



Board of Adjustment

**Staff Report
BOA-BOA-23995**

Hearing Date: January 27, 2026
Prepared by: Erin Roark
eroark@cityoftulsa.org
918-596-7618

Owner and Applicant Information

Applicant: Chance Dobson
Property Owner: Weaver Family Revocable Trust

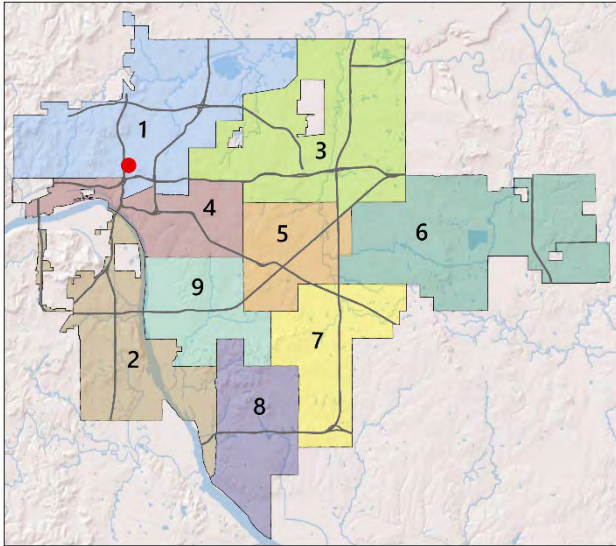
Property Location

823 North Cheyenne Avenue

Tract Size: ±0.13 acres

Location within the City of Tulsa

(shown with City Council districts)



Elected Representatives

City Council: District 1, Vanessa Hall-Harper
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 reduce the 20-foot setback for a street-facing garage door on a corner lot in the RS-4 district (Section 80.020-B); Variance to permit more than 40% coverage of the rear setback by a detached accessory building in the RS-4 district (Section 90.090-C, Table 90-2).

Zoning

Zoning District: RS-4
Zoning Overlays: HNO, HP, NIO

Comprehensive Plan Considerations

Land Use

Land Use Plan: Neighborhood
Small Area Plans: Unity Heritage
Development Era: Streetcar Era

Transportation

Major Street & Highway Plan: N/A
planitulsa Street Type: N/A
Transit: N/A
Existing Bike/Ped Facilities: Sidewalks
Planned Bike/Ped Facilities: N/A

Environment

Flood Area: N/A
Tree Canopy Coverage: 10-19%
Parks & Open Space: Recreation fields of Emerson Elementary School

Staff Analysis

The applicant is requesting a variance to reduce the 20-foot setback for a street-facing garage door on a corner lot in the RS-4 district (Section 80.020-B). This lot is nonconforming for the RS-4 district, with a width of 45 feet rather than the required 50 feet. On nonconforming lots in residential districts, garages accessed through a side yard abutting a street must be set back at least 20 feet. As proposed, the street-facing garage doors are set back 13 feet, 11 inches. The applicant is requesting 6 feet, 1 inch of relief.

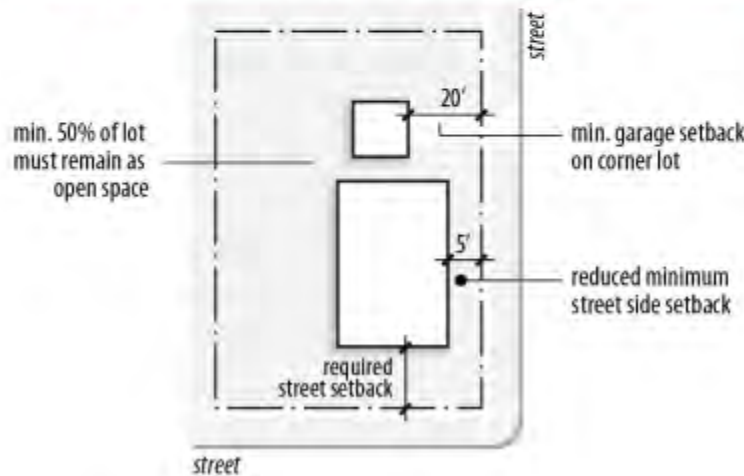
The applicant is also requesting a variance to permit more than 40% coverage of the rear setback by a detached accessory building in the RS-4 district (Section 90.090-C, Table 90-2). This lot is 45 feet wide with a 20-foot rear setback, so it has a 900-square-foot rear setback area. Accessory buildings in the RS-4 district may not cover more than 40% of the rear setback, 360 square feet in this case. As proposed the accessory building covers 540 square feet or 60% of the rear setback. The applicant is requesting 180 square feet of relief.

Section 80.020 Nonconforming Lots

80.020-B Nonconforming Lots in Residential Zoning Districts

In residential zoning districts, a single detached house may be erected on a nonconforming lot without complying with the minimum lot area, minimum lot area per unit, minimum lot width, minimum street frontage or minimum open space per unit requirements of the subject zoning district, provided that at least 50% of the lot area remains as open space. All other lot and building regulations apply, except that detached houses may be erected on corner lots that are nonconforming with regard to lot width, subject to a reduced minimum street side building setback of 5 feet. Garages that are accessed through a side yard abutting a street must be set back at least 20 feet.

Figure 80-1: Detached House on Nonconforming Lot in R District



Section 90.090 Setbacks

90.090-C Permitted Setback Obstructions in R Zoning Districts
 Setbacks in R zoning districts must be unobstructed and unoccupied from the ground to the sky except as indicated in [Table 90-1](#):

Table 90-1: Permitted Setback Obstructions in R Zoning Districts

Obstruction	Setback		
	Street	Side	Rear
Accessory buildings (see also 90.090-C2)	No	No [4]	Yes [4]

2. Detached Accessory Buildings in R Districts.

(4) Accessory building coverage in the rear setback does not exceed the maximum limits established in [Table 90-2](#):

Table 90-2: Accessory Building Coverage Limits in Rear Setback

Zoning District	Maximum Coverage of Rear Setback
RE and RS-1 Districts	30%
RS-2 District	35%
RS-3, RS-4, RS-5, RD, RT, and RM Districts	40%

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:

<u>Location</u>	<u>Existing Zoning/Overlay</u>	<u>Existing Land Use Designation</u>	<u>Existing Use</u>
North	RS-4, HNO, HP, NIO	Neighborhood	Residential
East	CS, HNO, NIO	Neighborhood	Vacant
South	RS-4, HNO, HP, NIO	Neighborhood	Residential
West	RS-4, HNO, HP, NIO	Neighborhood	Vacant

Small Area Plans

The subject property is located within the Unity Heritage Neighborhoods Plan. The eight defined goals of this plan, established in 2016, are as follows:

1. Enhance the desirability of all neighborhoods in the planning area.
2. Preserve and stabilize the area's healthy neighborhoods.
3. Transform and revitalize neighborhoods most impacted by vacancy or poor maintenance.
4. Capitalize on OSU-Tulsa, Langston University Tulsa, and proximity to Downtown to spur redevelopment of the southern edge of the Unity Heritage area.
5. Build on the presence of industry and employment to add additional jobs and employ local residents.
6. Celebrate the area's history and strengthen its character.
7. Enhance local commerce and access to important goods and services.
8. Expand multi-modal transportation options throughout the Unity Neighborhoods area.

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: Sidewalks are present along street frontages.

Planned Bike/Ped Facilities: N/A

Arterial Traffic per Lane: N/A

Environmental Considerations

Flood Area: N/A

Tree Canopy Coverage: Tree canopy in the area is 16%. 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: The recreation fields of Emerson Elementary School are located nearby to the east of the subject property.

Site Photos



View southwest from West Jasper Street, March 2025 (Image from Google Street View)

Sample Motion

I move to approve or deny a

- 1. variance to reduce the minimum required setback for a street-facing garage door on a nonconforming corner lot in the RS-4 district from 20 feet to 13 feet, 11 inches (Section 80.020-B);
- 2. variance to permit more than 40% coverage of the rear setback by a detached accessory building in the RS-4 district, increasing the permitted coverage from 360 square feet to 540 square feet (Section 90.090-C, Table 90-2);
- 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:

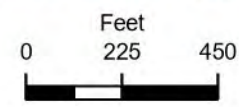
- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal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

LT 22 BLK 14, BURGESS HILL 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-23995

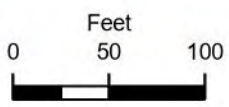
20-12 35

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

Aerial Photo Date: 2025



6.7



 Subject Tract

BOA-23995

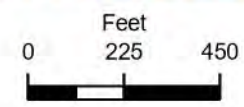
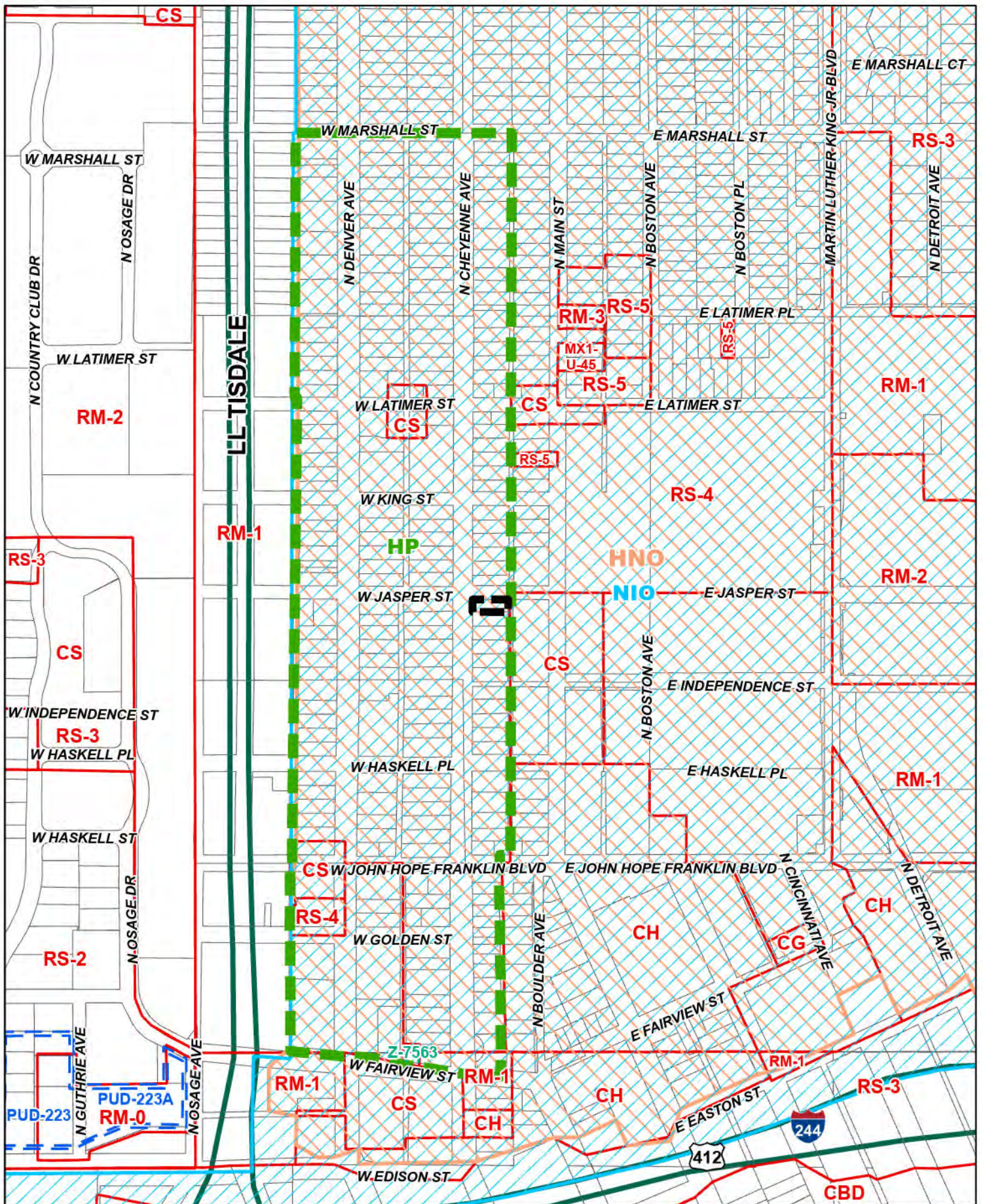
20-12 35

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

Aerial Photo Date: 2025



6.8



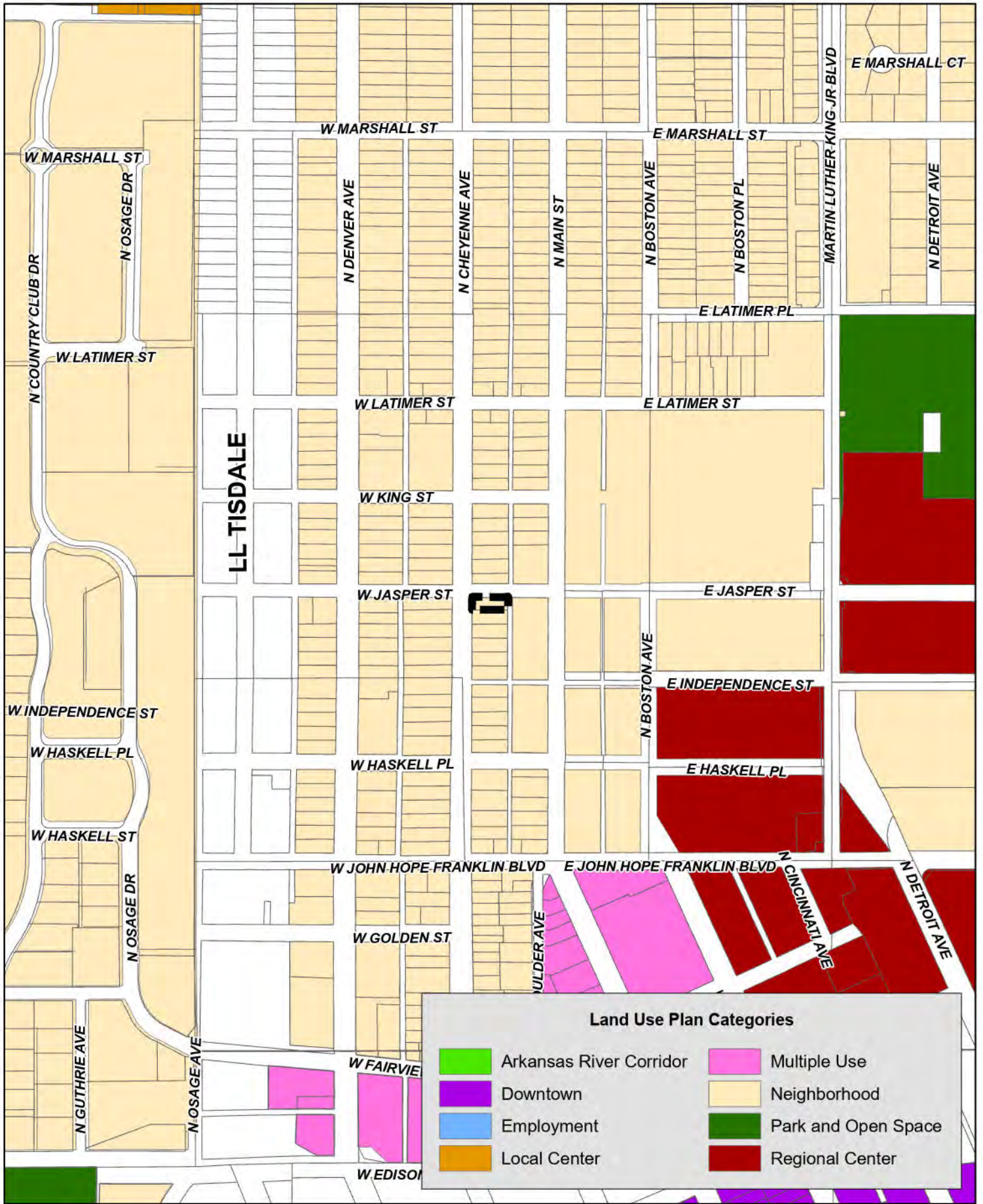
Subject Tract

BOA-23995









20-12 35

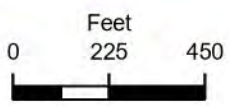


6.9



Land Use Plan Categories

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



 Subject Tract

BOA-23995

20-12 35



6.10

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 property is 45' wide, which makes it difficult to build a 2-car detached garage ADU with the 20' garage door setback on the North Property Line (80.020-B) and a 3' on the South Property Line (90.090-C.2). In addition to this, the Tulsa Zoning Code (90.090-C.2.a), the length of the lot, and the existing house make it difficult to construct a 2-car garage.

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

Yes, The property is considered to be a Non-Conforming lot.

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;

The conditions are unique to the Property as it's considered to be a Non-Conforming Lot at 45' wide and 130' long. For reference, the normal lot size in the area is 50' wide by 150' long.

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

No, The House was built in 1917

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

Yes

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

No, a detached 2-Car garage is very common in this Neighborhood, especially on corner lots.

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.

No, This will not cause detriment to the public or Zoning

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

Yes

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

Yes

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.

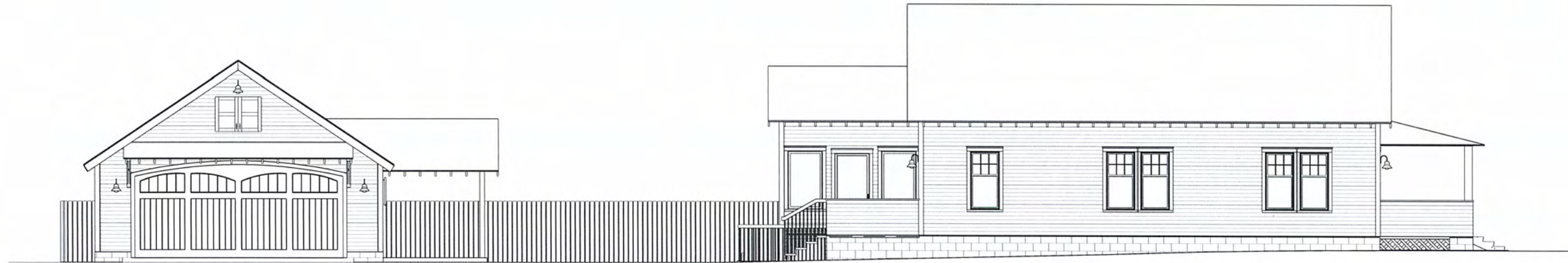
If your application is approved, you will likely need additional permits.

Call 918.596.9456 to speak with the Permit Center or Development Services Plans Review.

THE INFORMATION CONTAINED IN THIS DRAWING IS THE SOLE PROPERTY OF VENTAIRE, LLC OR SAGEBRUSH BUILDING SYSTEM. ANY REPRODUCTION IN PART OR AS A WHOLE WITHOUT THE WRITTEN PERMISSION OF VENTAIRE LLC OR SAGEBRUSH BUILDING SYSTEMS IS PROHIBITED

823 N CHEYENNE AVE

BOARD OF ADJUSTMENT SET



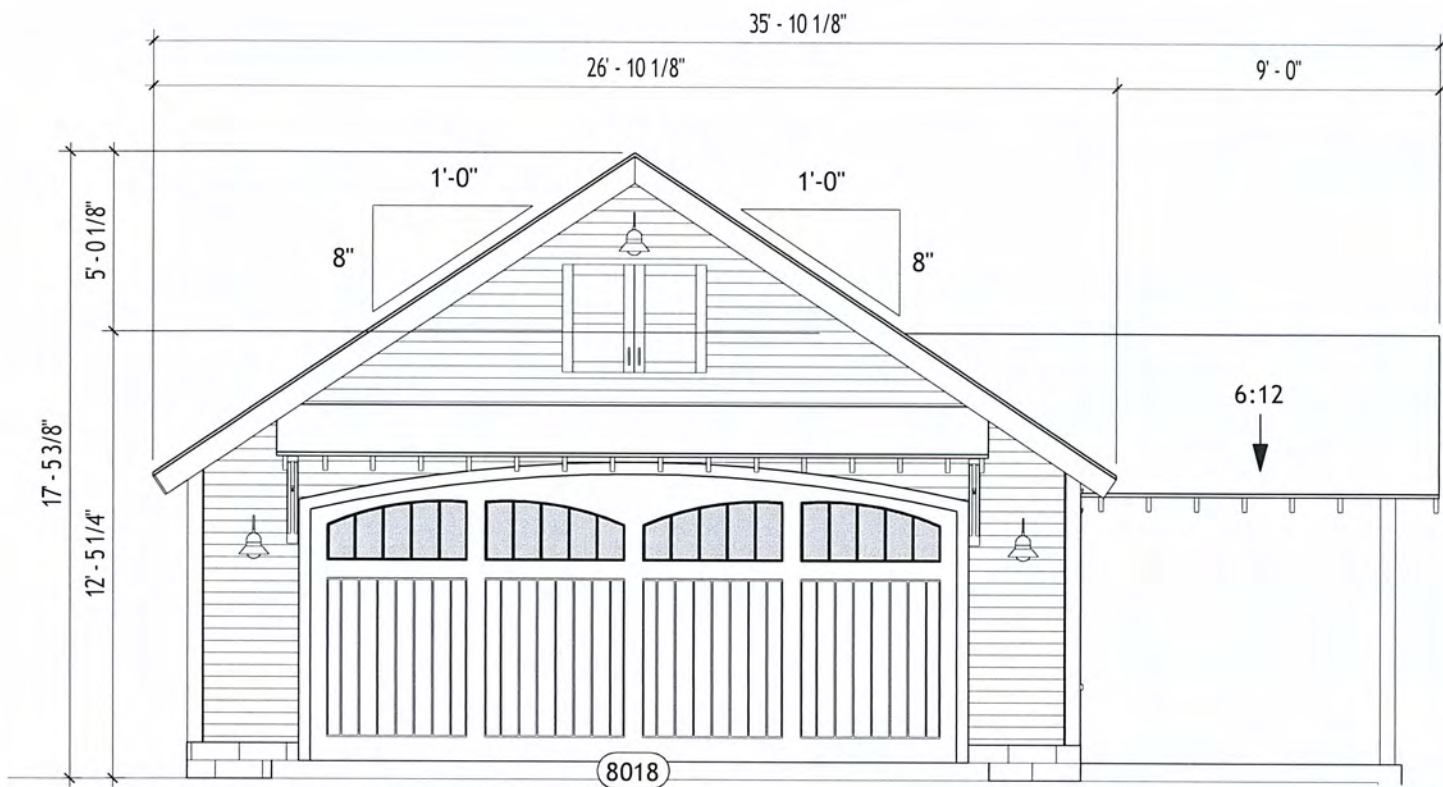
Rev	REVISIONS	DATE

823 Cheyenne
 823 N CHEYENNE AVE
 Tulsa, OK 74106
 Cover Sheet

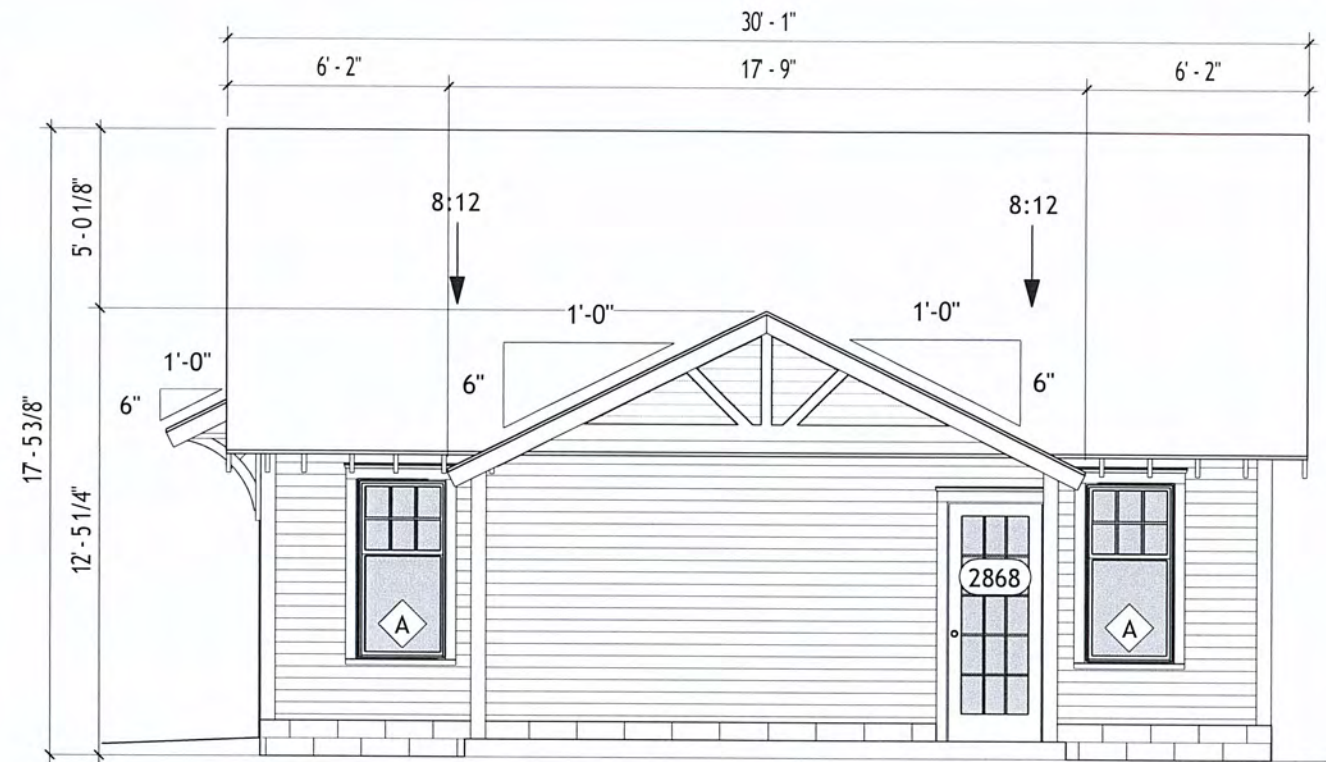
SAGEBRUSH
 BUILDING SYSTEMS
 A VENTAIRE COMPANY
 909 N. Wheeling Ave,
 Tulsa OK, 74110

PROJECT #	N/A
JOB #	N/A
DRAWN BY:	WCM
DRAWN DATE:	11/18/25
SCALE:	1" = 10'-0"

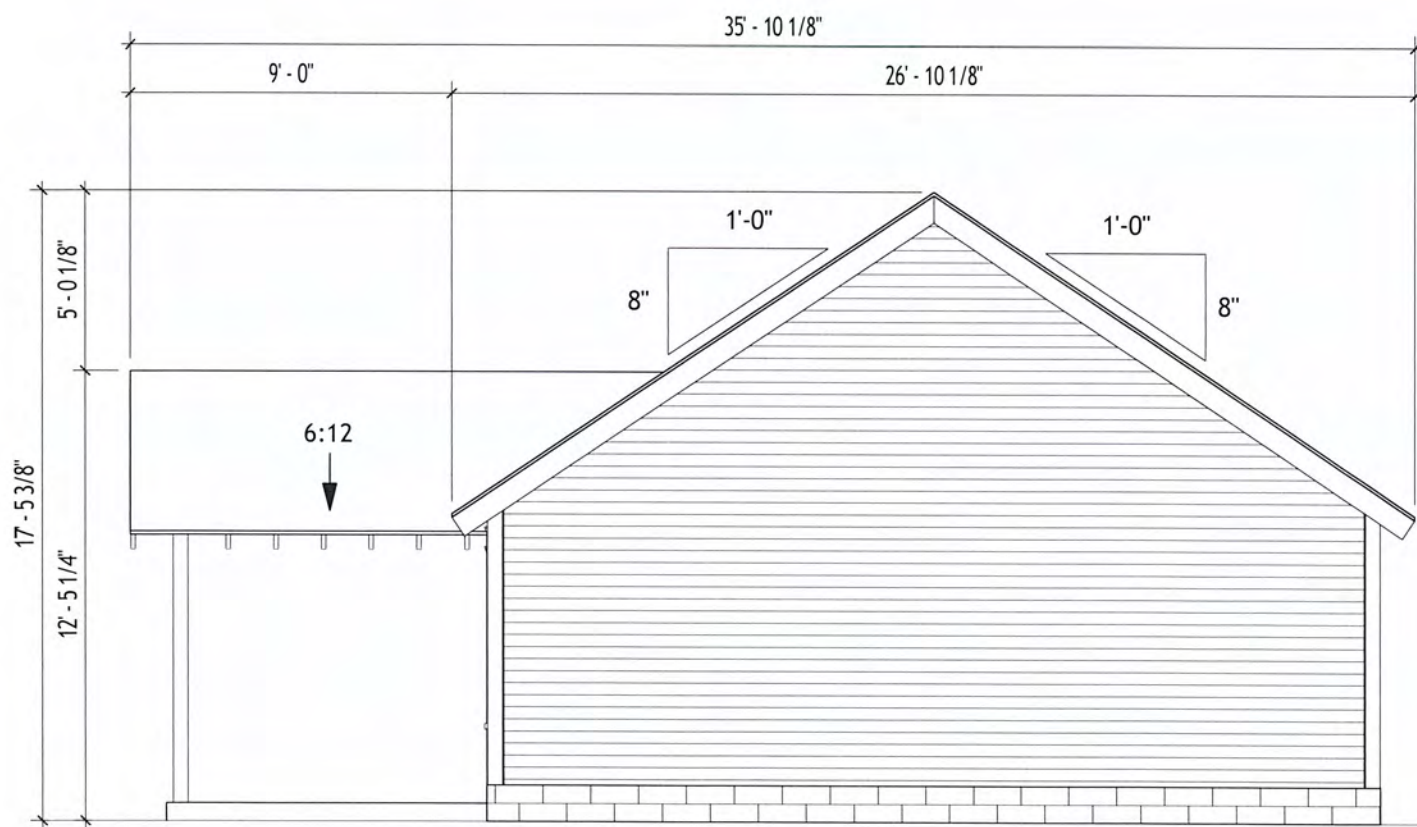
Cover Sheet
 SHEET 6.13 OF 13
 CS-1



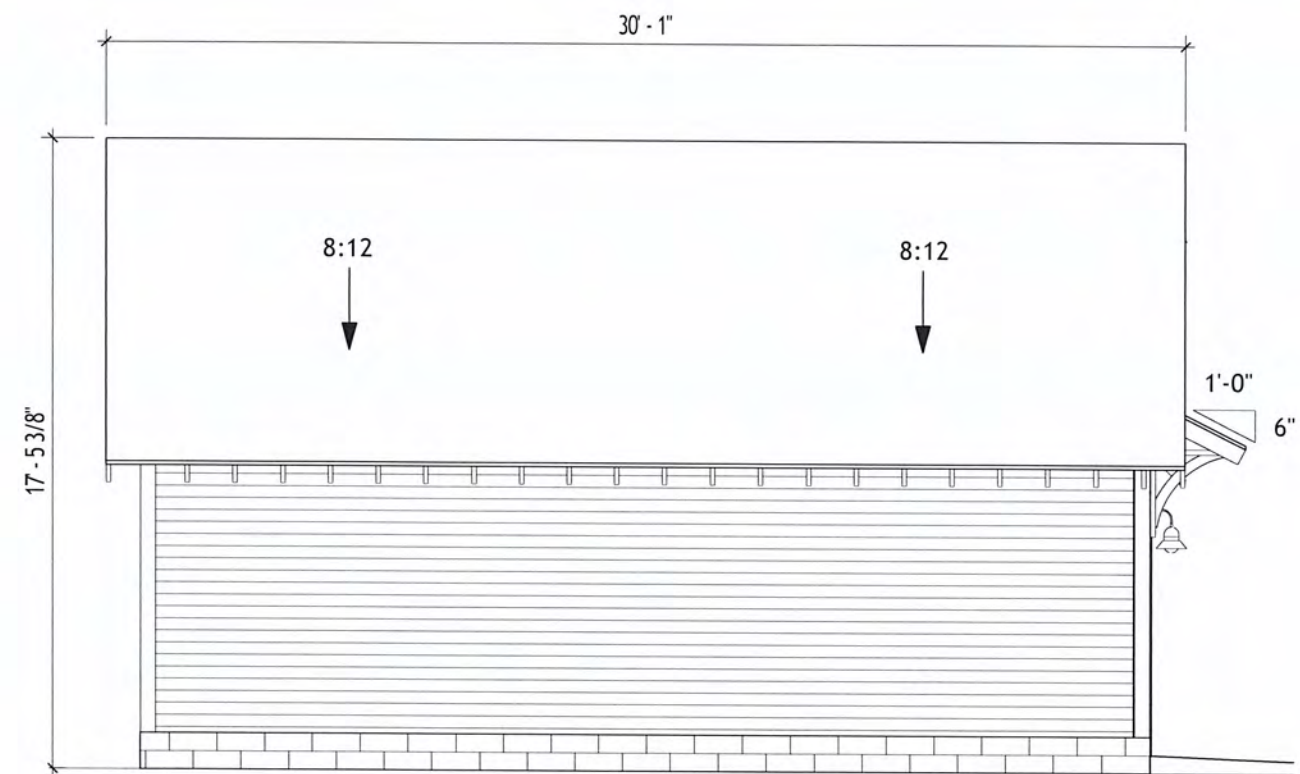
1 North Garage Elevation
3/16" = 1'-0"



2 West Garage Elevation
3/16" = 1'-0"



3 South Garage Elevation
3/16" = 1'-0"



4 East Garage Elevation
3/16" = 1'-0"

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Rev	REVISIONS	DATE

823 Cheyenne
823 N CHEYENNE AVE
Tulsa, OK 74106
Garage Elevations

SAGEBRUSH
BUILDING SYSTEMS
A VENTAIRE COMPANY
909 N. Wheeling Ave,
Tulsa OK, 74110

PROJECT#	N/A
JOB#	N/A
DRAWN BY:	WCM
DRAWN DATE:	11/18/25
SCALE:	3/16" = 1'-0"

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Rev	REVISIONS	DATE

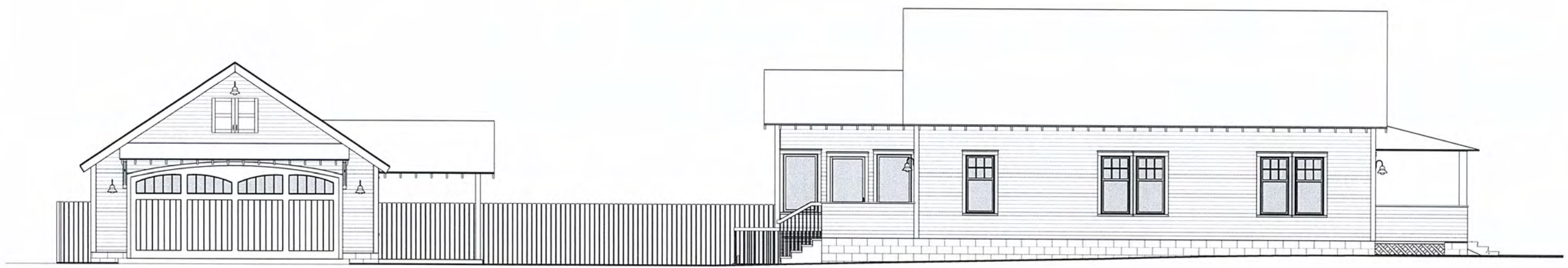
823 Cheyenne
 823 N CHEYENNE AVE
 Tulsa, OK 74106
Elevations With House

SAGEBRUSH
 BUILDING SYSTEMS
 A VENTAIRE COMPANY
 909 N. Wheeling Ave,
 Tulsa OK, 74110

PROJECT #	N/A
JOB #	N/A
DRAWN BY:	WCM
DRAWN DATE:	11/18/25
SCALE:	1" = 10'-0"



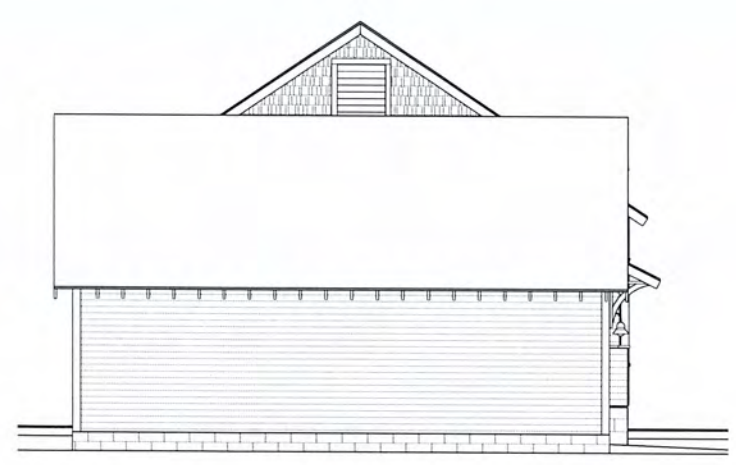
① North Overall Building Elevation
 1" = 10'-0"



② South Overall Building Elevation
 1" = 10'-0"



③ East Overall Building Elevation
 1" = 10'-0"



④ West Overall Building Elevation
 1" = 10'-0"

Notes:

- Existing House: 1,196 SF.
- ADU Addition: 674 SF.
- Lot Area: 5,850 SF.
- Open Space: 3,982 SF.

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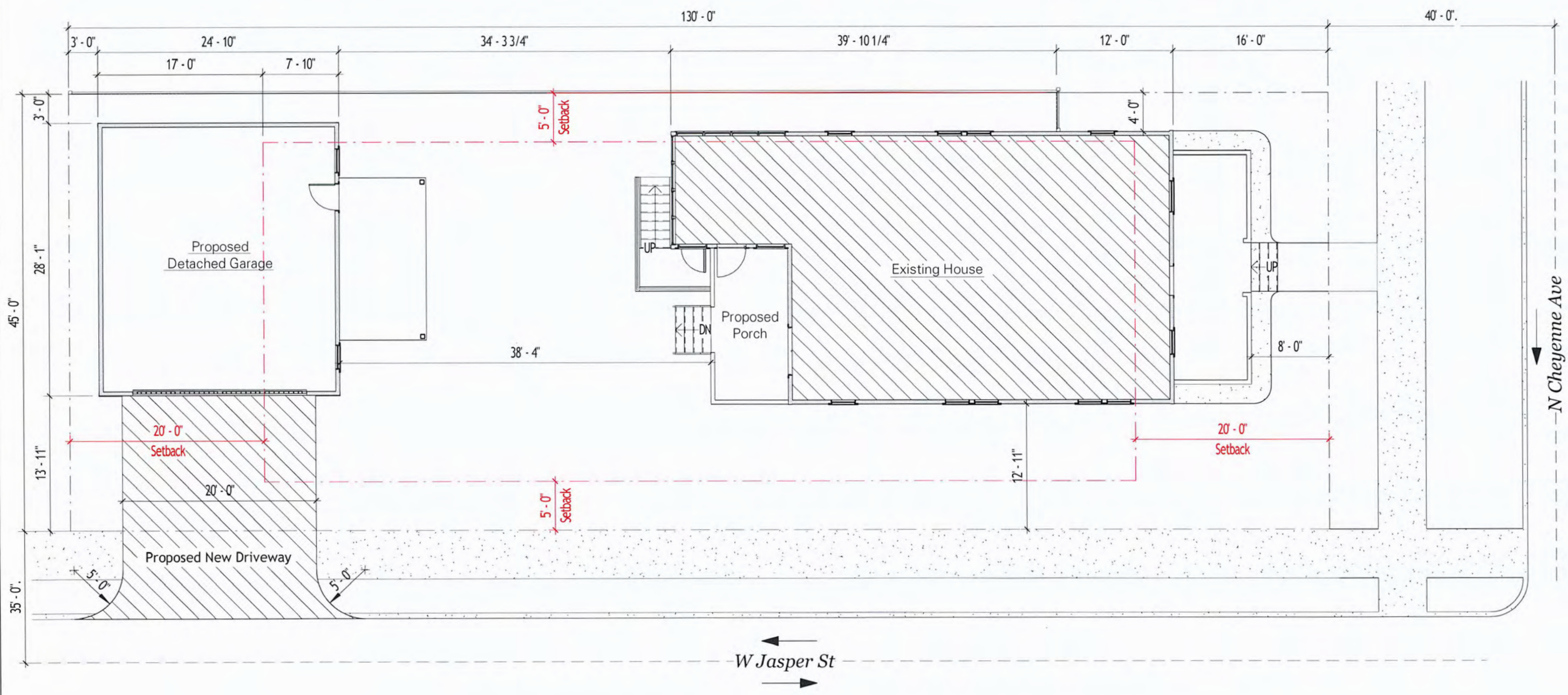
Rev	REVISIONS	DATE

823 Cheyenne
 823 N CHEYENNE AVE
 Tulsa, OK 74106
Site Plan

SAGEBRUSH
 BUILDING SYSTEMS
 A VENTAIRE COMPANY
 909 N. Wheeling Ave,
 Tulsa OK, 74110

PROJECT #	N/A
JOB #	N/A
DRAWN BY:	WCM
DRAWN DATE:	11/18/25
SCALE:	3/32" = 1'-0"

Site Plan	
C-1	
6-12	OF 13



1 Site Plan
 3/32" = 1'-0"





DEVELOPMENT SERVICES

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

CITY OF TULSA

PLAN CORRECTIONS SUMMARY

Zoning Review (3)



Subject: Zoning Review
Page Label: 12
Author: DWhiteman
Date: 12/1/2025 12:45:44 PM
Status:
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Layer:
Space:

Section 80.020-B, Nonconforming Lots in Residential Zoning Districts. In residential zoning districts, a single detached house may be erected on a nonconforming lot without complying with the minimum lot area, minimum lot width, minimum street frontage or minimum open space per unit requirements of the subject zoning district, provided that at least 50% of the lot area remains as open space. All other lot and building regulations apply, except that detached houses may be erected on corner lots that are nonconforming with regard to lot width, subject to a reduced minimum street side building setback of 5 feet. Garages that are accessed through a side yard abutting a street must be set back at least 20 feet.

REVIEW COMMENT: This is a non-conforming lot for width, and it is allowed to have a 5' setback from the north property line. The garage doors that face the street, however, must be set back 20' from the north property line.

Please revise the plans to move the garage back and/or resize the garage so that the garage doors have a 20' setback.

6.17



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: 12
Author: DWhiteman
Date: 12/1/2025 12:54:54 PM
Status:
Color: ■
Layer:
Space:

Section 90.090-C.2.a, Detached Accessory Buildings in R Districts. Detached accessory buildings may be located in rear setbacks, provided that: (4) Building coverage in the rear setback does not exceed the maximum limits established in Table 90-2.
REVIEW COMMENT: The proposed accessory building will exceed 40% of coverage in the rear setback for this RS-4 lot. This lot has a 900 square foot rear setback area (45' lot width x 20' rear setback); accessory buildings may not cover more than 360 square feet of the rear setback area. The proposed detached building will cover 540 square feet of the rear setback. Please revise the site and building plans so that the coverage of accessory buildings in the rear setback does not exceed 40%.



Subject: Zoning Review
Page Label: 12
Author: DWhiteman
Date: 12/1/2025 12:56:11 PM
Status:
Color: ■
Layer:
Space:

Section 90.090-C.2.b, Detached Accessory Buildings. Detached accessory buildings in the rear setback must be set back at least 3 feet from all interior lot lines. For lot lines abutting street right-of-way, detached accessory buildings must comply with the same setback requirements that apply to principal buildings.
REVIEW COMMENT: Please revise the plans so that the proposed accessory building is no closer than 3' to the east property line.