



**Board of Adjustment**

**Staff Report  
BOA-23983**

**Hearing Date:** January 13, 2026  
**Prepared by:** Erin Roark  
eroark@cityoftulsa.org  
918-596-7618

**Owner and Applicant Information**

Applicant: RCJ Designs  
Property Owner: Victor Garcia

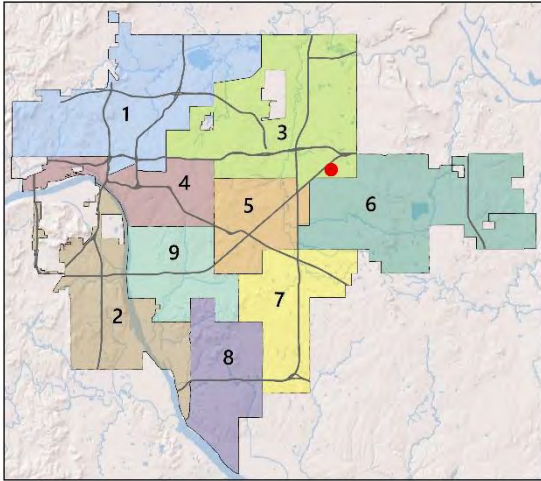
**Property Location**

827 South 127th East Avenue

Tract Size: ±2.35 acres

**Location within the City of Tulsa**

*(shown with City Council districts)*



**Elected Representatives**

City Council: District 3, Jackie Dutton  
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 of detached accessory buildings in the RS-2 district (Section 45.030-A); Variance to reduce the required 5-foot side setback in the RS-2 district (Section 5.030-A, Table 5-3).

**Zoning**

Zoning District: RS-2  
Zoning Overlays: N/A

**Comprehensive Plan Considerations**

**Land Use**

Land Use Plan: Neighborhood  
Small Area Plans: None  
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: Tulsa Regulatory Floodplain, FEMA 100-year  
Flood Zone  
Tree Canopy Coverage: 10-19%  
Parks & Open Space: N/A

**Staff Analysis**

The applicant is requesting a variance to increase the allowable floor area of detached accessory buildings in the RS-2 district (Section 45.030-A). The proposed residence is 2,896 square feet, which would permit 1,158 square feet of accessory building floor area. The existing accessory buildings have a total floor area of 3,966 square feet. The applicant is requesting 2,808 square feet of relief.

The applicant is also requesting a variance to reduce the required 5-foot side setback in the RS-2 district (Section 5.030-A, Table 5-3). The existing accessory building is on the east lot line. The applicant is requesting 5 feet of relief.

**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, RD, RT, and RM Districts**

In RS-2, RS-3, RS-4, RS-5, RD, RT, 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.

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**Section 5.030 Lot and Building Regulations**

**5.030-A Table of Regulations**

*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
<b>Min. Building Setbacks (ft.)</b>													
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

Relevant Case History

- None found.

**Statement of Hardship**

The applicant’s statement of hardship is included as a separate exhibit.

## **Comprehensive Plan Considerations**

### **Land Use Plan**

The subject 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-2	Neighborhood	Residential
East	RS-2, CG	Employment	Building Service
South	RS-2	Multiple Use	Residential
West	RS-2	Neighborhood	Residential

### **Small Area Plans**

The subject property is not included in 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: The subject property is located partially within the Tulsa Regulatory Floodplain and a FEMA 100-Year Flood Zone.



Tree Canopy Coverage: Tree canopy in the area is 12%. 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 east from South 127th East Avenue, April 2025(Image from Google Street View)

**Sample Motion****Variance**

I move to approve or deny a variance to increase the allowable floor area of detached accessory buildings in the RS-2 district from 1,158 square feet to 3,966 square (Section 45.030-A) and a variance to reduce the required side setback in the RS-2 district from 5 feet to 0 feet (Section 5.030-A, 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:

- 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**

SW NE SE SE LESS W20 FOR RD, UNPLATTED, City of Tulsa, Tulsa County, State of Oklahoma

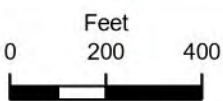
**Exhibits**

Case map

Aerial (small scale)

Aerial (large scale)

Tulsa Comprehensive Plan Land Use Map



Subject  
Tract

**BOA-23983**

19-14 05

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

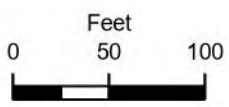
Aerial Photo Date: 2025



8.6



S 127TH E AVE



Subject Tract

**BOA-23983**

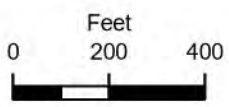
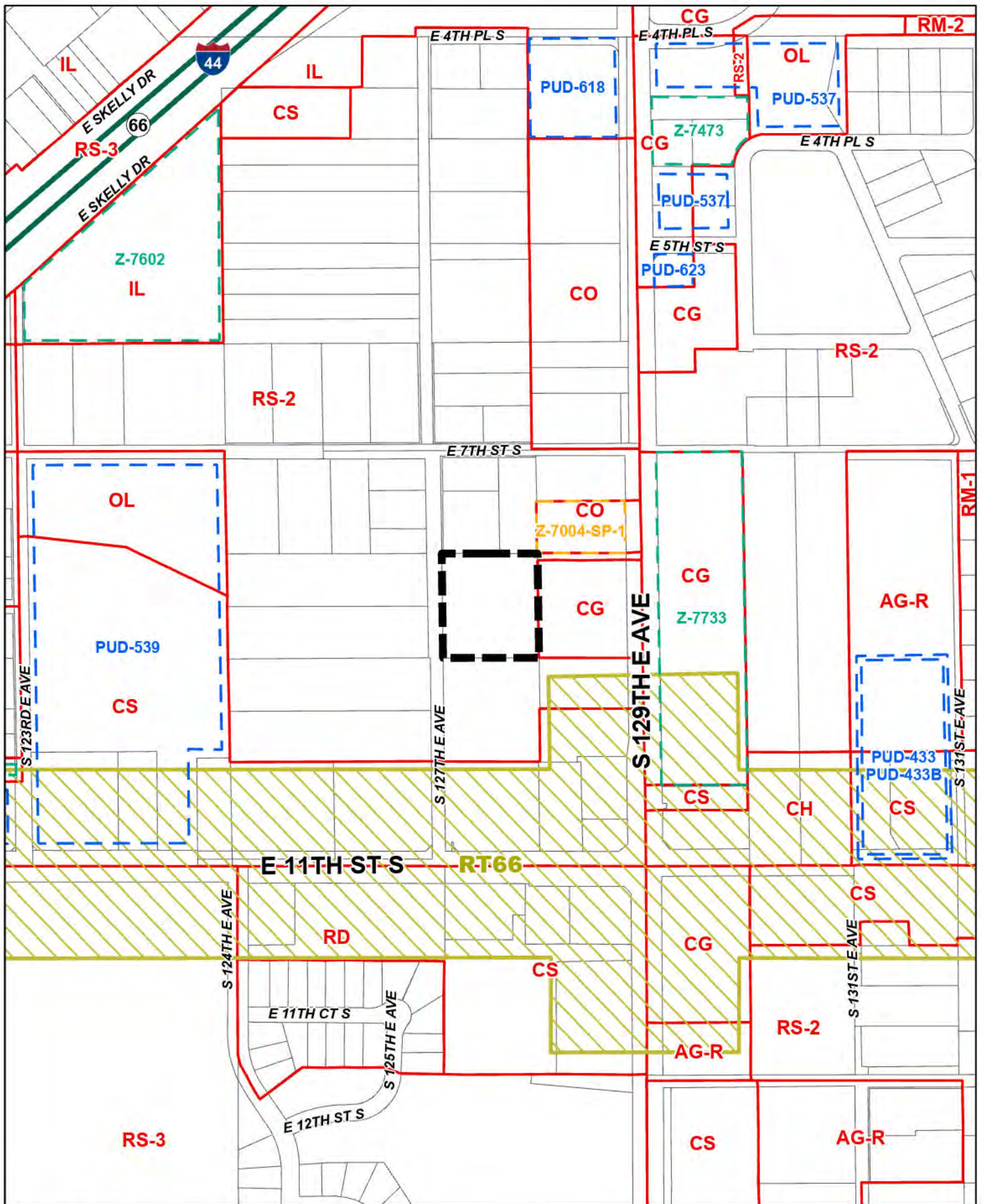
19-14 05

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

Aerial Photo Date: 2025



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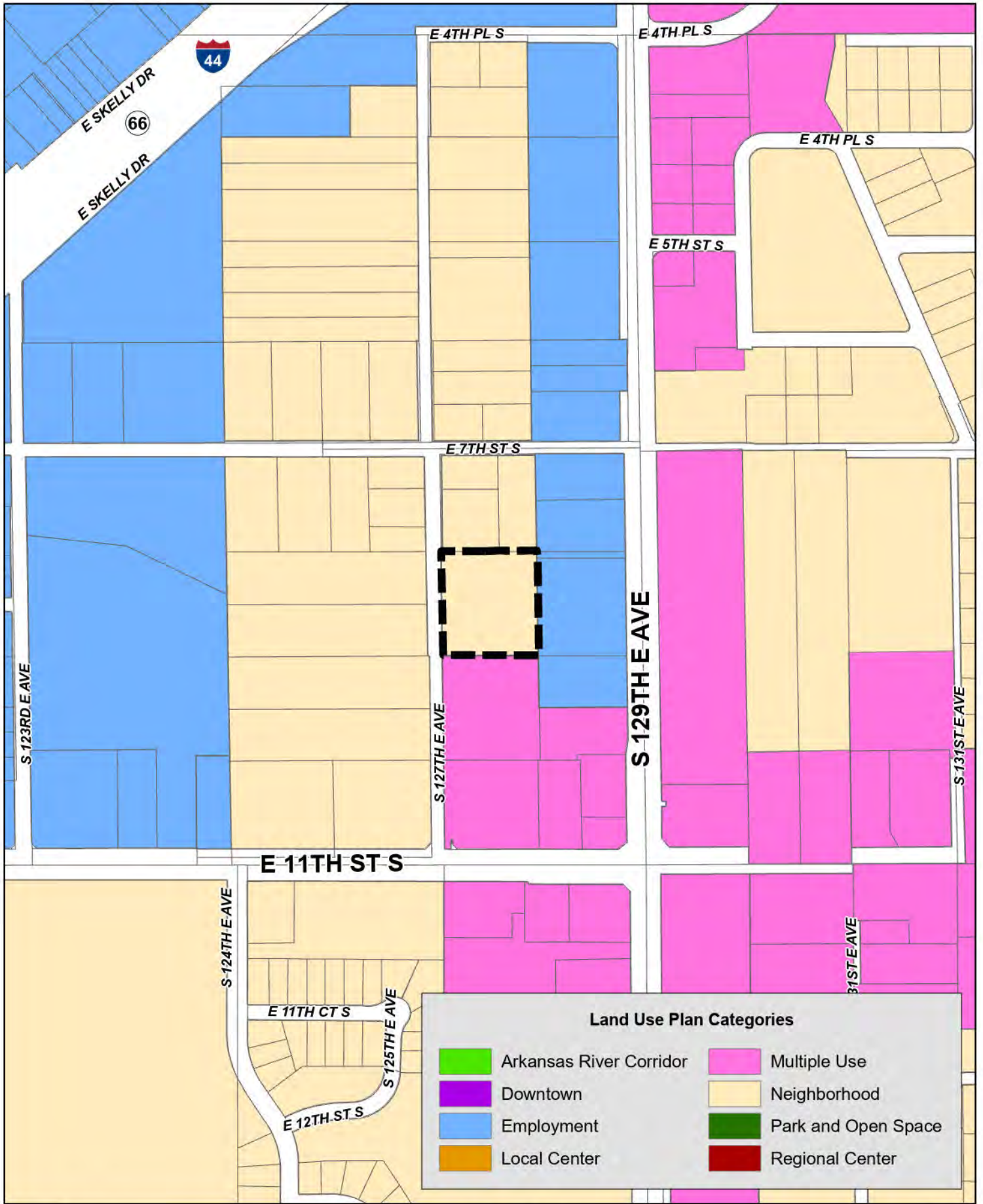
 Subject Tract

**BOA-23983**









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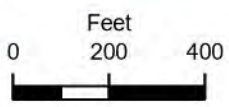


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**Land Use Plan Categories**

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



 Subject Tract

**BOA-23983**

19-14 05



## 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;

The subject property is an unusually large residential parcel of approximately 2.35 acres, which is significantly larger than a typical RS-2 lot. The size, depth, and rural character of the property create site conditions that differ substantially from standard RS-2 parcels. An existing detached accessory building constructed in 2023 is appropriately scaled and positioned for a lot of this size. Strict enforcement of the accessory building square footage limit would require unnecessary demolition of an existing structure, creating a practical difficulty that is disproportionate to the zoning regulation when applied to this specific property.

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

The intent of the accessory building size limitation is to prevent overbuilding on smaller residential lots and to protect neighborhood character. In this case, the property far exceeds minimum lot size requirements, maintains over 90% open space, and the accessory building remains subordinate to the principal residence. Allowing this existing building to remain does not undermine the purpose of the regulation and continues to meet the spirit and intent 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;

Most RS-2 properties are much smaller and more suburban in character. This property's size, configuration, and development pattern are unique within the RS-2 district. The hardship created by applying a uniform accessory structure size limit to this parcel is not generally applicable to other properties with similar zoning.

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

The hardship is not based on personal circumstances or financial considerations. It arises from the application of standard RS-2 accessory building limits to a parcel with atypical physical characteristics and rural scale. The existing accessory structure was constructed in good faith on a large lot where its size and placement are reasonable and consistent with the site's physical context.

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

No additional accessory structures are proposed. The variance applies only to one existing detached accessory building and does not seek additional expansion. This represents the minimum relief necessary to allow continued use of the property without unnecessary demolition.

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 accessory building is compatible with the surrounding area, which includes other large parcels and rural-scale development patterns. The structure is visually subordinate, well set back, and does not impair adjacent properties or future development.

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.

Granting the variance preserves an existing improvement, avoids unnecessary waste, and maintains substantial open space on the property. The request does not increase density, traffic, or intensity of use and remains consistent with the purposes, spirit, and intent of the Tulsa Zoning Code and Comprehensive Plan.

**LEGEND** SITE PLAN

NOT ALL ITEMS MAY BE USED

- EXISTING BUILDING FOOTPRINT: NOT IN SCOPE OF WORK
- ASPHALT PAVING/ TRACK
- TULSA REGULATORY FLOOD PLAIN
- CONCRETE DRIVEWAY/WALKWAY
- PROPERTY LINE
- BUILDING SETBACKS
- BUILDING OUTLINE
- SILT FENCE
- PRE-CONSTRUCTION DRAINAGE FLOW
- POST-CONSTRUCTION DRAINAGE FLOW
- STRAW WATTLE
- DOWNSPOUTS

**PROJECT INFORMATION**

**LEGAL DESCRIPTION**  
SUBDIVISION: UNPLATTED (P9405)  
LEGAL: SW NE SE SE LESS W20 FOR RD SEC 5 19 14 2.348ACS  
SECTION: 05 TOWNSHIP: 19 RANGE: 14

**GENERAL INFORMATION**

ZONING: RS-2  
LOT SIZE: 2.35 ACRES / 102,300 SQ FT

**ADDITIONAL INFORMATION**

LIVABLE AREA: 2,896 SQ FT  
FRONT COVERED PORCH: 680 SQ FT  
REAR COVERED PORCH: 288 SQ FT  
PROPOSED DRIVEWAY: 6,018 SQ FT

**GRAND TOTAL: 9,882 SQ FT**

**REGULATIONS**

MIN. OPEN SPACE REQ'D: 5,000 SQ FT  
OPEN SPACE PROPOSED: 92,418 SQ FT

MAX BUILDING HEIGHT: 35' - 0"  
RES. STRUCTURE HEIGHT: +/- 23' 11"

**KEYNOTES** SITE PLAN

1. 3,500PSI 6" MIN. P.C.C. ABOVE 6" TYP" A" AGGREGATE BASE @ RIGHT OF WAY. NO REBAR
2. FLOODPLAIN COVERS THE PROPERTY WITH BASE FLOOD ELEVATION ON 692.8' NAVD 1988. FINISHED FLOOR IS MIN. 12" ABOVE 692.8' NAVD 1988. NO FILL OR SPOILS IN THE FLOODPLAIN
3. EXISTING STRUCTURE TO BE DEMOLISHED
4. EXISTING DRIVEWAY TO BE DEMOLISHED

**SIDEWALKS/CURB RAMPS/CROSSWALK NOTE**

- THE OWNER/CONTRACTOR SHALL VERIFY THAT THE EXISTING AND PROPOSED SIDEWALKS, CURB RAMPS AND CROSSWALKS ABUTTING PROPERTY COMPLY WITH THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES AND PROPOSED ACCESSIBILITY GUIDELINES FOR PEDESTRIAN FACILITIES IN THE PUBLIC RIGHTS OF WAY PUBLISHED ON JULY 26, 2011 BY THE US ACCESS BOARD. IF ANY EXISTING SIDEWALKS, CURB RAMPS AND CROSSWALKS ABUTTING THEIR PROJECT ARE FOUND TO NOT COMPLY WITH THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES THEN IN ACCORDANCE WITH TRO TITLE 35, CHAPTER 6, SECTION 601, PARAGRAPH F THE OWNER/CONTRACTOR SHALL REPAIR OR REPLACE THE EXISTING SIDEWALKS, CURB RAMPS AND CROSS WALKS AND BRING THEM INTO ADA COMPLIANCE AT THEIR OWN EXPENSE. DRIVEWAYS AND SIDEWALKS REQUIRE SEPARATE REVIEW AND PERMITS THRU THE RIGHT OF WAY DEPARTMENT.

**SILT FENCE DETAIL** SITE PLAN

1. STEEL POSTS WHICH SUPPORT THE SILT FENCE SHALL BE INSTALLED ON A SLIGHT ANGLE TOWARD THE ANTICIPATED RUNOFF SOURCE.
2. THE TOE OF THE SILT FENCE SHALL BE TRENCHED IN WITH A SPADE OR MECHANICAL TENCHER, SO THAT THE DOWNSLOPE FACE OF THE TRENCH IS FLAT AND PERPENDICULAR TO THE LINE OF FLOW.
3. THE TRENCH SHOULD BE A MINIMUM OF 6 INCHES DEEP AND 3 TO 4 INCHES WIDE TO ALLOW FOR THE SILT FENCE TO BE LAID IN THE TRENCH 4 INCHES AND BACKFILLED.
4. SILT FENCE SHOULD BE SECURELY FASTENED TO EACH STEEL SUPPORT POST OR TO WOVEN WIRE, WHICH IS IN TURN ATTACHED TO THE STEEL FENCE POSTS.
5. INSPECTION SHALL BE FREQUENT AND REPAIR OR REPLACEMENT SHALL BE MADE PROMPTLY AS NEEDED.
6. SILT FENCE SHALL BE REMOVED WHEN IT HAS SERVED ITS USEFULNESS SO AS NOT TO BLOCK OR IMPEDE STORM FLOW OR DRAINAGE.
7. SEDIMENT TRAPPED BY THIS PRACTICE SHALL BE DISPOSED OF IN AN APPROVED SITE, IN A MANNER THAT WILL NOT CONTRIBUTE TO ADDITIONAL SILTATION. ACCUMULATED SILT SHALL BE REMOVED WHEN IT REACHES A DEPTH OF 6 INCHES AND DISPOSED OF IN AN APPROVED SPOIL SITE OR AS IN NO. 7 ABOVE.

SCALE: NOT TO SCALE

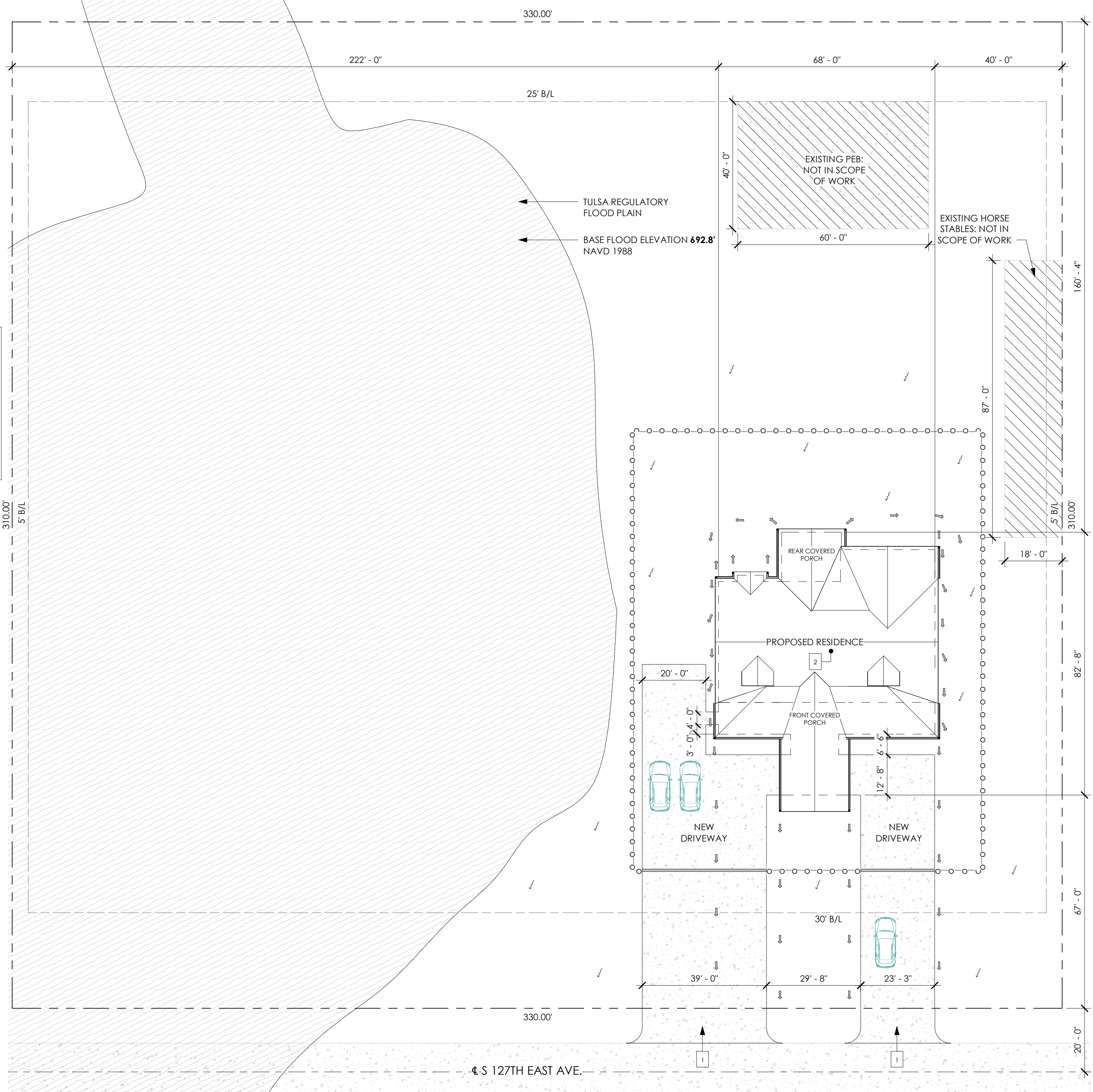
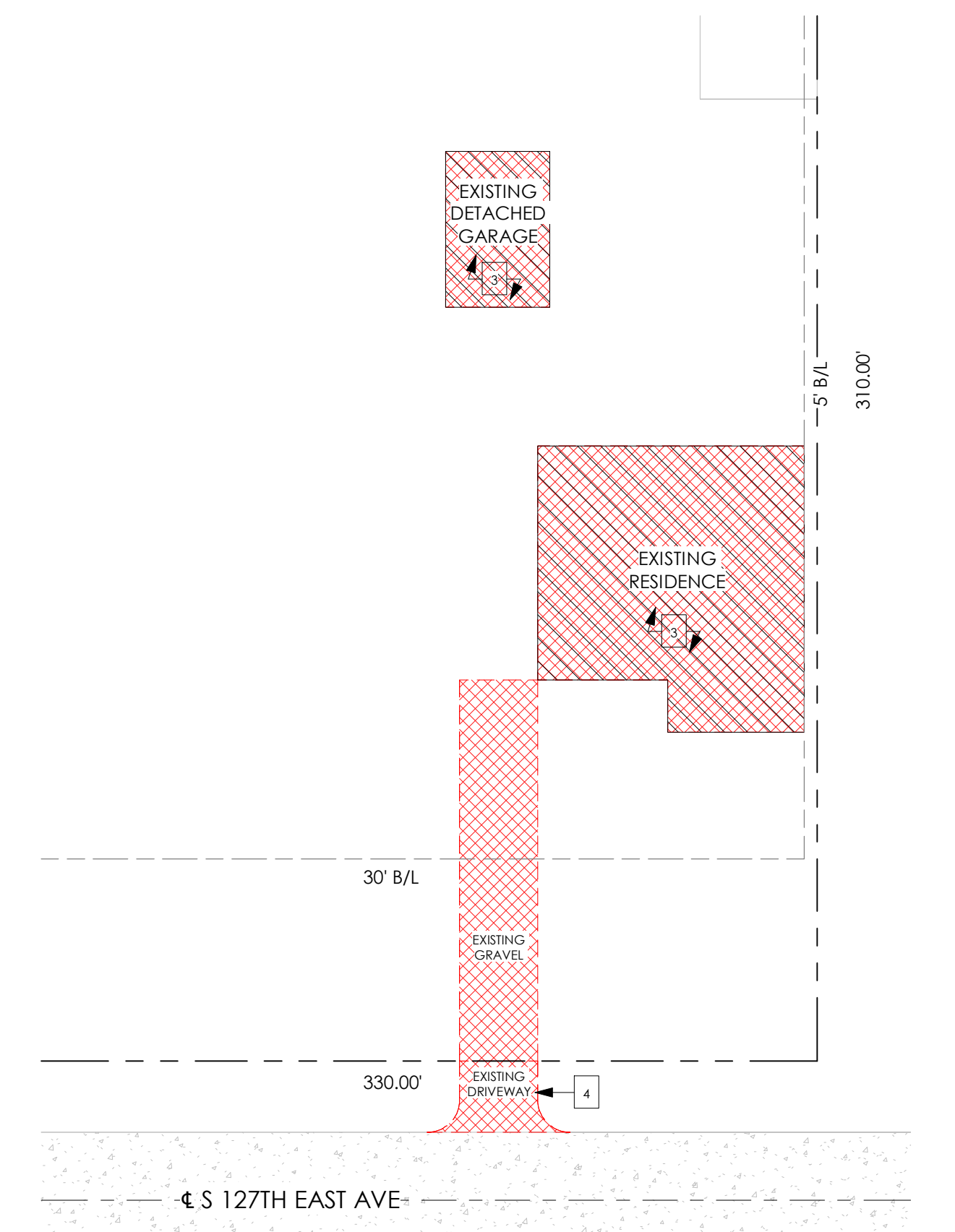
**CAUTION**

**NOTICE TO CONTRACTOR**  
THE CONTRACTOR IS SPECIFICALLY CAUTIONED THE LOCATION AND ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS ARE BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE LOCAL UTILITY LOCATION CENTER AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES.

CALL OKIE  
1-800-522-6543

**SURVEY DISCLAIMER** SITE PLAN

- THIS SITE PLAN IS DRAWN WITHOUT THE BENEFIT OF A BOUNDARY SURVEY. BOUNDARY AND EXISTING STRUCTURE LOCATIONS ARE APPROXIMATE BASED ON FIELD INFORMATION AND FOR ILLUSTRATIVE PURPOSES ONLY.



**2 DEMO - SITE PLAN**  
3/64" = 1'-0"

**1 SITE PLAN**  
3/64" = 1'-0"

DRAWN FOR:  
**GARCIA RESIDENCE**

**NEW BUILD**

827 S 127 E AVE  
TULSA, OK 74128

NO.	REVISION	DATE

PROJECT NUMBER:  
25045  
ISSUE:  
PERMIT SET  
DATE:  
08.18.2025  
DRAWN BY:  
TGO  
CHECKED BY:  
RCJ  
SHEET TITLE:

**SITE PLAN**

**A0**