



Board of Adjustment

**Staff Report
BOA-BOA-23999**

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

Owner and Applicant Information

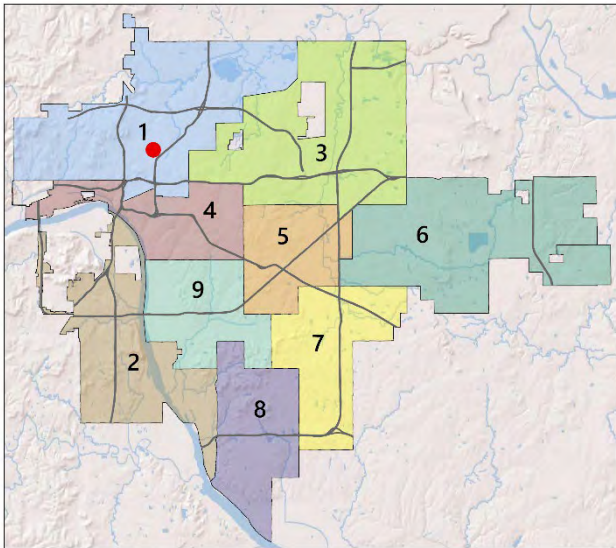
Applicant: Mark B. Capron, Wallace Design Collective
Property Owner: Transitional Living Centers of Oklahoma

Property Location

Multiple properties east of the northeast corner of East Queen Street and North Midland Place
Tract Size: ±1 acre

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 required 10-foot street setback in the RS-4 and NIO districts (Section 20.080-D, Table 20-5; Section 90.090-A).

Zoning

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

Comprehensive Plan Considerations

Land Use

Land Use Plan: Neighborhood
Small Area Plans: Unity Heritage
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: 10-19%
Parks & Open Space: Recreation fields of Carver Middle School

Staff Analysis

The applicant is requesting a variance to reduce the required 10-foot street setback in the RS-4 and NIO districts (Section 20.080-D, Table 20-5; Section 90.090-A). 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 required setback is measured from a point that is 25 feet from the centerline of the actual right-of-way. Queen Street has a total right-of-way width of 30 feet. As proposed, the buildings fronting East Queen Street will be set back 0 feet, as measured 25 feet from the centerline of the street. The applicant is requesting 10 feet of relief.

Section 20.080 NIO, Neighborhood Infill Overlay

20.080-D Lot and Building Regulations

In the Neighborhood Infill Overlay district, the lot and building regulations of [Table 20-5](#) apply in the RS-3, RS-4, RS-5, RD, RT, RM-0, RM-1, RM-2, RM-3 base zoning districts to Duplex, Townhouse, Cottage House Development, Multi-unit House and Apartment/Condo building types. General exceptions to these regulations and rules for measuring compliance can be found in [Chapter 90](#). Regulations governing accessory uses and structures can be found in [Chapter 45](#).

Table 20-5: Neighborhood Infill Overlay District Lot and Building Regulations

Minimum Lot Area (sq. ft.)	
Townhouse	1,600
Duplex, Cottage House Development, Multi-Unit House, Apartment/Condo	4,000
Minimum Lot Area per Unit (sq. ft.)	N/A
Minimum Lot Width	
Townhouse	20
Duplex, Cottage House Development, Multi-Unit House, Apartment/Condo	40
Minimum Street Frontage (feet)	20 [1]
Minimum Open Space per Unit (sq. ft.)	100
Minimum Building Setbacks (feet)	
Street	10 [2]
Side	3 [3]
Rear	10
Maximum Building Height (feet)	35

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

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, NIO, HNO	Neighborhood	Residential, Vacant
East	RS-4, NIO, HNO	Neighborhood	Residential
South	RS-4, NIO, HNO	Neighborhood	Residential, Vacant
West	RS-4, NIO, HNO	Neighborhood	Residential

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 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 10%. 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 Carver Middle School are located nearby to the southwest of the subject property.

Site Photos



View northwest from East Queen Street, March 2025 (Image from Google Street View)

Sample Motion

I move to approve or deny a variance to reduce the required street setback in the RS-4 and NIO districts from 10 feet to 0 feet (Section 20.080-D, Table 20-5; Section 90.090-A).

1. per the conceptual plan(s) shown on page(s) _____ of the agenda packet.
2. 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:

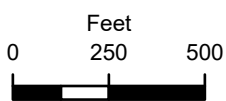
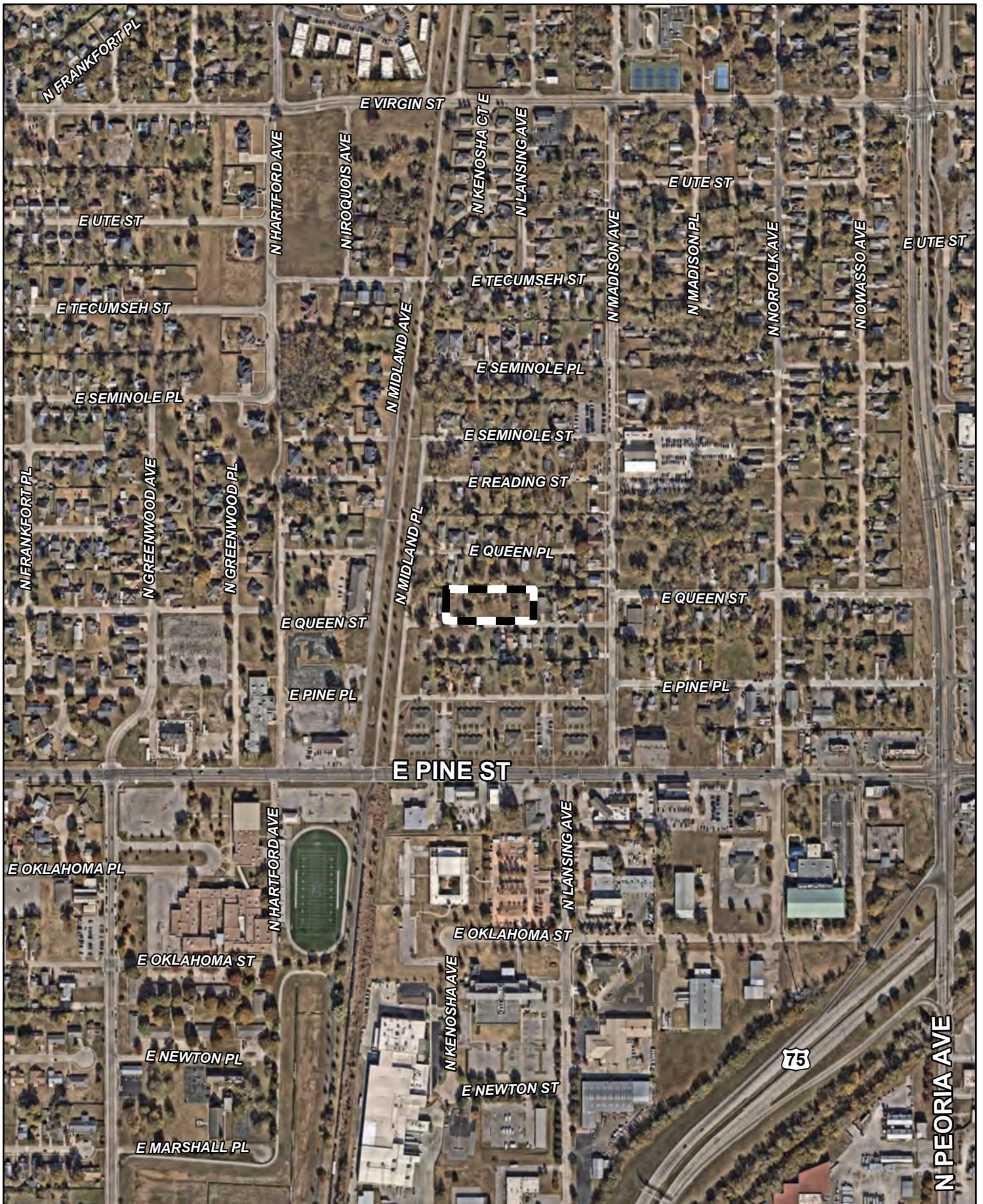
- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal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

LTS 14 THRU 18, BLK 6, ROOSEVELT ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Exhibits

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



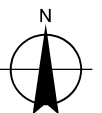
Subject Tract

BOA-23999

20-12 25

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

Aerial Photo Date: 2025



10.7

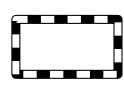
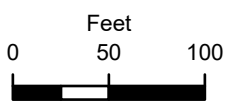


N MIDLAND PL

E QUEEN PL

E QUEEN ST

E PINE PL



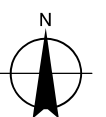
Subject Tract

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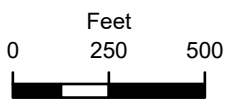
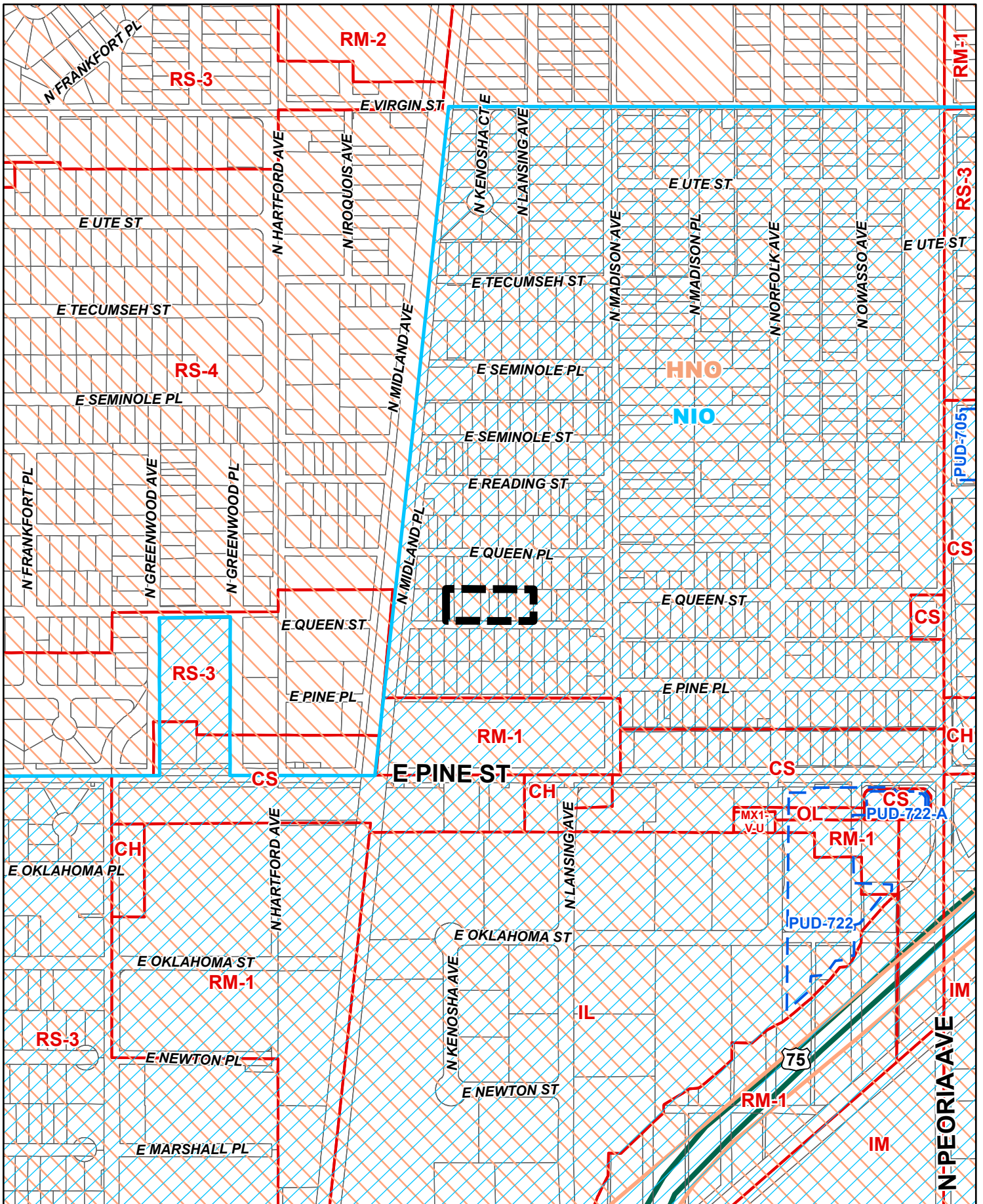
20-12 25

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

Aerial Photo Date: 2025



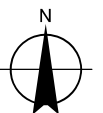
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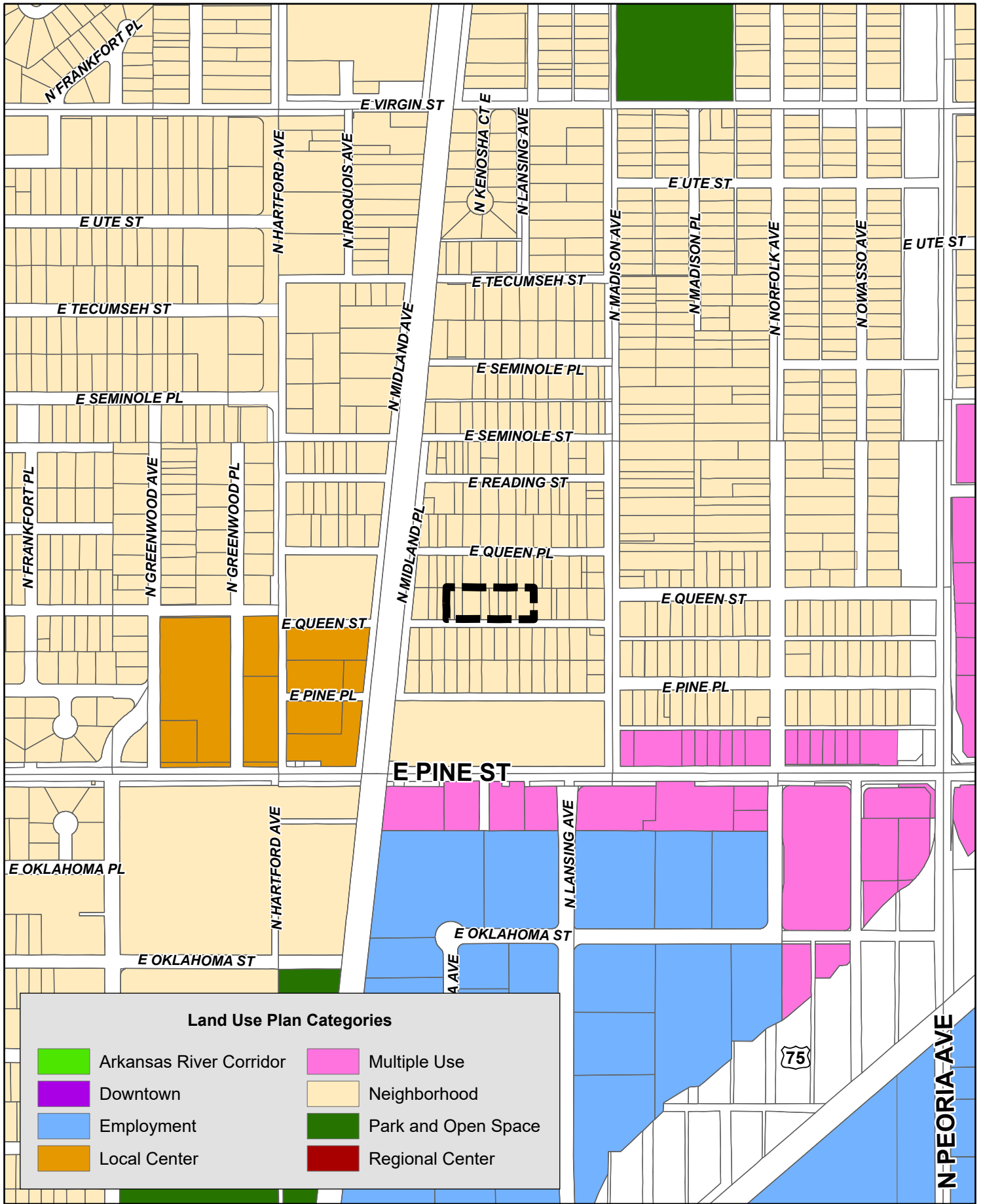
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



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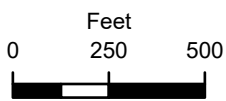


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Land Use Plan Categories

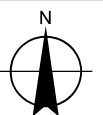
- | | | | |
|---|-------------------------|---|---------------------|
|  | Arkansas River Corridor |  | Multiple Use |
|  | Downtown |  | Neighborhood |
|  | Employment |  | Park and Open Space |
|  | Local Center |  | Regional Center |



 Subject Tract

BOA-23999

20-12 25



10.10

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;

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.

SITE DATA:

LAND AREA SUMMARY

NET LAND AREA 45,499 SF (1.04AC)

SITE DATA

ZONING RS-4

BUILDING DATA

TOTAL BUILDING: 15,950 SF

OFF-STREET PARKING REQUIREMENTS

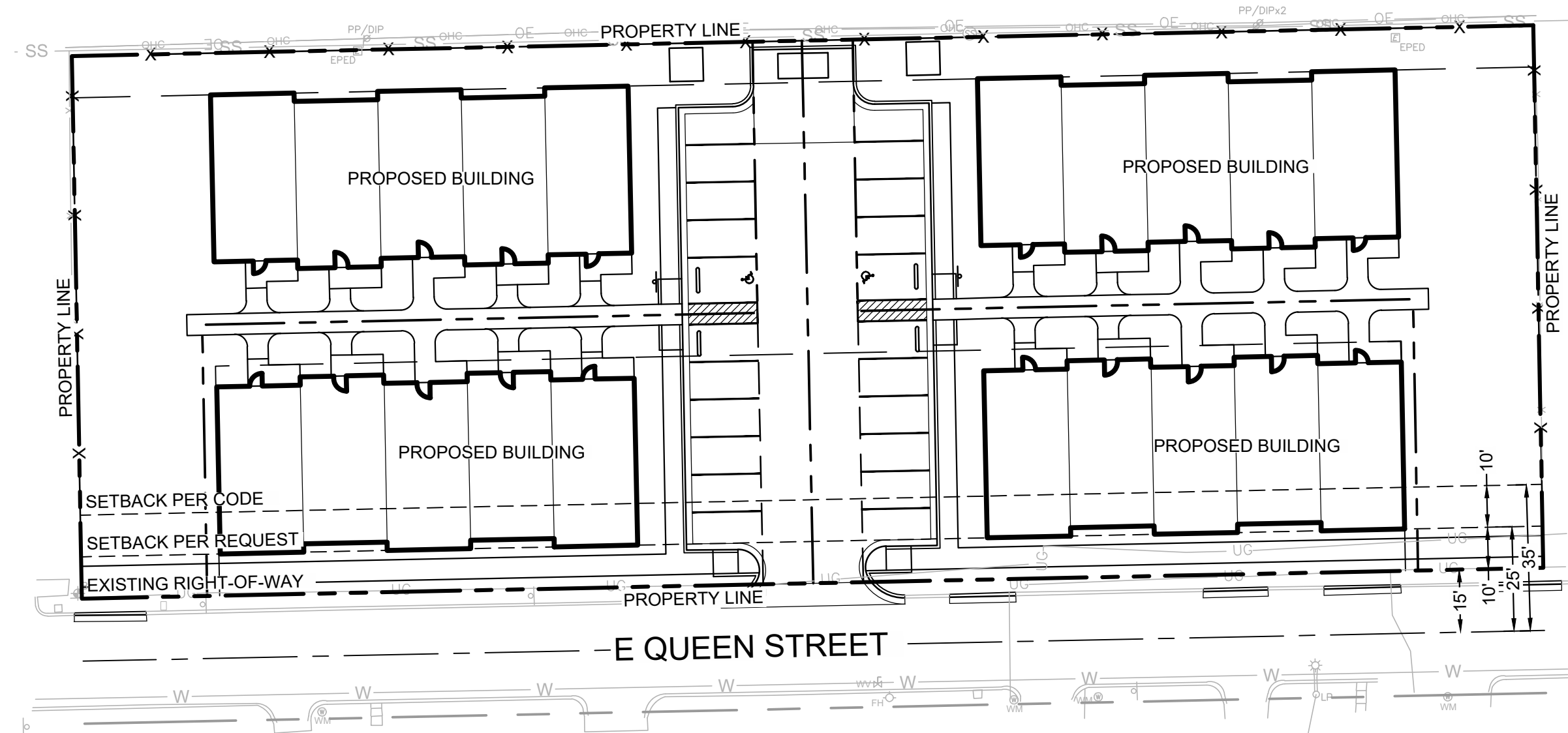
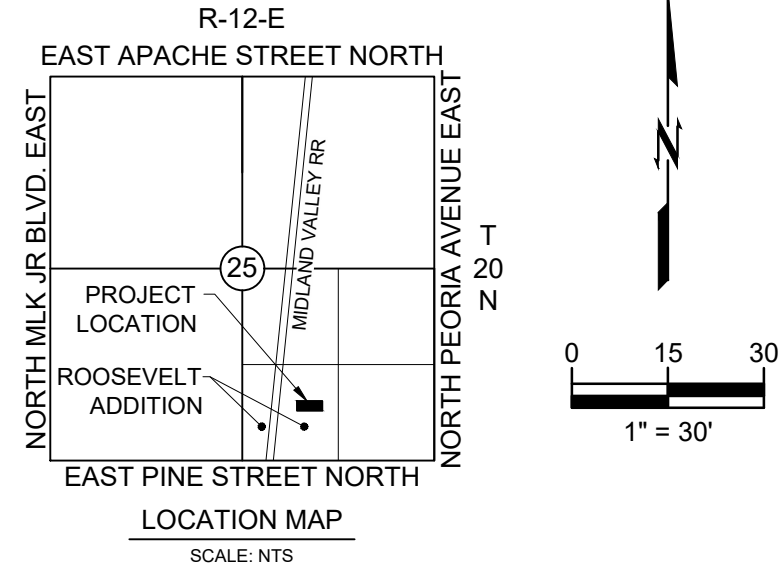
REQUIRED: (1 SPACES PER UNIT)
20 UNITS 20 PARKING SPACES
PROVIDED: 22 PARKING SPACES

ACCESSIBLE PARKING REQUIREMENTS

REQUIRED: 1 ACCESSIBLE SPACES
PROVIDED: 2 ACCESSIBLE SPACES

PROPERTY DESCRIPTION

SECTION TWENTY-SIX (26), RANGE TWELVE (12) EAST, TOWNSHIP SEVENTEEN (17) NORTH, OF THE INDIAN MERIDIAN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA



wallace design collective, pc
structural · civil · landscape · survey
123 north martin luther king jr. blvd.
tulsa, oklahoma 74103
918.584.5858 · 800.364.5858
oklahoma ca1460
exp: 6-30-27

QUEEN STREET COTTAGES

TULSA
OKLAHOMA

DATE 12.29.2025

PROJECT NO. 2540207

SHEET NAME

BOA Exhibit

SHEET NO.

Exh-1

10.12