the city, in the case of the right-of-way, or a removal agreement has been entered into, in the case of the planned right-of-way.

1. 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 setback, the greater setback applies:
  - a. 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; and
  - b. For streets not shown on the major street and highway plan, if the width of the right-of-way is 50 feet or less, the measurement must be taken from a point that is 25 feet from the centerline of the actual right-of-way.

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**

Employment is intended to accommodate offices, warehousing and storage, manufacturing and assembly, and industrial processes. The Industrial Site Suitability map corresponds to the Employment land use designation and indicates where uses that are potentially incompatible with sensitive land uses are best suited to locate. This directs industrial uses to particular areas of the city while discouraging industrial in close proximity to Neighborhood areas.

Surrounding Properties:

<u>Location</u>	<u>Existing Zoning/Overlay</u>	<u>Existing Land Use Designation</u>	<u>Existing Use</u>
North	IM	Employment	Industrial & Warehouse
East	IM	Employment	Industrial & Warehouse
South	IM	Employment	Residential
West	IM	Employment	Industrial & Warehouse

**Small Area Plans**

The subject property is located within the Kendall-Whittier Sector 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: N/A

Planned Bike/Ped Facilities: Sidewalks are recommended along street frontages.

Arterial Traffic per Lane: N/A

**Environmental Considerations**

Flood Area: A portion of the property is located within the Tulsa Regulatory Floodplain.



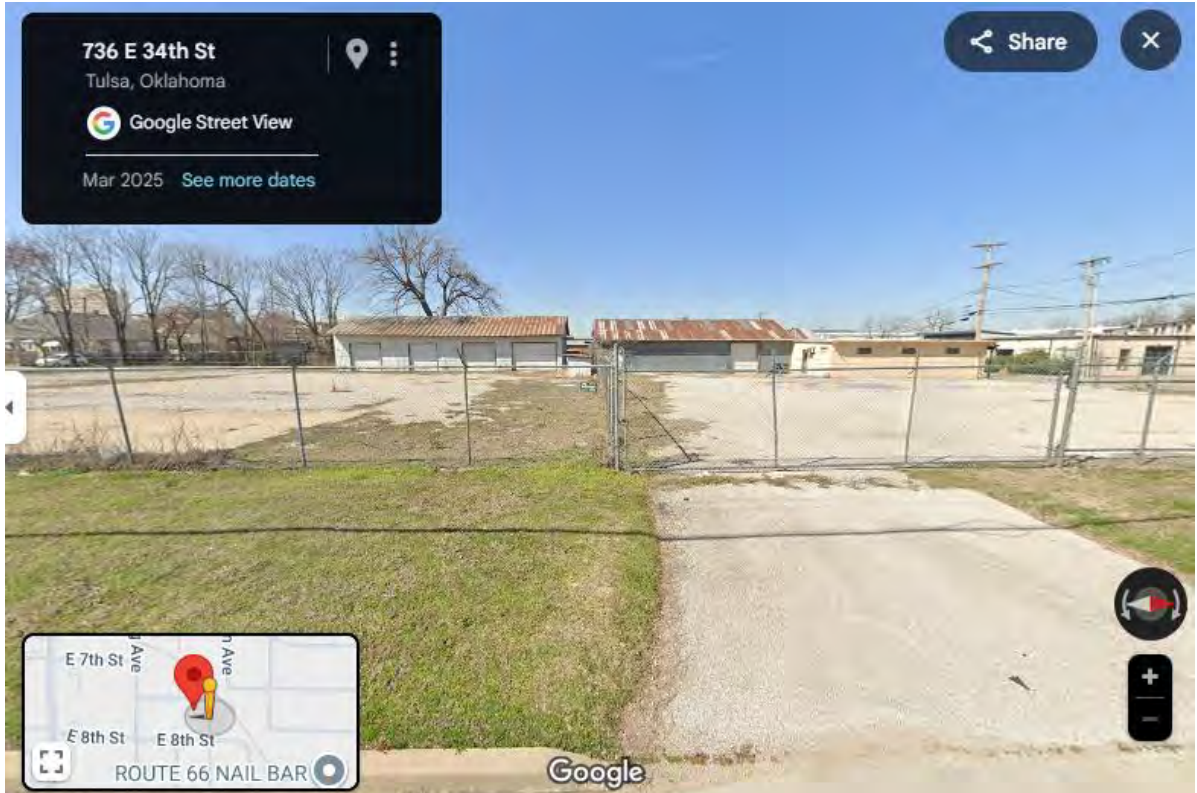
Tree Canopy Coverage: Tree canopy in the area is 4%. Preserving the limited existing canopy should be encouraged, as well as measures to increase the canopy through landscaping. Street-lining trees in particular should be encouraged to spread the benefit of the tree canopy to the pedestrian realm.

Parks & Open Space: N/A

Site Photos



View south from 7th Place, March 2025 (Image from Google Street View)



View south from Xanthus Place, March 2025 (Image from Google Street View)

**Sample Motion**

**Special Exception**

I move to approve or deny a special exception to increase the permitted fence height from 4 feet to 8 feet within the street setback (Section 45.080-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 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 reduce the required street setback in the IM district from 10 feet to 0 feet (Section 15.030, Table 15-3),

- 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.

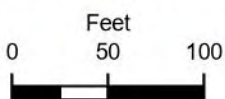
**Property Description**

E/2 LT 28 & LT 29 LESS E6 1/2 LT 29 BLK 1, CENTRAL PLACE SUB, 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-23933**

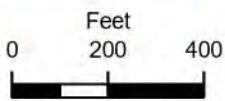
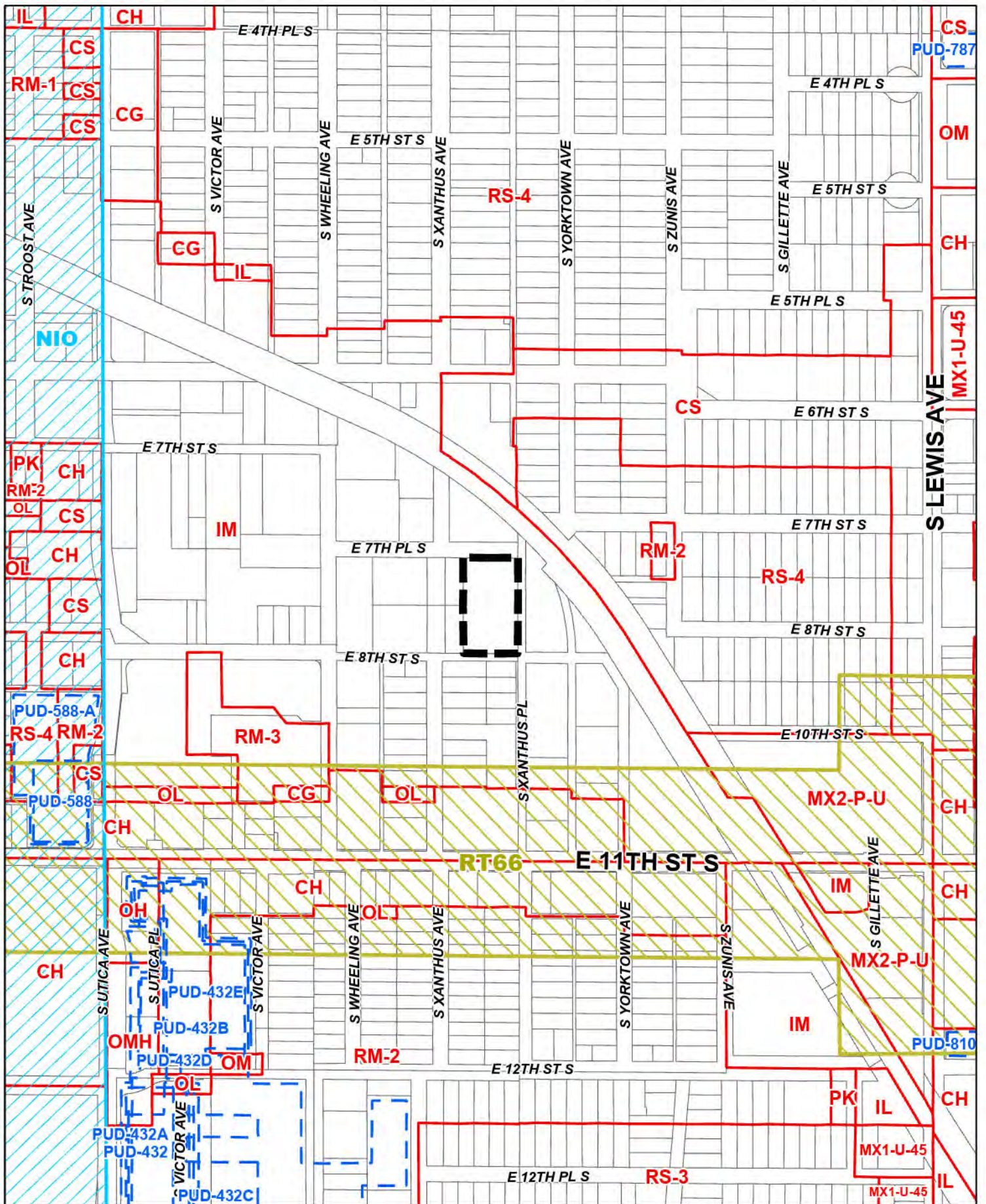
19-13 06

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

Aerial Photo Date: 2025



3.8



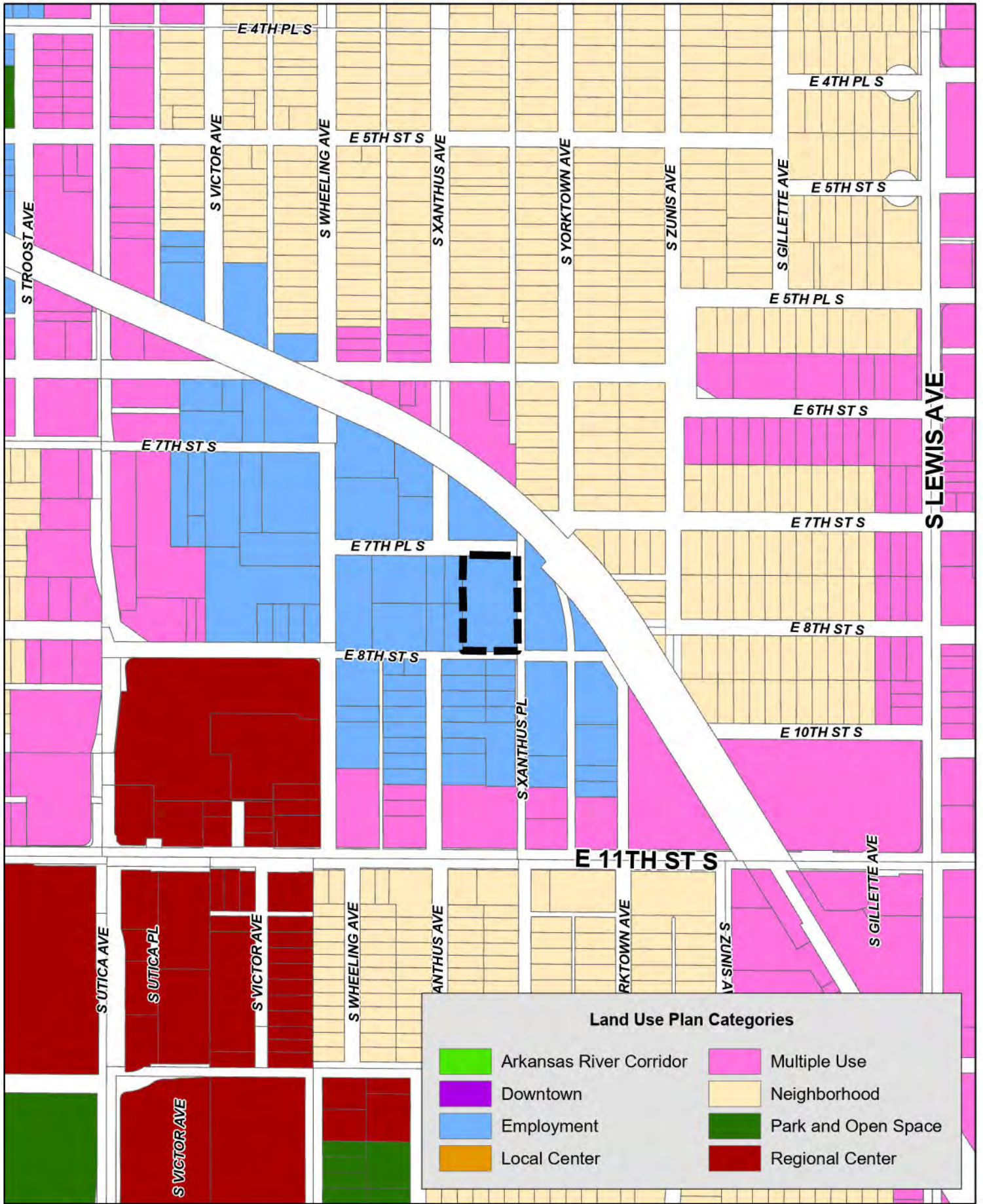
**Subject Tract**

**BOA-23933**









19-13 06

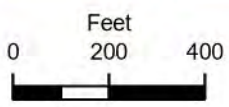


3.9



**Land Use Plan Categories**

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



 Subject Tract

**BOA-23933**

19-13 06



## 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;

Physical surroundings are blighted with a vast number of buildings vacant. we aim to improve the opportunity zone area. we can only do so if we have enough buildable area.

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

The setback is intended to provide green space and room for landscaping. we could provide added green space north and south.

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;

we need added buildable space. This should not be needed by surrounding properties unless they are being redeveloped as we are doing. Other new development in the area is not likely with the railway across the street.

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

we are planning to remove 2 curbs on Dwyer which should benefit the city. we are planning on building smaller units than we'd like on the west side.

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

Yes, even with the variance our drive more narrow than we would like. we should have a 60' in our drive.

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

Area is industrial - our development improves the area and the economic impact for the city.

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.

See #4  
not a through street, back to railway and home less encroachment.

## 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

current zoning will remain the same. we can add landscaping on the north and south, and add trees or shrubs on the east property line.

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

our development will greatly improve the neighborhood economically and aesthetically.

### 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.

STAKES

PROPOSED BUILDING FOR:  
**Condo Storage Units**  
Tulsa, OK

ISSUED FOR REVIEW: 07/29/2025

ISSUED FOR BID:

ISSUED FOR PERMIT:

ISSUED FOR CONSTRUCTION:

ISSUED REVISIONS

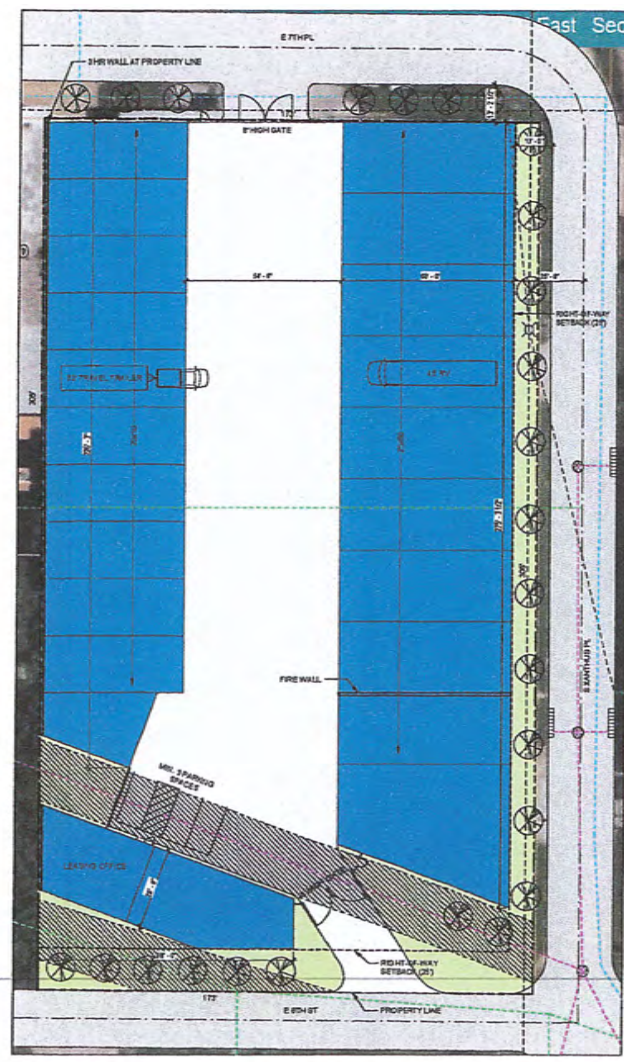
Revision	Date	Rev. Description

DRAWN BY: GMW

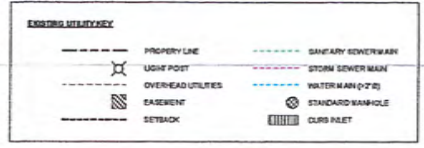
PROJECT #: 010001

**A001**

SHEET TITLE  
ARCHITECTURAL SITE  
PLAN

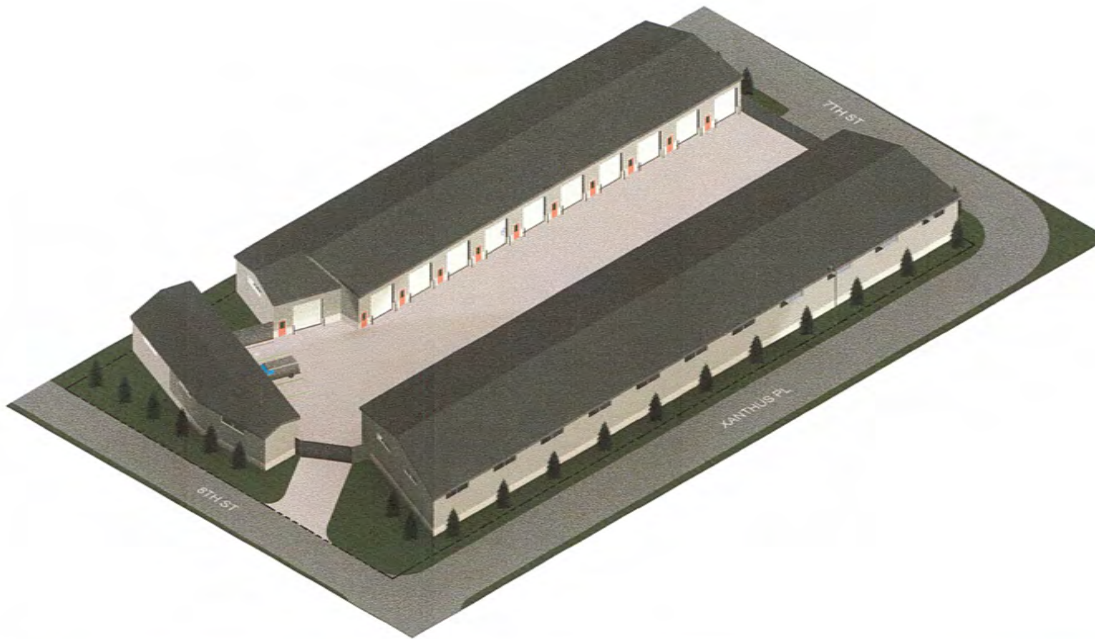


SITE INFORMATION:  
2008 E 7TH PL  
LOT# 4 1.17 ACRES ± S/281 OF  
CLARK CLP'S. (2) EXISTING, (2) PROPOSED  
PARKING SPACES (3) REQUIRED  
TOTAL: (2) UNITS, 13,500 SF



**PRELIMINARY SITE PLAN**  
1" = 20'-0"

**PRELIMINARY**  
NOT FOR CONSTRUCTION



BIRD'S EYE VIEW



STREET PERSPECTIVE  
1/2" = 1'-0"

This rendering is provided for illustrative purposes only. It is an artistic representation and may not indicate each incidental item necessary to complete the work.

**PRELIMINARY**  
NOT FOR CONSTRUCTION



800-642-6174  
www.TotalBuild.com  
Appleton, WI  
Rapid City, SD | Birmingham, MD  
910-444-9910 ext. 200

STANDS

PROPOSED BUILDING FOR:  
**Condo Storage Units**  
Tulsa, OK

ISSUED FOR REVIEW: 07/29/2025

ISSUED FOR BID:

ISSUED FOR PERMIT:

ISSUED FOR CONSTRUCTION:

ISSUED REVISIONS

Revision	Date	Rev. Description

DRAWN BY: GMV

PROJECT #: 0790201

**A002**

SHEET TITLE  
VISUALS

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