



Board of Adjustment

**Staff Report
BOA-23990**

Hearing Date: February 10, 2026 (Continued from January 27, 2026)

Prepared by: Erin Roark
eroark@cityoftulsa.org
918-596-7618

Owner and Applicant Information

Applicant: Kyle Gibson
Property Owner: Valentino Homes, Inc

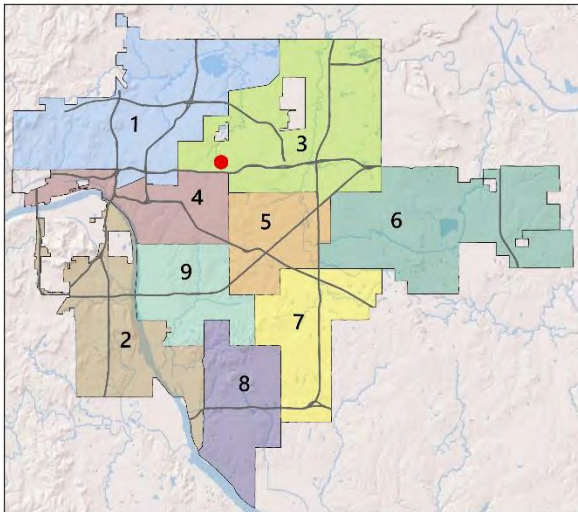
Property Location

138 North Toledo Avenue

Tract Size: ±0.29 acres

Location within the City of Tulsa

(shown with City Council districts)



Elected Representatives

City Council: District 3, Jackie Dutton
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 lot area and lot area per unit in the RS-3 district to permit a lot split (Section 5.030, Table 5-3).

Zoning

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

Comprehensive Plan Considerations

Land Use

Land Use Plan: Neighborhood
Small Area Plans: Sequoyah
Development Era: Early 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: Rose Hill Cemetery

Staff Analysis

The applicant is requesting a variance to reduce the required lot area and lot area per unit in the RS-3 district to permit a lot split (Section 5.030, Table 5-3). The required minimum lot area and lot area per unit for a detached house in the RS-3 district is 6,900 square feet. The applicant is proposing two lots, each with 6,270 square feet of lot area and lot area per unit. The applicant is requesting 630 square feet of relief for each lot.

This case was originally on the agenda for the January 13th hearing but was continued twice to the January 27th and February 10th hearings because the applicant was not present.

Section 5.030 Lot and Building 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
Minimum Lot Area (sq. ft.)													
Detached house	22,500	13,500	9,000	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	5,500
Min. Lot Area per Unit (sq. ft.)													
Detached house	22,500	13,500	9,000	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	-
Minimum Lot Width (ft.)													
Detached house	150	100	75	60	50	30	50	50	50	50	50	50	-

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-3	Neighborhood	Residential
East	RS-3	Park and Open Space	Rose Hill Cemetery
South	RS-3	Neighborhood	Residential
West	RS-3	Neighborhood	Residential

Small Area Plans

The subject property is included in the Sequoyah Small Area Plan.

Development Era

The subject property is in an area developed during the Early Automobile Era (1930s-50s), which retained a high degree of connectivity from neighborhood streets to the arterial network, with mostly commercial, office, industrial, and other active uses along major streets and a mix of housing options and neighborhood-based uses like schools,

churches, and libraries in the interior sections. Priorities in these areas include walkability, bikeability, access to public transit, historic preservation, housing type variety, mixed-use development, commercial revitalization, compatibility of scale for neighborhood development, and transitions between commercial corridors and residential areas.

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 21%. 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: Rose Hill Cemetery is adjacent to the east side of the subject property.

Site Photos



View southwest from North Toldedo Avenue, May 2022 (Image from Google Street View)

Sample Motion

Variance

I move to *approve or deny* a variance to reduce the required lot area and lot area per unit *from 6,900 square feet per lot to 6,270 square feet per lot* in the RS-3 district to permit a lot split (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:

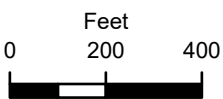
- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal 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

E120 LT 7 LESS E25 THEREOF BLK 5, MARYLAND GARDENS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Exhibits

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



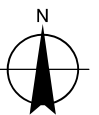
Subject Tract

BOA-23990

20-13 33

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

Aerial Photo Date: 2025



4.6



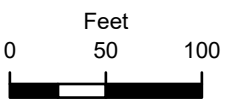
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N SANDUSKY AVE

N TOLEDO AVE

E ARCHER PL

E ARCHER ST



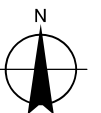
Subject Tract

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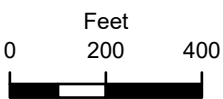
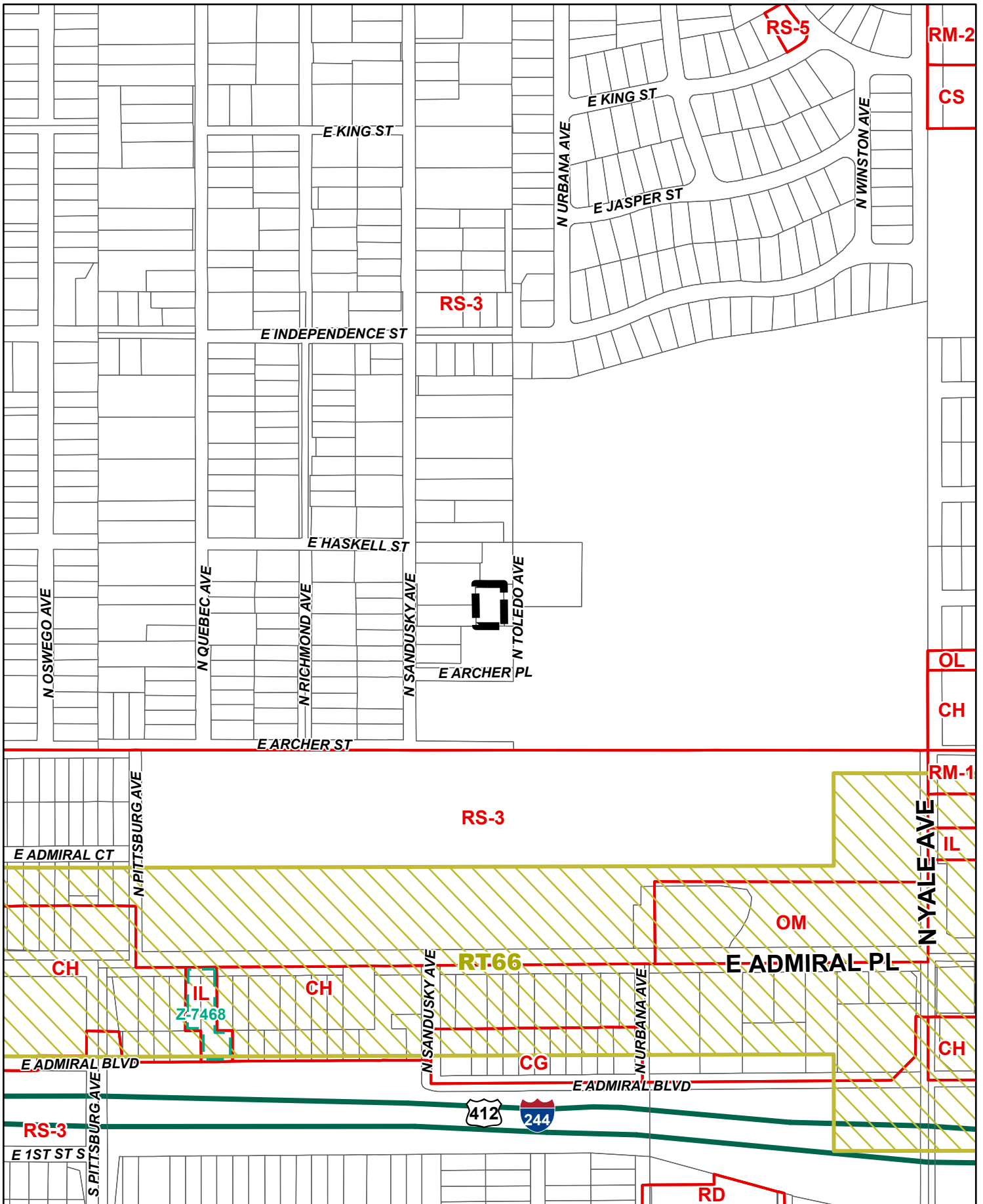
20-13 33

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Aerial Photo Date: 2025



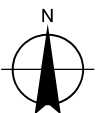
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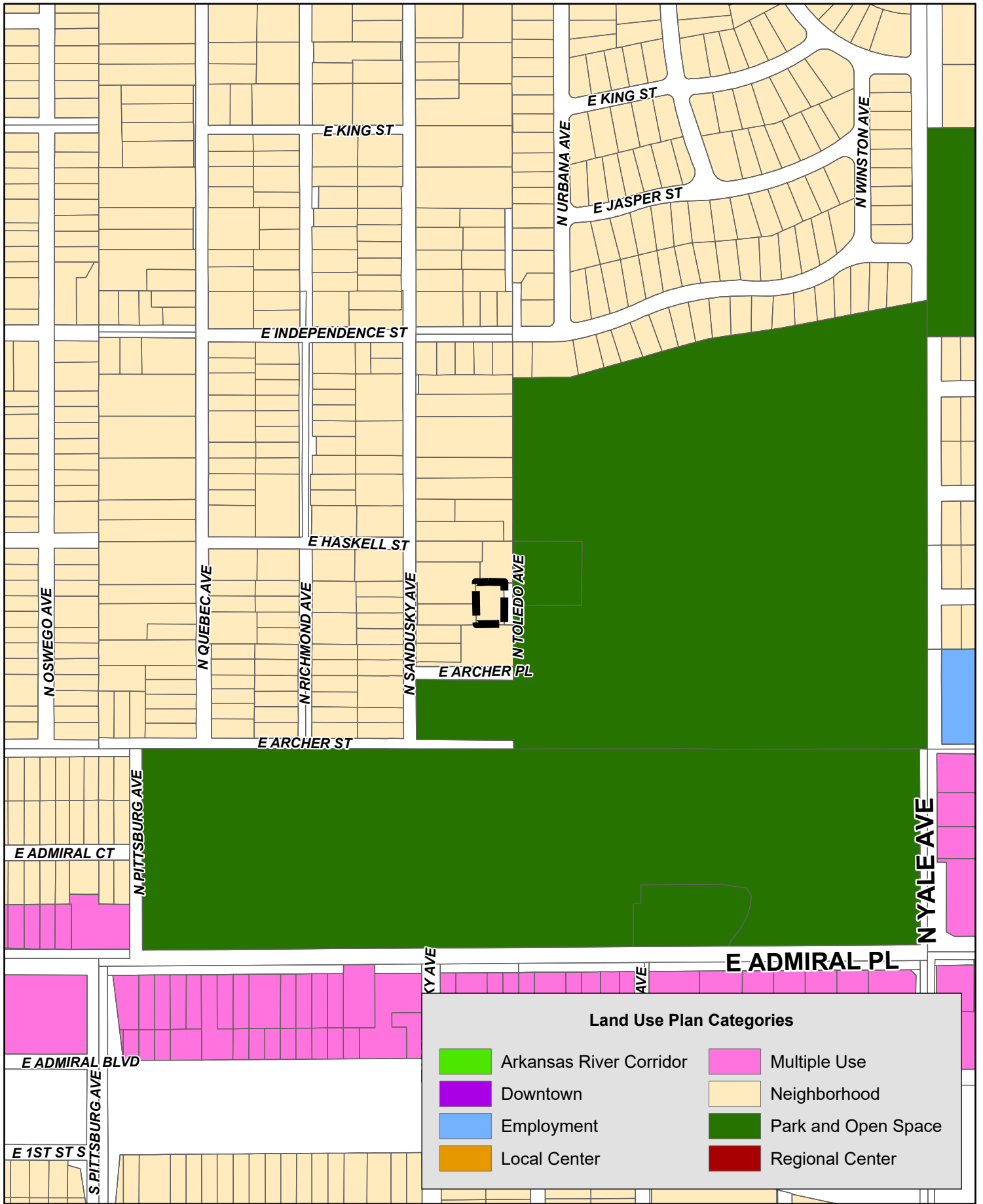
 Subject Tract









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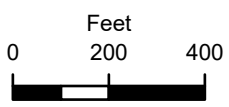
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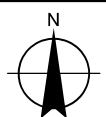
Land Use Plan Categories			
	Arkansas River Corridor		Multiple Use
	Downtown		Neighborhood
	Employment		Park and Open Space
	Local Center		Regional Center



 Subject Tract

BOA-23990

20-13 33



4.9

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;

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

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;

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

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

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

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.

ABBREVIATIONS

- &..... And
- €..... Center Line
- ℙ..... Plate/Property Line

- AFF..... Above Finish Floor
- ADJ..... Adjustable
- BLKG..... Blocking

- CLG..... Ceiling
- CMU..... Concrete Masonry Unit
- CO..... Clear Opening
- CONC..... Concrete
- CONT..... Continuous
- CPT..... Carpet
- CTR..... Center

- DF..... Douglas Fir
- DIM..... Dimension
- DS..... Downspout
- DW..... Dishwasher
- DWG..... Drawing

- (E)..... Existing
- E..... East
- ELEC..... Electrical
- ELEV..... Elevation
- EQUIP..... Equipment

- FLR..... Floor
- FF..... Finish Floor
- FT..... Foot or Feet

- GC..... General Contractor
- GD..... Garbage Disposal
- GYP..... Gypsum Wall Board
- GWB..... Gypsum Wall Board

- HT..... Height
- HW..... Hot Water

- IBC..... International Building Code
- ID..... Inside Diameter
- IMC..... International Mechanical Code
- IN..... Inch(es)
- INSUL..... Insulation
- IPC..... International Plumbing Code
- IRC..... International Residential Code

- LAV..... Lavatory

- MECH..... Mechanical
- MTL..... Metal

- (N)..... New
- NG..... Natural Gas
- NTS..... Not To Scale

- OC..... On Center
- OD..... Outside Diameter
- OVHD..... Overhead

- PR..... Pair
- PSF..... Per Square Feet
- PSI..... Per Square Inch

- ROW..... Right Of Way

- SF..... Square Footage
- SOG..... Slab On Grade
- STD..... Standard
- STL..... Steel
- STRL..... Structural

- TO..... Top Of
- TOC..... Top Of Concrete
- TOS..... Top Of Slab
- TOW..... Top Of Wall
- TYP..... Typical

- W..... With
- WD..... Washer/Dryer

- U.N.O..... Unless Noted Otherwise

GENERAL NOTES

1. All construction shall conform to the International Residential Code (IRC) latest adopted edition, City of Tulsa zoning and building requirements and any other local governing codes.
2. All work shall be done in accordance with Align Design Group Professional Services Agreement.
3. The plans indicate the general extent of construction necessary for the work, but are not intended to be all-inclusive. All work necessary to allow for a finished job in accordance with the intention of the drawings is included regardless of whether it is shown on the drawings or written in the notes.
4. Any errors, omissions or conflicts found in the various parts of the construction documents shall be brought to the attention of the architect for clarification before proceeding with the work.
5. The General Contractor shall maintain a current up-to-date and complete set of construction documents on the job during all phases of construction for use by all trades and shall provide all subcontractors with current construction documents as required.
6. The General Contractor shall verify and assume responsibility for all dimensions and site conditions. The General Contractor shall inspect the existing site and take note of existing conditions prior to submitting prices. No claim shall be allowed for difficulties encountered that could have reasonably been inferred from such examination.
7. The General Contractor shall establish building lines, centerlines, elevations and a permanent benchmark on site and then field verify building layout with the Architect on the site prior to starting work.
8. Written dimensions take precedence. DO NOT SCALE DRAWINGS.
9. All dimensions when shown in plan are to face of stud or face of concrete unless otherwise noted.
10. All dimensions are to top of plate, top of subfloor or top of sill in section and elevation unless otherwise noted.
11. All new exterior walls are to be 2x6 at 16" o.c. and all interior walls are to be 2x4 at 16" o.c. unless otherwise noted.
12. Coordinate all work with existing conditions, including but not limited to: electrical conduit, water lines, drainage & sanitary sewer lines, gas lines, phone and cable lines, etc.
13. Details shown are typical. Similar details apply in similar conditions.
14. Verify all architectural details with the structural drawings and bring any discrepancies to the attention of the Architect before ordering or installing of any item of work.
15. Provide double floor joists below all walls parallel to the direction of surrounding floor framing
16. Where locations of windows and doors are not dimensioned, they shall be centered in the wall or placed two stud widths from adjacent wall as indicated on the drawings.
17. All changes in floor materials occur at centerline of door. at cased openings, material change shall occur at finish face of one side.
18. Install all equipment and materials per manufacturer's requirements and recommendations.
19. Verify clearances for flues, vents, chases, soffits, fixtures, etc., before starting construction, ordering or installing of any item of work.
20. Install hard-wired and interconnected photoelectric smoke detectors with battery back-up as shown on the drawings. Put system on the same circuit as a constantly used light fixture. Confirm placement of all exposed parts with architect prior to installation. Refer to chapter 8 of the national fire alarm code (NFPA 72, published by the national fire protection association) / NFPA handbook for required installation locations and verify acceptability of all parts and locations of the smoke detection system with the local fire marshal / inspector. Alarms near kitchens shall be either photoelectric or have a temporary silencing button. In addition to the code required locations, locate a smoke detector at the top of the laundry shoot (if applicable) and a CO detector in the furnace room. Approved CO detectors shall be located outside of each sleeping area and in the immediate vicinity of the bedrooms. Approved CO detectors are required in dwelling units within which fuel-fired appliances are installed, and in dwelling units with attached garages.
21. Safety Glazing required in hazardous locations. Hazardous locations include areas adjacent to stairways, landings and ramps within 36" horizontally of a walking surface when the exposed surface of the glazing is less than 60" above the plane of adjacent walking surface. Safety glazing required for windows in stairwells, as well as glazing located in enclosures for or walls facing hot tubs, whirlpools, saunas, steam rooms, bathtubs, and showers where the bottom exposed edge of glazing is less than 60" measured vertically above any standing or walking surface. Glazing in fixed and operable panels of swinging, sliding and bifold doors shall be considered to be a hazardous location. Glazing in an individual fixed or operable panel adjacent to a door shall be considered to be a hazardous location where the bottom exposed edge of the glazing is less than 60 inches (1524 mm) above the floor or walking surface and it meets either of the following conditions: 1.) Where the glazing is within 24 inches (610 mm) of either side of the door in the plane of the door in a closed position. 2.) Where the glazing is on a wall perpendicular to the plane of the door in a closed position and within 24 inches (610 mm) of the hinge side of an in-swinging door.
22. Exterior wall and roof penetrations and utility box locations, not included on the drawings, must be approved by the designer prior to installation.
23. Roof penetrations (ie. plumbing vents, flues, etc.) shall extend no further than the minimum allowable code distance, UNO.
24. Sealant, caulking, weather barrier and flashing, etc. locations shown on drawings are not intended to be all-inclusive. Follow manufacturer's installation recommendations and standard industry and building practices for all materials and equipment supplied and assembled on the job.
25. Provide termite protection by chemical treatment per residential code.
26. All bathrooms, and laundry rooms shall have a min. 80 CFM exhaust fan.
27. The General Contractor shall remove all rubbish and waste materials on a regular basis of all subcontractors and trades, and shall exercise strict control over job cleaning to prevent any dirt, debris or dust from affecting in any way, finished areas or outside job site.
28. Contractor shall provide solid blocking as required for the installation of all siding, equipment, cabinets, wood trim, accessories, handrails, lighting, etc. and provide blocking and/or plywood backing in all walls that are to receive artwork - verify locations with owner.
29. Align Design Group, LLC shall not have control over or charge of and shall not be responsible for construction means, methods, techniques, sequences or procedures, for failure of the contractor(s) to comply with the drawings and specifications, or for safety precautions or programs in connection with the construction work.
30. This document set is copyrighted and the property of Align Design Group, LLC and is available to the Owner for a one-time use only. Use by others is prohibited.
31. The General Contractor shall perform final cleaning of all ductwork once work is complete.

PROJECT INFORMATION

PROJECT ADDRESS: 136 NORTH TOLEDO AVENUE
TULSA, OK 74115

LEGAL DESCRIPTION: EAST 120 FEET OF LOT 7, LESS THE EAST 25 FEET THEREOF,
BLOCK 5

PROJECT DESCRIPTION: LOT SPLIT TO ALLOW CONSTRUCTION OF SINGLE FAMILY
RESIDENCE.

FLOODPLAIN DETERMINATION: PROPERTY IS **NOT** IN ANY REGULATED FLOODPLAIN.

APPLICABLE CODES AND REGULATIONS:
CITY OF TULSA ZONING CODE
2018 RESIDENTIAL CODE (IRC)
2018 INTERNATIONAL FIRE CODE (IFC)
2018 INTERNATIONAL PLUMBING CODE (IPC)
2018 INTERNATIONAL FUEL GAS CODE
2018 INTERNATIONAL MECHANICAL CODE

BUILDING CODE INFORMATION:
ZONING: RS3
OCCUPANCY: R3
NUMBER OF STORIES: TWO W/ FINISHED BASEMENT
MAXIMUM HEIGHT ABOVE AVERAGE EXISTING GRADE: N/A
MAXIMUM HEIGHT ALLOWED: 35'-0"

AREA CALCULATIONS:
EXISTING HABITABLE AREA: N/A
NEW HABITABLE AREA: TBD
TOTAL HABITABLE AREA: TBD

EXISTING GARAGE AREA: N/A
NEW GARAGE AREA: TBD
TOTAL GARAGE AREA: TBD

EXISTING COVERED PATIO AREA: N/A
NEW COVERED PATIO AREA: TBD
TOTAL COVERED OUTDOOR AREA: TBD

HEATING SYSTEM:
FORCED AIR GAS FURNACES

VENTILATION SYSTEM:
FORCED AIR HVAC UNITS
BATHROOM EXHAUST FANS AT 80 CFM EA. (1) UNIT REQUIRED AT EACH BATHROOM

UTILITIES INFORMATION:
CITY OF TULSA SEWER, WATER
PSO ELECTRICITY

OWNER
VALENTINO HOMES INC
4983 EAST 26TH PLACE
TULSA, OK 74114

ARCHITECT
JASON GIBSON, RA, NCARB
ALIGN DESIGN GROUP
551 SOUTH QUAKER AVENUE
TULSA, OKLAHOMA 74120
TEL.918.499.0454

CONTRACTOR
TBD

SURVEYOR
TBD

DRAWING INDEX	
A000	COVER SHEET
A001	EXISTING SITE PLAN
A002	PROPOSED SITE PLAN

**PLEASE PRINT
IN COLOR**



ALIGN
DESIGN GROUP
918.499.0454
JASON GIBSON, RA, NCARB

TOLEDO RENTALS
136 NORTH TOLEDO AVENUE
TULSA, OK 74115

DRAWING:
COVER SHEET

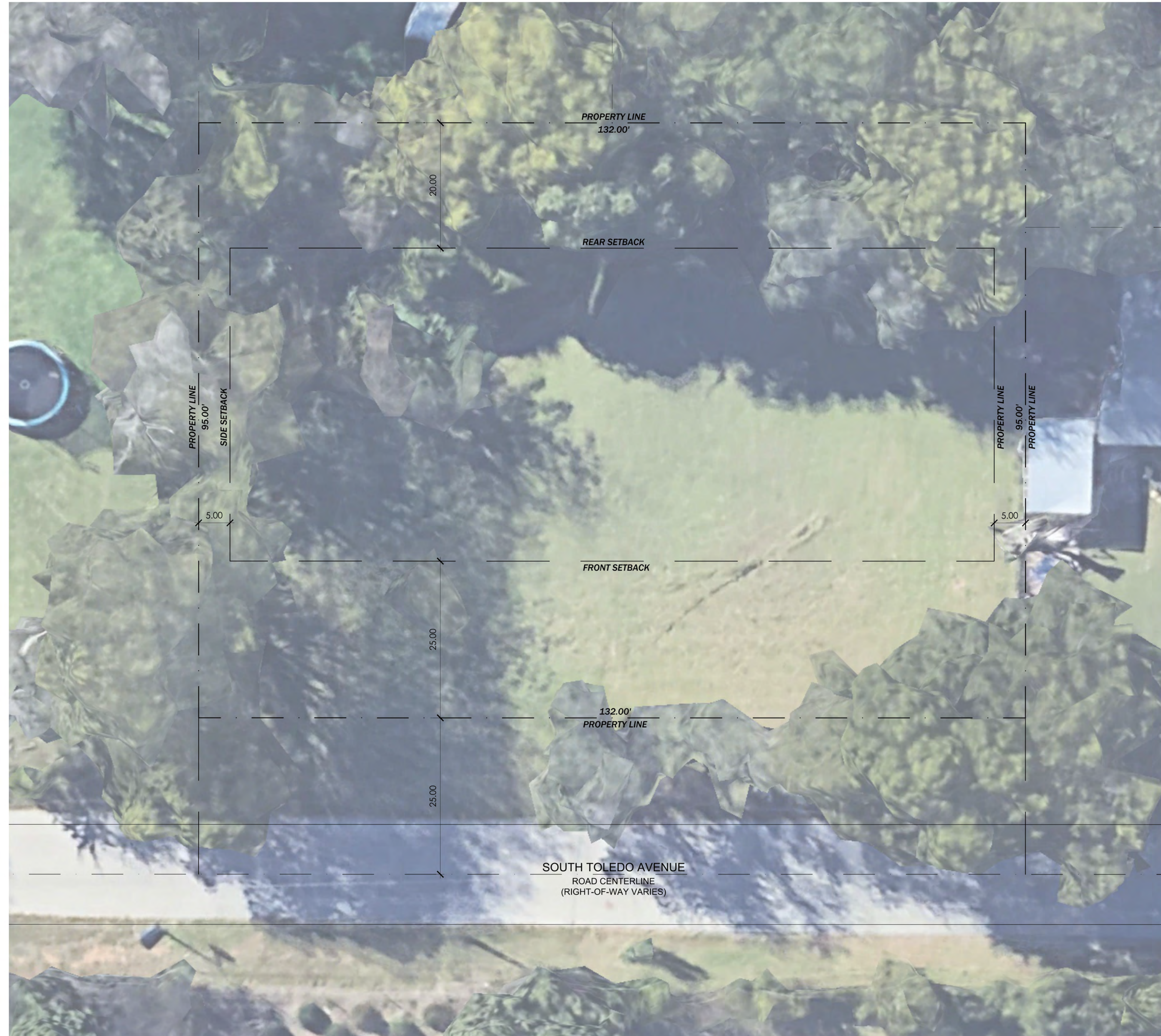
PERMIT SET

DATE:
10/23/2025

SCALE:

SHEET:

A000



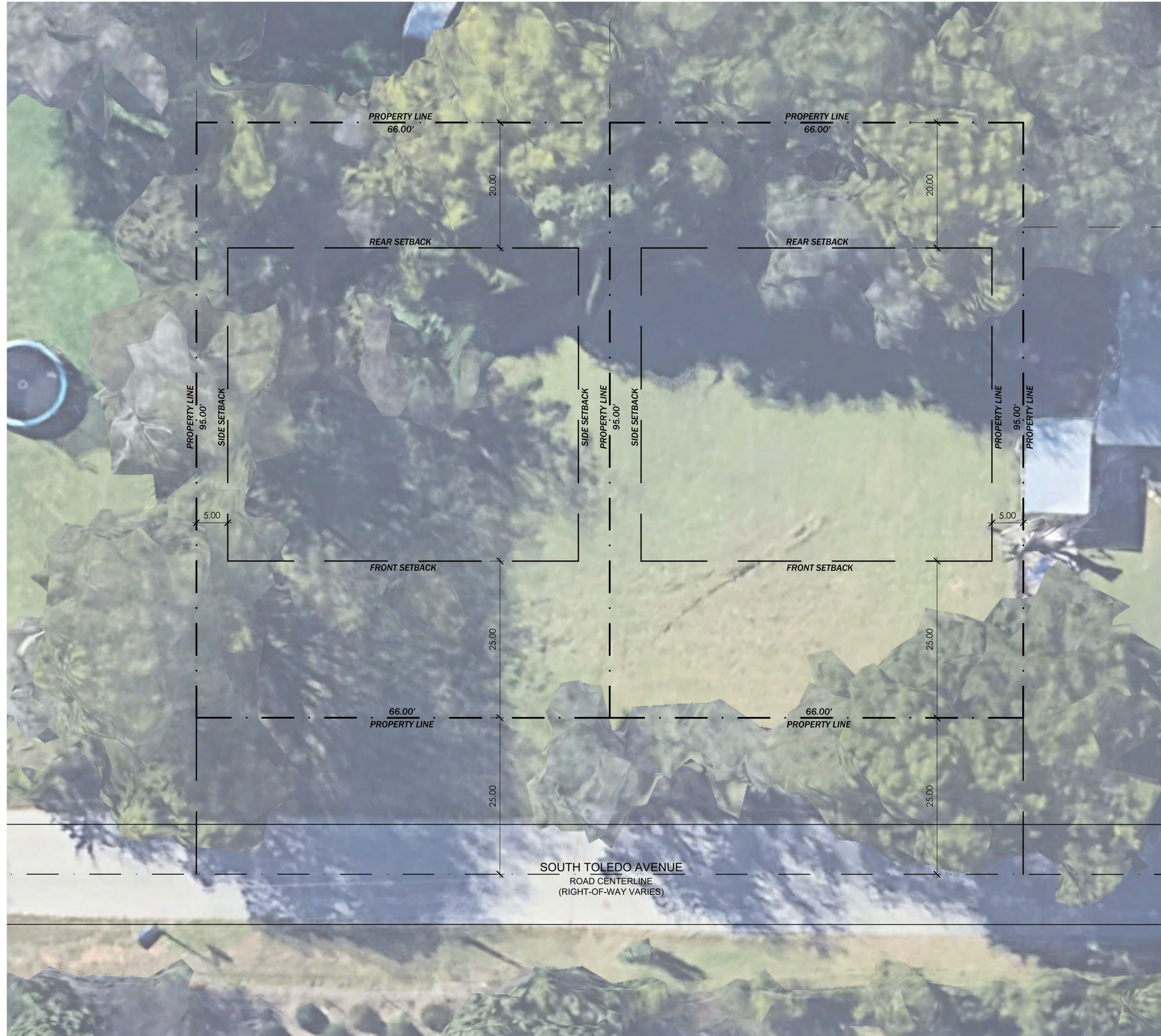
1 SITE PLAN **2**

EROSION CONTROL NOTES:

1. INSTALL SILT FENCE OR CHECK DAMS PRIOR TO ANY EXCAVATION OR CONSTRUCTION.
2. MINIMIZE SITE DISTURBANCE BY TIGHT CONTROL OF EXCAVATION LIMITS.
3. ALL EXPOSED SOIL SHALL BE MULCHED WITH STRAW OR WOOD CHIPS TO MINIMIZE SOIL EROSION. NO SOIL SHALL BE LEFT IN AN EXPOSED CONDITION. IT IS RECOMMENDED THAT THE CONTRACTOR MAINTAIN A STOCK PILE OF THIS MATERIAL ON SITE FOR QUICK APPLICATION.
4. HYDROSEED WITH A WOOD CELLULOSE FIBER MULCH APPLIED AT A RATE OF 2,000#/ACRE. USE AN ORGANIC TACKIFIER AT NO LESS THAN 150 #/ACRE OR PER MANUFACTURE'S RECOMMENDATION IF HIGHER. APPLICATION OF TACKIFIER SHALL BE HEAVIER AT EDGES, IN VALLEYS, AND AT CRESTS OF BANKS AND OTHER AREAS WHERE SEED CAN BE MOVED BY WIND OR WATER.
5. DISPERSION TRENCHES SHALL OVERFLOW ONTO NATIVE UNDISTURBED GROUND. NO SITE DISTURBANCE BELOW TRENCHES.
6. REFERENCE CITY OF TULSA STANDARD 126 FOR EROSION CONTROL DETAILS.

GRADING NOTES:

1. CONTRACTOR TO VERIFY LOCATION OF ALL EXISTING UTILITIES.
2. PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDING.
3. FINAL GRADE TO CONVEY SURFACE DRAINAGE TOWARD ROCK CHANNELS AND DISPERSION TRENCHES.
4. AREAS TO BE FILLED SHALL BE CLEARED, GRUBBED TO REMOVE TREES, VEGETATION, ROOTS AND OTHER OBJECTIONABLE MATERIAL AND STRIPPED OF TOPSOIL.
5. PLACE FILL SLOPES WITH A GRADIENT STEEPER THAN 3:1 IN LIFTS NOT TO EXCEED 8 INCHES, AND MAKE SURE EACH LIFT IS PROPERLY COMPACTED.



1 SITE PLAN **2**

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DEVELOPMENT SERVICES

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

CITY OF TULSA

PLAN CORRECTIONS SUMMARY

ZCO-229180-2025 (136 N TOLEDO AVE E Tulsa, OK 74115) Markup Summary #1

Zoning Review (1)



Subject: Zoning Review
Page Label: 3
Author: DWhiteman
Date: 11/5/2025 11:40:26 AM
Status:
Color: ■
Layer:
Space:

The original lot is zoned RS-3 which requires a minimum lot area of 6,900 square feet. Splitting this lot would result in two lots, each with only 6,270 square feet of lot area. You will need to request a variance from the Board of Adjustment for a lot split to create RS-3 zoned lots with less than 6,900 square feet of lot area. No specific uses or structures are considered, nor are utilities, easements, drainage, etc. included as part of this review.