



Board of Adjustment

Staff Report BOA-23997

Hearing Date: February 24, 2026 (Continued from January 27, 2026)

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

Owner and Applicant Information

Applicant: AAB Engineering, LLC

Property Owner: Tee Time Development LLC

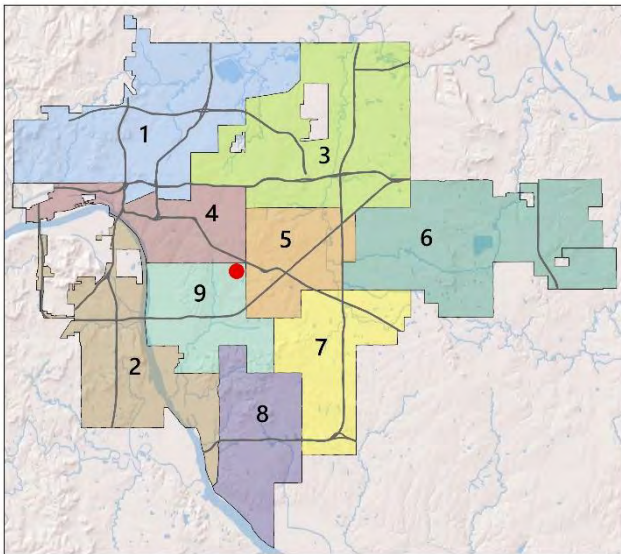
Property Location

Multiple lots at the southwest corner of East 31st Street South and South Winston Avenue

Tract Size: ±2.25 acres

Location within the City of Tulsa

(shown with City Council districts)



Elected Representatives

City Council: District 9, Carol Bush

County Commission: District 3, Kelly Dunkerly

Public Notice Required

Newspaper Notice – min. 10 days in advance

Mailed Notice to 300’ radius – min. 10 days in advance

Request Summary

Variance to permit more than 50% of the street yard to be used for motor vehicle parking in the RM-3 district (Section 55.080-B); Variance to reduce the setback requirement from unenclosed off-street parking areas to abutting streets in the RM-3 district (Section 55.080-C.1, Table 55-4).

Zoning

Zoning District: RM-3

Zoning Overlays: N/A

Comprehensive Plan Considerations

Land Use

Land Use Plan: Multiple Use, Neighborhood

Small Area Plans: N/A

Development Era: Early Automobile Era

Transportation

Major Street & Highway Plan: Secondary Arterial, Freeway

planitulsa Street Type: Multi-Modal Street

Transit: Regular Route

Existing Bike/Ped Facilities: N/A

Planned Bike/Ped Facilities: Sidewalks, Bike Corridor

Environment

Flood Area: Tulsa Regulatory Floodplain

Tree Canopy Coverage: 10-19%

Parks & Open Space: N/A

Staff Analysis

The applicant is requesting a variance to permit more than 50% of the street yard to be used for motor vehicle parking in the RM-3 district (Section 55.080-B). The street yard is the open, unoccupied space that exists on a lot between the principal building and the lot lines. Due to this property being bounded by streets on all frontages, all unoccupied space on this lot is considered street yard. As proposed, motor vehicle parking will cover 95% of the street yard.

The applicant is also requesting a variance to reduce the setback requirement from unenclosed off-street parking areas to abutting streets in the RM-3 district (Section 55.080-C.1, Table 55-4). Unenclosed off-street parking areas with more than six parking spaces accessory to a household living use within a residential district must be set back from abutting streets a minimum of 15 feet. The parking areas on the subject property are less than 15 feet from all abutting streets, with the smallest setback of 1 foot adjacent to East 31st Street South. The applicant is requesting up to 14 feet of relief.

This case was originally heard at the January 27th hearing, but the applicant requested a continuance to February 24th for more time to provide alternative site plans.

Section 55.080 Location of Off-Street Parking

55.080-B Street Yard Parking in RM Districts
Within RM districts no more than 50% of a street yard may be used for motor vehicle parking.

55.080-C Parking Setbacks
1. Unenclosed off-street parking areas must be set back from abutting streets as indicated in Table 55-4:

Table 55-4: Parking Space Setback Requirements

	Minimum Street Setback (feet)	
	1 to 5 Parking Spaces	6 or More Parking Spaces
Residential Zoning Districts		
Accessory to a household living use	3	15
Accessory to another use	15	25
Other Zoning Districts		
Within 50 feet of a residential district	15	25

Relevant Case History

- BOA-02989, October 9, 1957; The BOA granted a waiver of side setback requirements.
- BOA-07004, May 6, 1971; The BOA approved a special exception to permit off-street parking in an RS-3 district.
- BOA-13548, May 2, 1985; The BOA approved a setback variance, a variance of minimum parking ratios for a restaurant, and a variance of parking design requirements.
- BOA-22173, December 13, 2016; The BOA verified the spacing requirement for liquor stores to be separated by at least 300 feet from plasma centers, day labor hiring centers, bail bonds offices, pawn shops, and other liquor stores

Statement of Hardship

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

Comprehensive Plan Considerations

Land Use Plan

Surrounding Properties:

<u>Location</u>	<u>Existing Zoning/Overlay</u>	<u>Existing Land Use Designation</u>	<u>Existing Use</u>
North	CS, RS-3	Multiple Use	Vehicle Services, HWY-51, Self Storage
East	CS, CH	Multiple Use	Office, Animal Services
South	CH, RS-3	Multiple Use, Neighborhood	Residential, Office
West	CS, RS-3	Multiple Use, Neighborhood	Residential, Retail, Fire Station

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 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: East 31st Street South runs parallel to the north side of the subject property and is classified as a Secondary Arterial, which has a planned minimum right-of-way width of 100 feet. HWY-51 (Broken Arrow Expressway) has an off-ramp on the north side of the subject property and is classified as a Freeway, which has a planned minimum right-of-way width as per Oklahoma Department of Transportation Standards.

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.

Transit: Regular Route 300 runs along East 31st Street South.

Existing Bike/Ped Facilities: N/A

Planned Bike/Ped Facilities: Sidewalks are recommended along street frontages. The 2015 GO Plan recommends a Bike Corridor along East 31st Street South.

Arterial Traffic per Lane: East 31st Street South has an average annual daily traffic (AADT) of 3,060 vehicles per lane.

Environmental Considerations

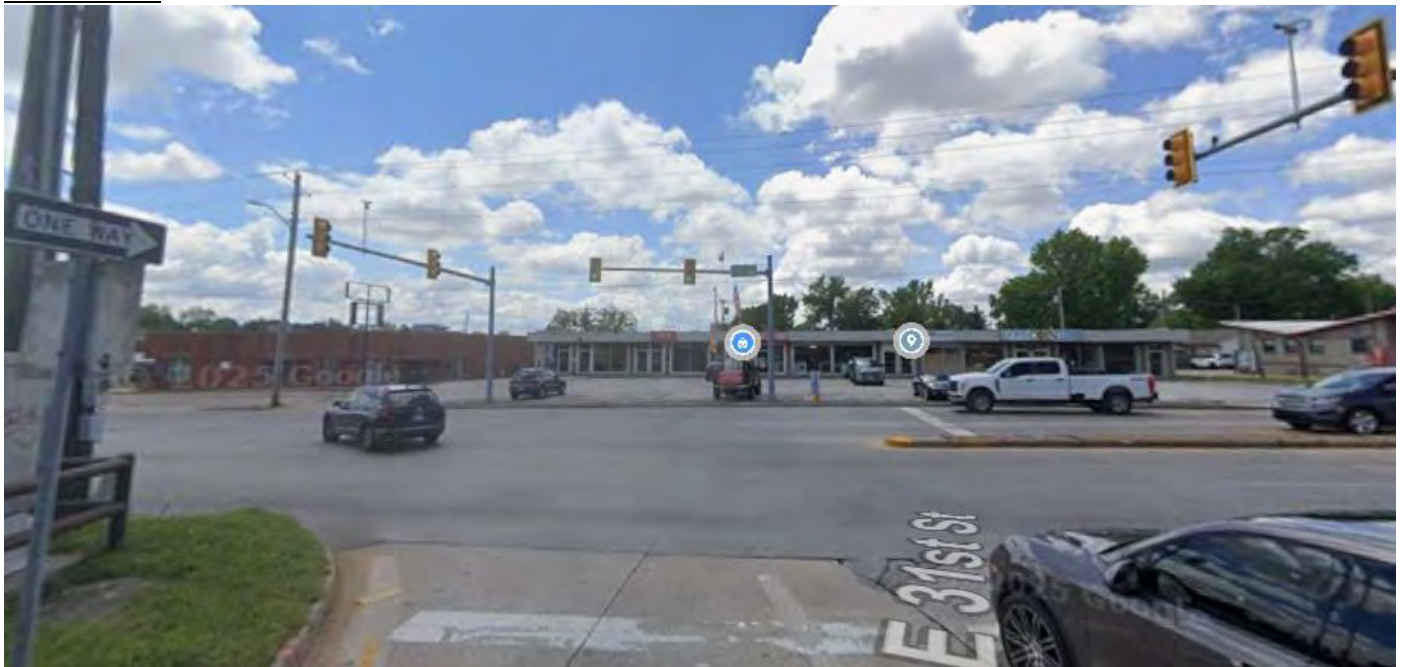
Flood Area: The subject property is located partially within a Tulsa Regulatory Floodplain.



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 south from the HWY 51 offramp onto East 31st Street South, May 2025 (Image from Google Street View)

Sample Motion

I move to *approve or deny* a variance

1. to increase the percentage of the street yard allowed to be used for motor vehicle parking in the RM-3 district *from 50% to 95%* (Section 55.080-B)
 2. to reduce the setback requirement from unenclosed off-street parking areas to abutting streets in the RM-3 district *from 15 feet to up to 1 foot* (Section 55.080-C.1, Table 55-4).
- 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:

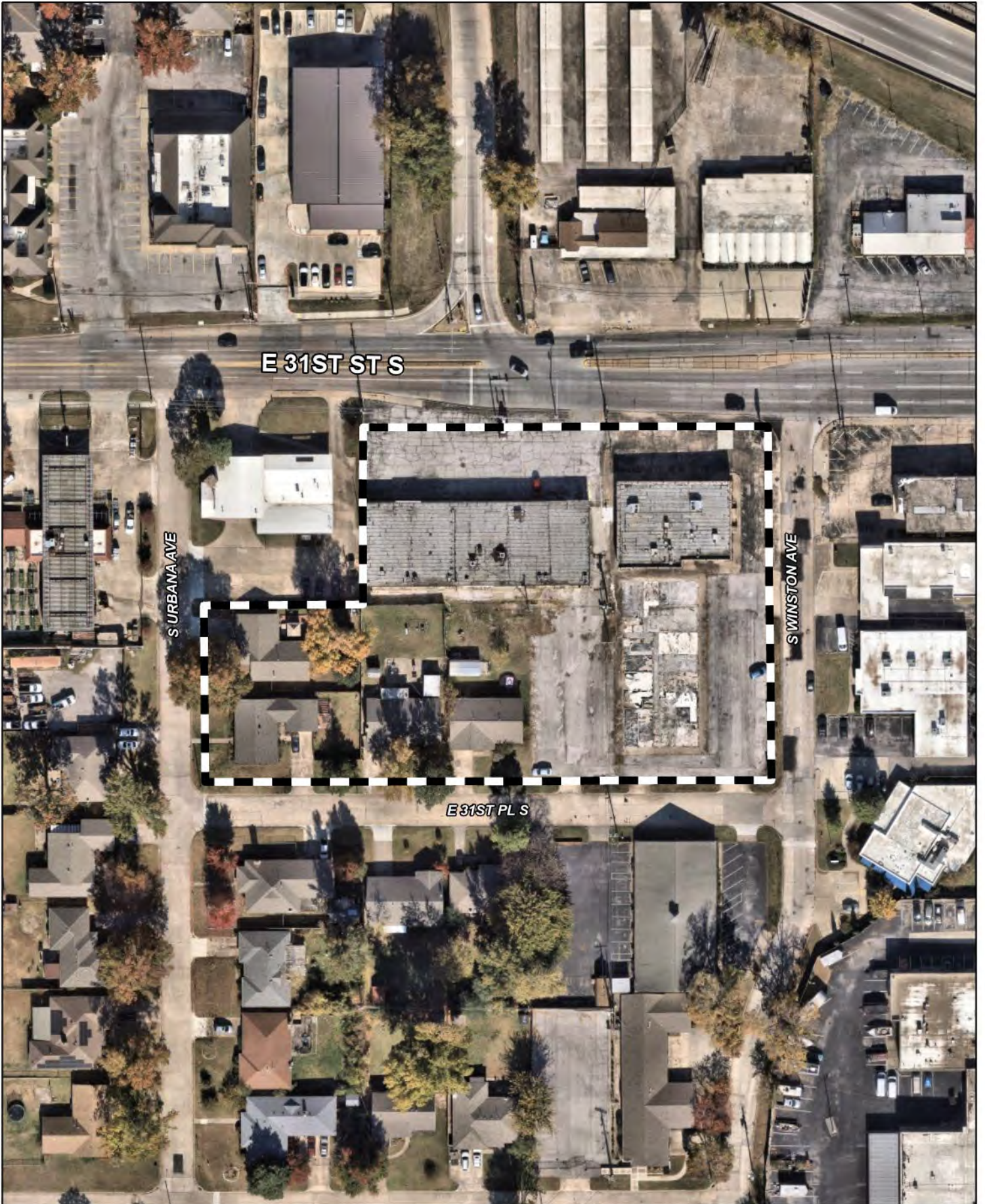
- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal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

The subject property's legal description has been included as a separate exhibit.

Exhibits

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

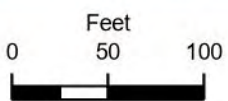


E 31ST ST S

S URBANA AVE

S WINSTON AVE

E 31ST PL S



Subject Tract

BOA-23997

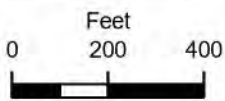
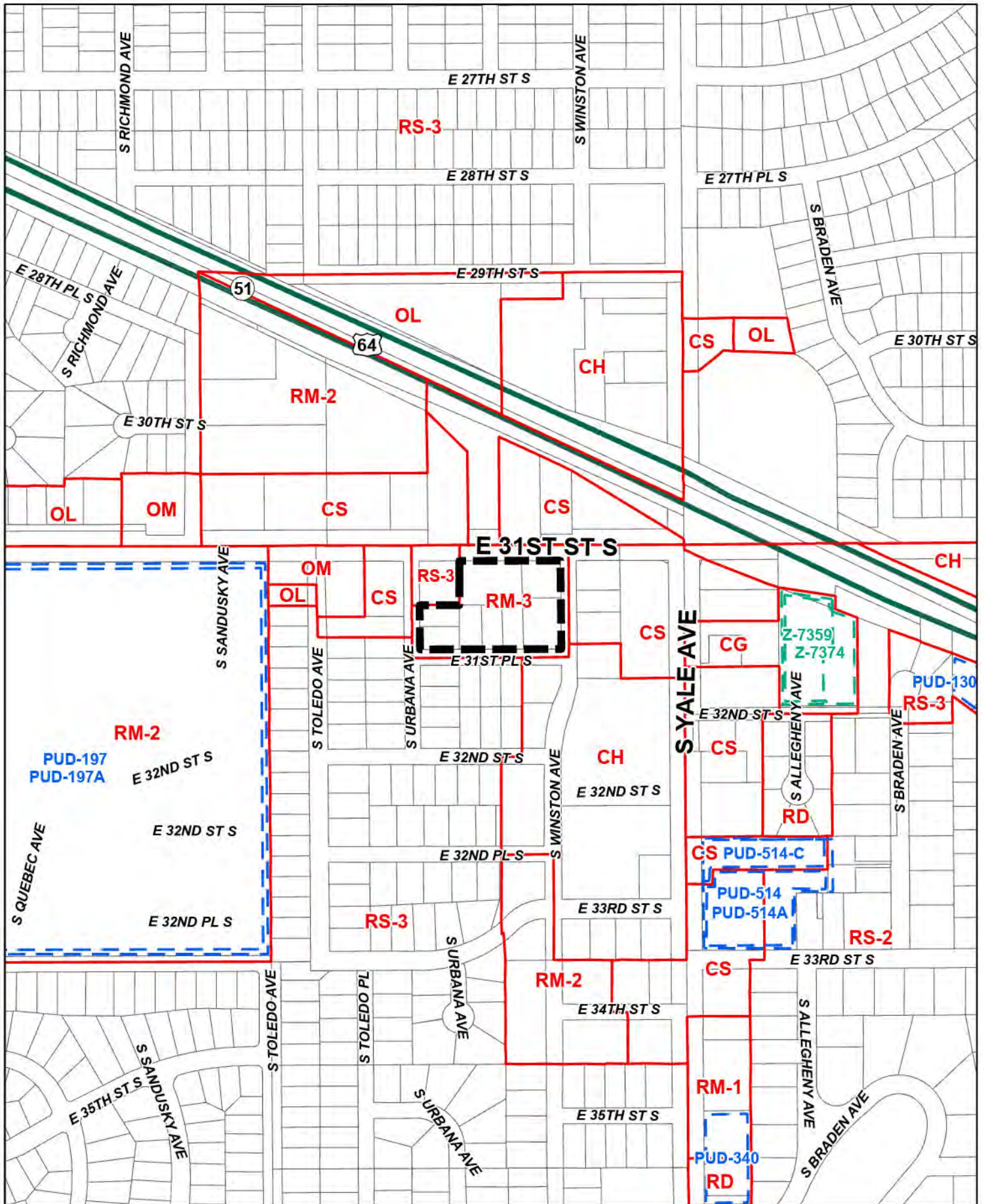
19-13 21

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

Aerial Photo Date: 2025



2.7

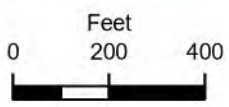
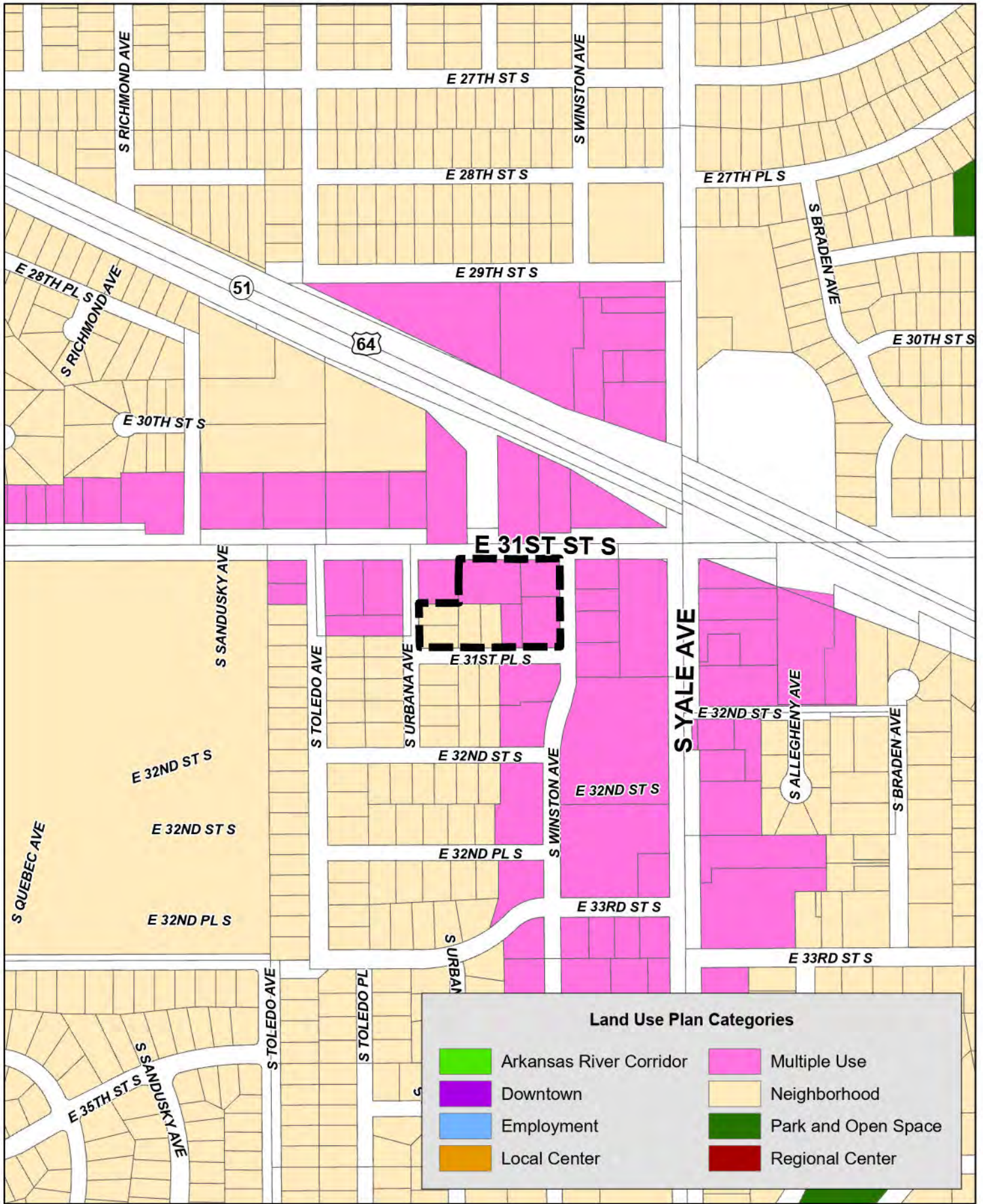


 Subject Tract

BOA-23997

19-13 21





 Subject Tract

BOA-23997

19-13 21



2.9

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;

The tract is abutted by a public right of way on all 4 sides which makes parking configurations interior to the buildings impractical.

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

The proposed site uses landscaping along the perimeter to provide the desired screening impact.

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 sites configuration relative to the public street is unique to this property.

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

The existing street infrastructure creates the hardship and was not created by the developer.

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

The relief allows a multifamily development in conformance with the code.

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 proposed perimeter screening provides the necessary screening impact.

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.

The proposed perimeter screening provides the necessary screening impact.

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

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

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.

Legal Description for The Moxie

ALL OF LOTS ONE (1), TWO (2), THREE (3), FOUR (4), FIVE (5), SIX (6), SEVEN (7), EIGHT (8), ELEVEN (11) AND TWELVE (12), BLOCK TWO (2), CONWAY PARK, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 1844 THEREOF BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT ONE (1), BLOCK TWO (2); THENCE SOUTH $01^{\circ}22'13''$ EAST ALONG THE EAST LINE OF SAID LOTS ONE (1), TWO (2) AND THREE (3), A DISTANCE OF 280.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT THREE (3); THENCE SOUTH $88^{\circ}37'47''$ WEST ALONG THE SOUTH LINE OF SAID LOTS THREE (3), FOUR (4), FIVE (5), SIX (6) AND SEVEN (7), A DISTANCE OF 445.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT SEVEN (7); THENCE NORTH $01^{\circ}22'13''$ WEST ALONG THE WEST LINE OF SAID LOTS SEVEN (7) AND EIGHT (8), A DISTANCE OF 140.00 FEET TO THE NORTHWEST CORNER OF SAID LOT EIGHT (8); THENCE NORTH $88^{\circ}37'47''$ EAST ALONG THE NORTH LINE OF SAID LOT EIGHT (8), A DISTANCE OF 124.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT ELEVEN (11); THENCE NORTH $01^{\circ}22'16''$ WEST ALONG THE WEST LINE OF SAID LOT ELEVEN (11), A DISTANCE OF 140.00 FEET TO THE NORTHWEST CORNER OF SAID LOT ELEVEN (11); THENCE NORTH $88^{\circ}37'47''$ EAST ALONG THE NORTH LINE OF SAID LOTS ELEVEN (11), TWELVE (12) AND ONE (1), A DISTANCE OF 321.00 FEET TO THE POINT OF BEGINNING. CONTAINING 104,240 SQUARE FEET OR 2.39 ACRES, MORE OR LESS.

LEGAL DESCRIPTION BASIS OF BEARINGS IS THE OKLAHOMA STATE PLANE COORDINATE SYSTEM (ZONE 3501 NORTH) WITH THE EAST LINE OF BLOCK TWO (2) BEING SOUTH $01^{\circ}22'13''$ EAST.

THIS LEGAL DESCRIPTION WAS PREPARED ON DECEMBER 18, 2025, BY MIKEL L. STEWART, OKLAHOMA LICENSED LAND SURVEYOR NO. 2105.



OWNER/DEVELOPER

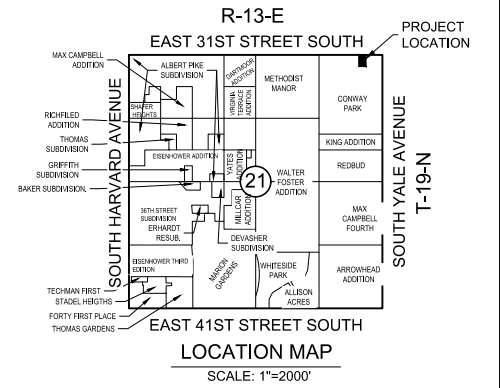
THE MOXIE
4612 E. 31ST ST S.
TULSA, OK 74135
PHONE: ###-###-####
ATTN: CONTACT NAME

ENGINEER/SURVEYOR

AAB ENGINEERING LLC
PO BOX 2136
SAND SPRINGS, OK 74063
PHONE: 918.514.4283
FAX: 918.514.4288

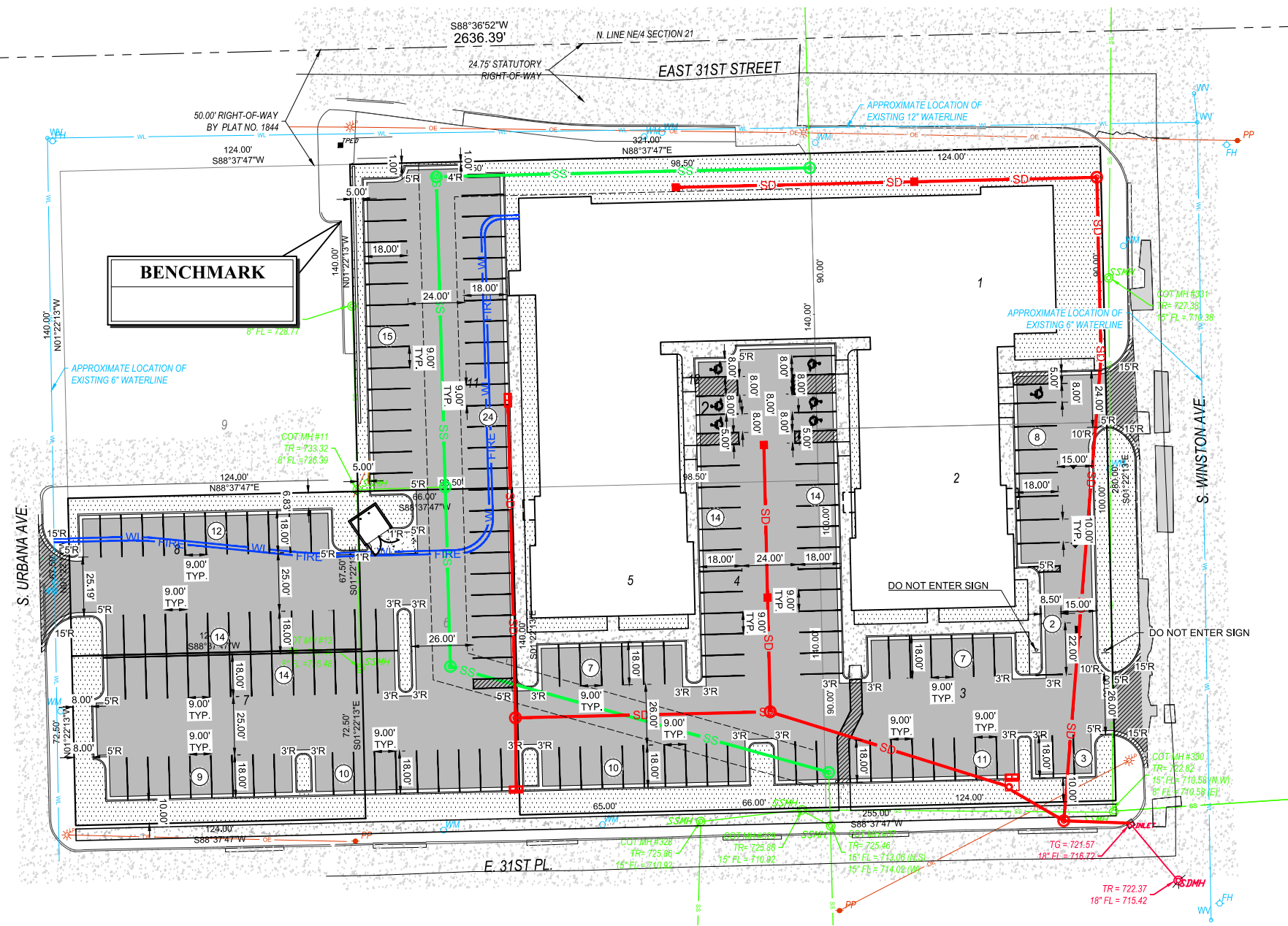
0 15 30 60
DRAWING SCALE: 1"=30'

The Moxie



SURVEY LEGEND

- SS SANITARY SEWER SERVICE
- WL WATERLINE SERVICE
- UE UNDERGROUND ELECTRIC SERVICE
- UG GAS SERVICE
- UT UNDERGROUND COMMUNICATIONS SERVICE
- OE OVERHEAD ELECTRIC SERVICE
- X EXISTING FENCE
- MINOR CONTOUR
- MAJOR CONTOUR
- FLOODPLAIN LINE (PER FEMA MAPS)
- FIRE HYDRANT
- POWER POLE
- WATER METER
- GAS METER
- LIGHT POLE
- ELECTRIC METER
- FOUND MONUMENT
- SET MONUMENT
- CONTROL POINT
- SANITARY SEWER MANHOLE
- SANITARY SEWER LAMPPOLE
- SANITARY SEWER CLEANOUT
- STORM SEWER MANHOLE
- TRANSFORMER
- IRRIGATION CONTROL VALVE
- DOWNSPOUT
- DECIDUOUS TREE (SIZE AS NOTED)
- BUSH
- PVC PIPE
- STREET SIGN
- AIR CONDITIONER PAD
- ELECTRIC TRANSFORMER
- 1% CHANCE FLOODPLAIN(100 YEAR)
- CONCRETE PAVEMENT
- ASPHALT PAVEMENT
- GRAVEL
- RIP RAP
- AIR CONDITIONER UNIT/PAD
- 4-GRATE AREA INLET
- ACCESS MANHOLE
- BUILDING SETBACK LINE
- BARBED WIRE FENCE
- BENCHMARK
- POB POINT OF BEGINNING
- CONC. CONCRETE
- CPED CABLE/TV PEDESTAL
- EG EXISTING GROUND
- EPED ELECTRIC PEDESTAL
- F/E FENCE EASEMENT
- FL FLOWLINE
- FP FLAG POLE
- FLT THROAT FLOWLINE
- GLT GROUND LIGHT
- GRSR GAS RISER
- GUY DOWN GUY
- GV GAS VALVE
- HDPE HIGH DENSITY POLYETHYLENE
- HDRL HANDRAIL
- LNA LIMITS OF NO ACCESS
- MB MAILBOX
- OE OVERHEAD ELECTRIC
- TD TREE DECIDUOUS
- TP TOP OF PAVEMENT
- HWY HIGHWAY
- C/L CENTER LINE
- IPF IRON PIN FOUND
- IPF W/ CAP IRON PIN FOUND WITH CAP (AS INDICATED)
- PKF PK NAIL FOUND
- PKS PK NAIL SET
- IPSW/CAP IRON PIN SET W/ CAP STAMPED 6318
- CMP CORRUGATED METAL PIPE
- RCP REINFORCED CONCRETE PIPE



IMPERVIOUS CALCULATIONS:

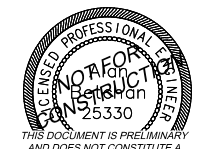
TOTAL AREA:	107,240 SF
EXISTING IMPERVIOUS AREA:	80,095 SF
PROPOSED IMPERVIOUS AREA:	94,260 SF
TOTAL IMPERVIOUS INCREASE:	14,165 SF

SHEET LEGEND

- ENTRANCE PAVEMENT (RE: COT STD.706 & 701)
- STANDARD DUTY CONCRETE PAVEMENT
- HEAVY DUTY CONCRETE PAVEMENT
- TRASH ENCLOSURE PAVEMENT
- PROPOSED CONCRETE SIDEWALK
- PROPOSED LANDSCAPE AREA
- PARKING COUNT

UTILITY CONTACTS

- CITY OF TULSA FIRE DEPARTMENT**
175 E. 2ND ST., SUITE 450
TULSA, OKLAHOMA 74103
TEL: (918)-596-9422
FAX: (918)-699-3726
CONTACT: RICK BRUDER
- TULSA PLANNING OFFICE**
175 E. 2ND ST., 4TH FLOOR
TULSA, OKLAHOMA 74103
TEL: (918)-596-7609
- AT&T**
5303 E. 71ST STREET
TULSA, OKLAHOMA 74136
TEL: (918)-596-6422
- TRANSPORTATION REVIEWER**
175 E. 2ND ST., SUITE 450
TULSA, OKLAHOMA 74103
FAX: (918)-699-3726
CONTACT: ROBERT RENDER
- COX COMMUNICATION**
11811 EAST 51ST STREET
TULSA, OKLAHOMA 74145
TEL: (918)-286-4716
- ONG**
5848 E. 15TH ST.
TULSA, OKLAHOMA 74112
TEL: (918)-831-8259
- INFRASTRUCTURE DEVELOPMENT MANAGER**
175 E. 2ND ST., SUITE 450
TULSA, OKLAHOMA 74103
TEL: (918)-596-7344
FAX: (918)-699-3726
CONTACT: MICHAEL LING, PE, CFM
- AEP/PSO**
212 E. 6TH ST.
TULSA, OKLAHOMA 74102
PHONE: 405-222-7622



Site Plan
The Moxie
City of Tulsa, Oklahoma

PLANS AND ESTIMATE PREPARED BY: AAB ENGINEERING, LLC
PO Box 2136 / 200 N McKinley Sand Springs, OK 74063
OK, CA #6318 Exp: June 30, 2026 SD, CA#7581 Exp: Mar 31, 2027
KS, CA #2292 Exp: Dec 31, 2026 AZ, CA#2897 Exp: Mar 29, 2026
Office: (918) 514-4283 Fax: (918) 514-4288

REVISION	BY	DATE

PLAN SCALE:	1"=30'
PROFILE SCALE:	N/A
HORIZONTAL:	N/A
VERTICAL:	N/A
DRAWN:	AAB 09/25
DESIGNED:	AAB 09/25
SURVEY:	AAB 09/25
ATLAS PAGE NO.:	2.13 OF 12 SHEETS



FILE: P119132-THE MOXIE.E 31ST ST & WINSTON AVENUE THE MOXIE.DWG
PLOT DATE: Thu, 18 Dec 2025