Board of Adjustment

Staff Report
BOA-24108

Hearing Date: October 27, 2026 (Continued from October 13, 2026)
Prepared by: Christopher Willis
ctwillis@cityoftulsa.org
918-596-7620

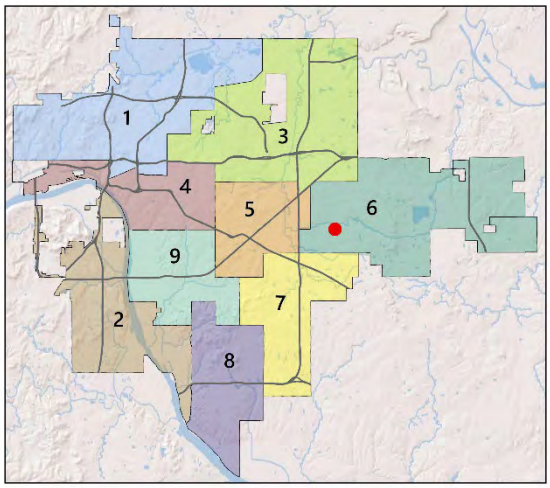
Owner and Applicant Information
Applicant: Domingo Maldonado

Property Owner: Domingo & Ever Maldonado

Property Location
3017 South 129th Avenue East

Tract Size: ±0.65 acres

Location within the City of Tulsa
(shown with City Council districts)



Elected Representatives
City Council: District 6, Christian Bengel
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
Posted Sign – min. 10 days in advance

Request Summary
Special Exception to allow a Personal Vehicle Sales use in the CS district (Section 15.020, Table 15-2); Variance to allow outdoor storage and display of vehicles for sale within 300 feet of an abutting residential district in the CS district (Section 15.040-A).

Zoning
Zoning District: CS

Zoning Overlays: N/A

Comprehensive Plan Considerations
Land Use
Land Use Plan: Local Center

Small Area Plans: East Tulsa

Development Era: Late Automobile

Transportation
Major Street & Highway Plan: Secondary Arterial

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: East Park Track

Staff Analysis

The applicant is requesting a special exception to allow a Personal Vehicle Sales use in the CS district (Section 15.020, Table 15-2) and a variance to allow outdoor storage and display of vehicles for sale within 300 feet of an abutting residential district in the CS district (Section 15.040-A). The applicant is proposing to convert the existing site, previously used as a Sonic Drive-in, into a used car lot. The subject property abuts an RM-1 district to the north. In the CS district, outdoor storage and outdoor merchandise display is prohibited within 300 feet of an abutting residential district.

Continued from October 13, 2026.

Section 15.020 Use Regulations

Principal uses are allowed in office, commercial and industrial districts in accordance with Table 15-2.

Table 15-1: O, C and I District Use Regulations

USE CATEGORY **Subcategory** Specific use	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH	Supplemental Regulations
COMMERCIAL												
Vehicle Sales and Service												Section 40.400
Commercial vehicle repair/maintenance	–	–	–	–	S	P	P	P	P	P	P	
Truck stop	–	–	–	–	–	S	S	–	P	P	P	
Commercial vehicle sales and rentals	–	–	–	–	S	P	P	P	P	P	P	
Fueling station	–	–	–	–	P	P	P	P	P	P	P	
Personal vehicle repair and maintenance	–	–	–	–	P	P	P	P	P	P	P	
Personal vehicle sales and rentals	–	–	–	–	S	P	P	P	P	P	P	
Vehicle part and supply sales	–	–	–	–	P	P	P	P	P	P	P	
Vehicle body and paint finishing shop	–	–	–	–	S	P	P	P	P	P	P	

***

Section 15.040 Other Relevant Regulations

Uses and development in office, commercial and industrial zoning districts may be subject to other regulations and standards, including the following.

15.040-A Outdoor Storage and Display

In the CS district, outdoor storage, including storage of recyclable materials, and outdoor merchandise display is prohibited within 300 feet of an abutting R or AG-R district.

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Section 40.140 Vehicle Sales and Service

40.400-A Whenever a vehicle sales and service use is located on a lot abutting an R- or AG-R- zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.070-C.

40.400-B Whenever commercial or personal vehicle sales or rentals are within 300 feet of an R- or AG-R-zoned lot, off-street parking and vehicle display areas must comply with the parking area design standards of Section 55.090.

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 Local Center. Local Centers serve the daily needs of those in the surrounding neighborhoods. This designation implies that the center generally does not serve an area beyond the nearby neighborhoods. Typical uses include commercial or retail uses that serve the daily needs of nearby residents. In order to introduce a regional trip generator, the entire local center designation should be amended to be Regional Center with significant input from all affected properties and nearby neighborhoods.

Surrounding Properties:

Location	*Existing Zoning/Overlay*	*Existing Land Use Designation*	*Existing Use*
North	RM-1	Neighborhood	Apartments
East	CS	Local Center	Grocery Store, Self-service Storage Facility
South	CS	Local Center	Medical, dental or health practitioner office, Restaurant
West	CS	Local Center	Post Office, Personal vehicle repair and maintenance

Small Area Plans

The subject property is included in the East Tulsa Phase I Planning Area**.** The East Tulsa Community Detailed Implementation Plan was adopted in 2005 with the intention to realize East Tulsa's vision of a prosperous, diverse community that supports and provides businesses, employment centers, neighborhoods, centers of faith, educational and community facilities, and recreational and leisure facilities for its area residents, workers, students, shoppers, and visitors. Phase I consists of approximately 5 square miles of East Tulsa along Skelly Drive.

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: South 129th Avenue East runs to the west of the subject property and is classified as a Secondary Arterial, which has a planned minimum right-of-way width of 100 feet.

Comprehensive Plan Street Designation: N/A

Transit: N/A

Existing Bike/Ped Facilities: Sidewalks are present along South 129th Avenue East.

Planned Bike/Ped Facilities: N/A

Arterial Traffic per Lane: South 129th Avenue East has an average annual daily traffic (AADT) count of 3,799 vehicles per lane.

Environmental Considerations

Flood Area: The subject property is not located within a designated flood area.

Tree Canopy Coverage: Tree canopy in the area is 17%. 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: East Park Tract is located nearby to the southeast of the subject property.

Site Photos

View east from South 129th Avenue East, May 2025 (Image from Google Street View)

Sample Motion

Special Exception

I move to *approve or deny* a special exception to allow a Personal Vehicle Sales use in the CS district (Section 15.020, Table 15-2;

- 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 that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Variance

I move to *approve or deny* a variance to allow outdoor storage and display of vehicles for sale within 300 feet of an abutting residential district in the CS district (Section 15.040-A);

- 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 1 BK 1, SILVERSTONE COMMERCIAL I, City of Tulsa, Tulsa County, State of Oklahoma

Exhibits

Case map
Aerial (small scale)
Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map
Statement of Hardship

Feet
0 200 400

Subject Tract

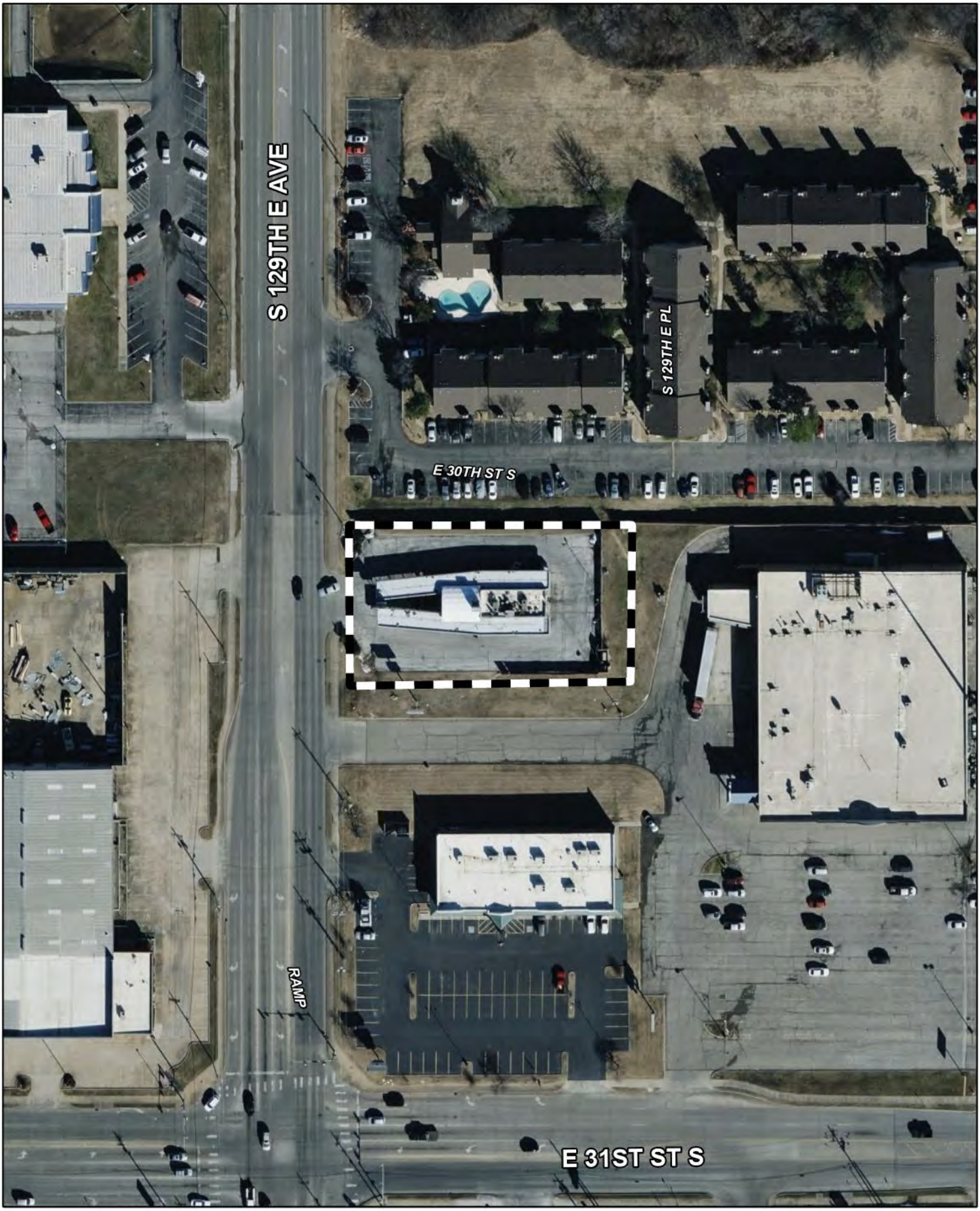
BOA-24108

19-14 16

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

Aerial Photo Date: 2025

N



Feet
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Subject Tract

BOA-24108

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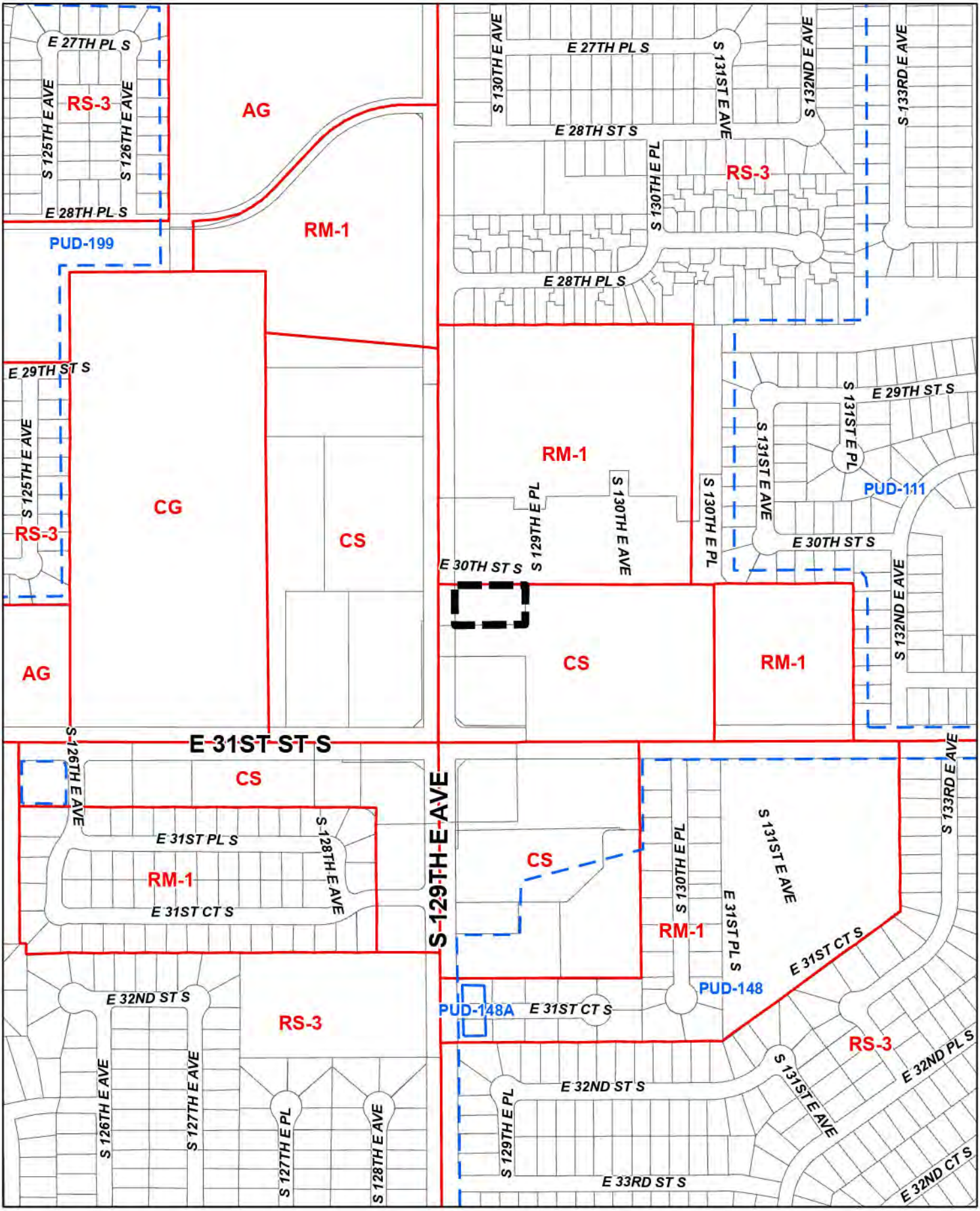

Feet
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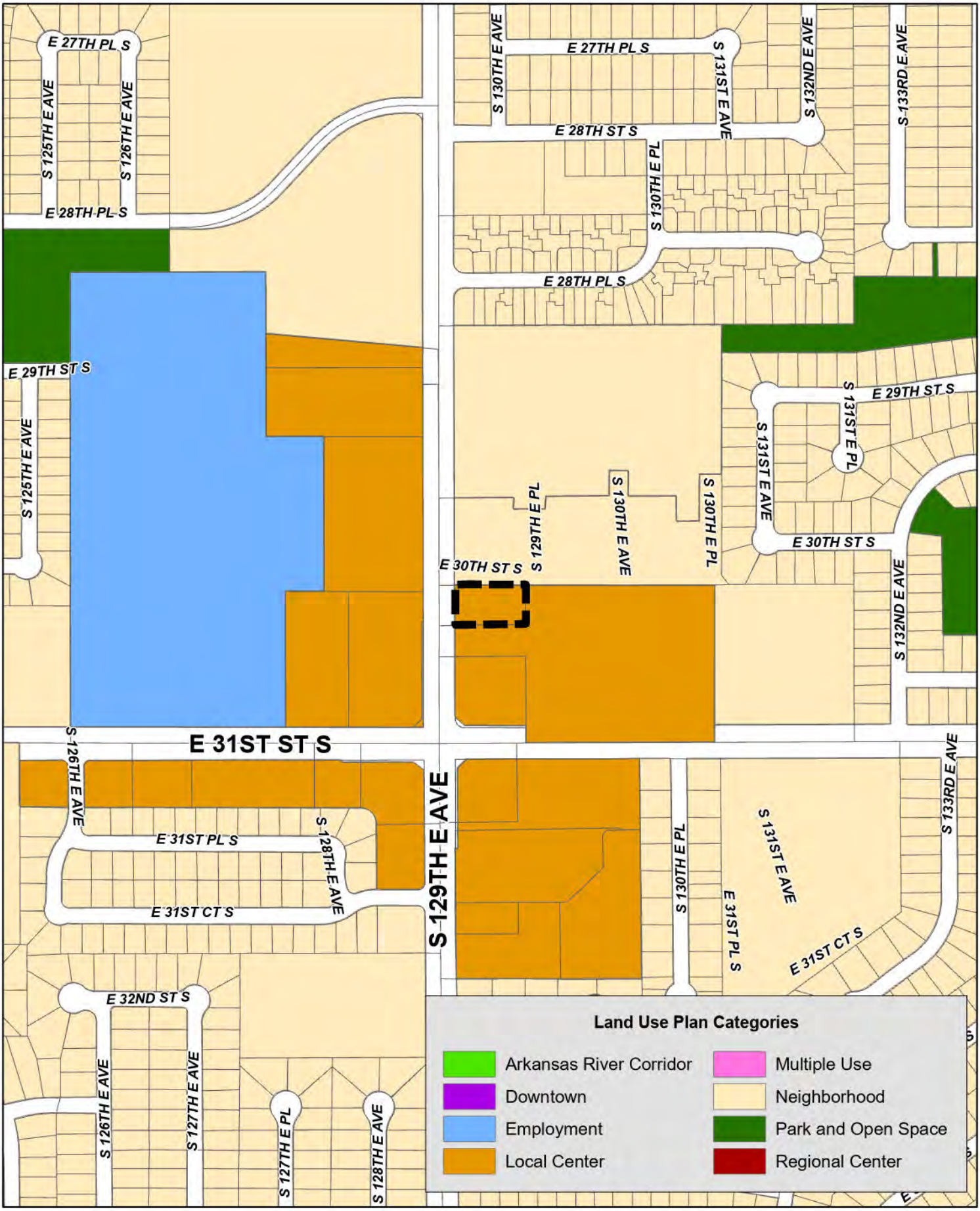
Subject Tract

BOA-24108

19-14 16

N



Feet
0 200 400

Subject Tract

BOA-24108

19-14 16

N

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;

I bought this property to have a vehicle dealership but I wasn't aware of having to do zoning changes, but I will follow all the requirements needed by City of Tulsa

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

I will follow all the requirements needed by City of Tulsa in order to prevent any discomfort to the neighborhood next to my property

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;

My request for variance is unique for my property, following all that is requested by City of Tulsa. Every month that passes without having an income from this property as I envisioned it, it creates financial stress

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

When I bought the property I didn' have knowledge for variance needed to establish a vehicle dealership there

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

Having the variance permitted in my property will allow me to keep paying for my property

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

I will follow all rules y regulations from City of Tulsa in order to keep my property and business from disturbing residential area.

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.

My vehicle dealership in this property will not disturb Residential area next to my property, hours of operation are from 9am to 5:30pm, there's no mechanical services provided

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

   will keep the same view, the traffic in the parking lot is still accessible on both directions, there's no extra noises and it will have a clean look

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

   a vehicle dealership there will not disrupt the neighborhood next to the north, signage will no be ON during the night. It will have a nice fence to prevent crime, cameras will be visible to public but will not be pointed towards the neighborhood. There's no mechanical services offered in this location.

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.

Plan Corrections Summary Requirement

An official Plan Corrections Summary issued to the Applicant from the City of Tulsa Permit Center must accompany every application. I understand, and take responsibility for, the following:

1. All requirements set forth in the Plan Corrections Summary must be met, or the relief detailed in said document must be sought in an application to the Board of Adjustment (BOA) for any of the requirements which cannot be met. If the applicant does not request the relief detailed in the Plan Corrections Summary, additional BOA action may be required, which may result in significant delays during the building permit process.

2. If the plans reviewed by the City for the issuance of the Plan Corrections Summary are changed, the plans must be re-submitted to the City, and an additional Plan Corrections Summary may be issued based upon the new plans which may result in additional requirements or an additional application to the Board being necessary.

I hereby certify that I have read and understand the above Plan Corrections Summary requirements for the subject property.

Applicant Signature _____ Date 09/08/2026

Platting/Subdivision Compliance Review Requirement

A platting requirement or subdivision conformance review is in place for the purposes of providing a proper arrangement of streets and assuring the adequacy of open spaces for traffic, utilities, and access of emergency vehicles, commensurate with the intensification of land use customarily incident to a change of zoning, as follows:

> For any land which has been rezoned to a zoning classification upon application of a private party or for any land which has been granted a special exception by the Board of Adjustment to permit those uses expressly stated in Section 70.080-B.2.b of the City of Tulsa Zoning Code, no building permit or zoning clearance permit shall be issued until that portion of the tract on which the permit is sought has been included within a subdivision plat or replat, or a subdivision conformance review as the case may be, submitted to and approved by the Planning Commission, and filed of record in the office of the County Clerk where the property is situated.

I hereby certify that I have read and understand the above requirements and that I will plat, replat or comply with standards set by the subdivision conformance review for the subject property.

Applicant Signature _____ Date 09/08/2026

Mailing Authorization and Release

I authorize City of Tulsa staff to obtain property owners' names and addresses as required for this application. I understand that City of Tulsa staff will use County Assessor data to ascertain the names and addresses of the property owners. That database may not reflect recent ownership changes.

I hereby release and forever discharge the City of Tulsa, its agents and successors, from any actual or potential cause of action, suit or proceeding brought by me, my agents or assigns, based on the names and addresses obtained by the City of Tulsa as required in this application.

Applicant Signature _____ Date 09/08/2026

Neighbor Communications

Advance communication with surrounding neighbors is encouraged by the Board of Adjustment, Planning Commission, and City Council to help educate applicants and neighbors about one another's interests; resolve issues in a manner that respects those interests; and identify unresolved issues before initiation of formal public hearings.

Applicants are encouraged to submit a summary of their communication and engagement with neighbors at or before the first required public hearing. The recommended content of such summaries is as follows:

a. Efforts to notify neighbors about the proposal (how and when notification occurred, and who was notified);

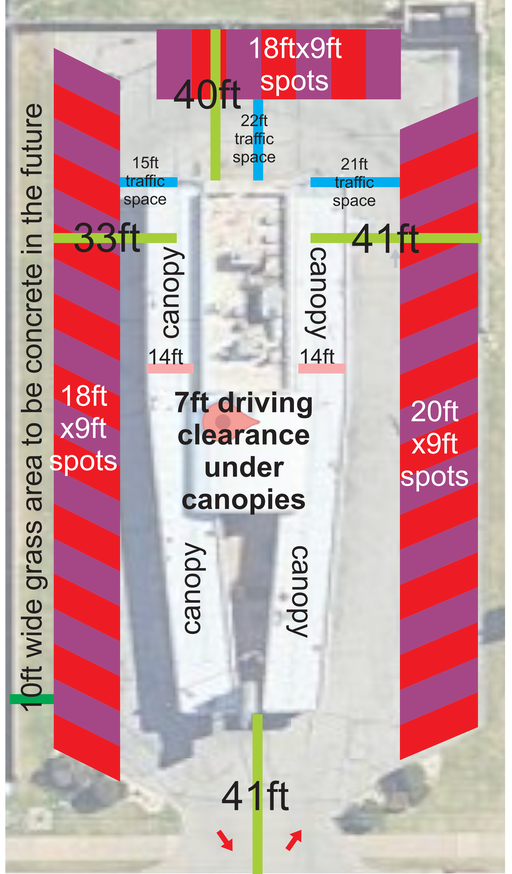
b. How information about the proposal was shared with neighbors (mailings, workshops, meetings, open houses, fliers, door-to-door handouts, etc.);

c. Who was involved in the discussions;

d. Suggestions and concerns raised by neighbors; and

e. What specific changes (if any) were considered and/or made as a result of the neighbor communications.

Applicant Signature _____ Date 09/08/2026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spots
40ft
22ft
traffic
space
15ft
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21ft
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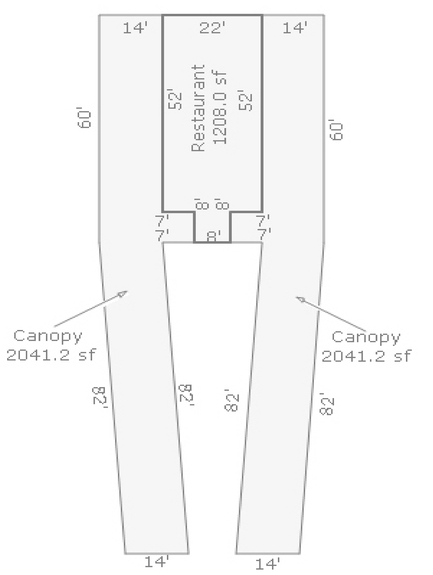
33ft
41ft
canopy
14ft
canopy
14ft
10ft wide grass area to be concrete in the future
18ft
x9ft
spots
7ft driving
clearance
under
canopies
20ft
x9ft
spots
canopy
canopy
41ft


14'
22'
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60'
52'
Restaurant
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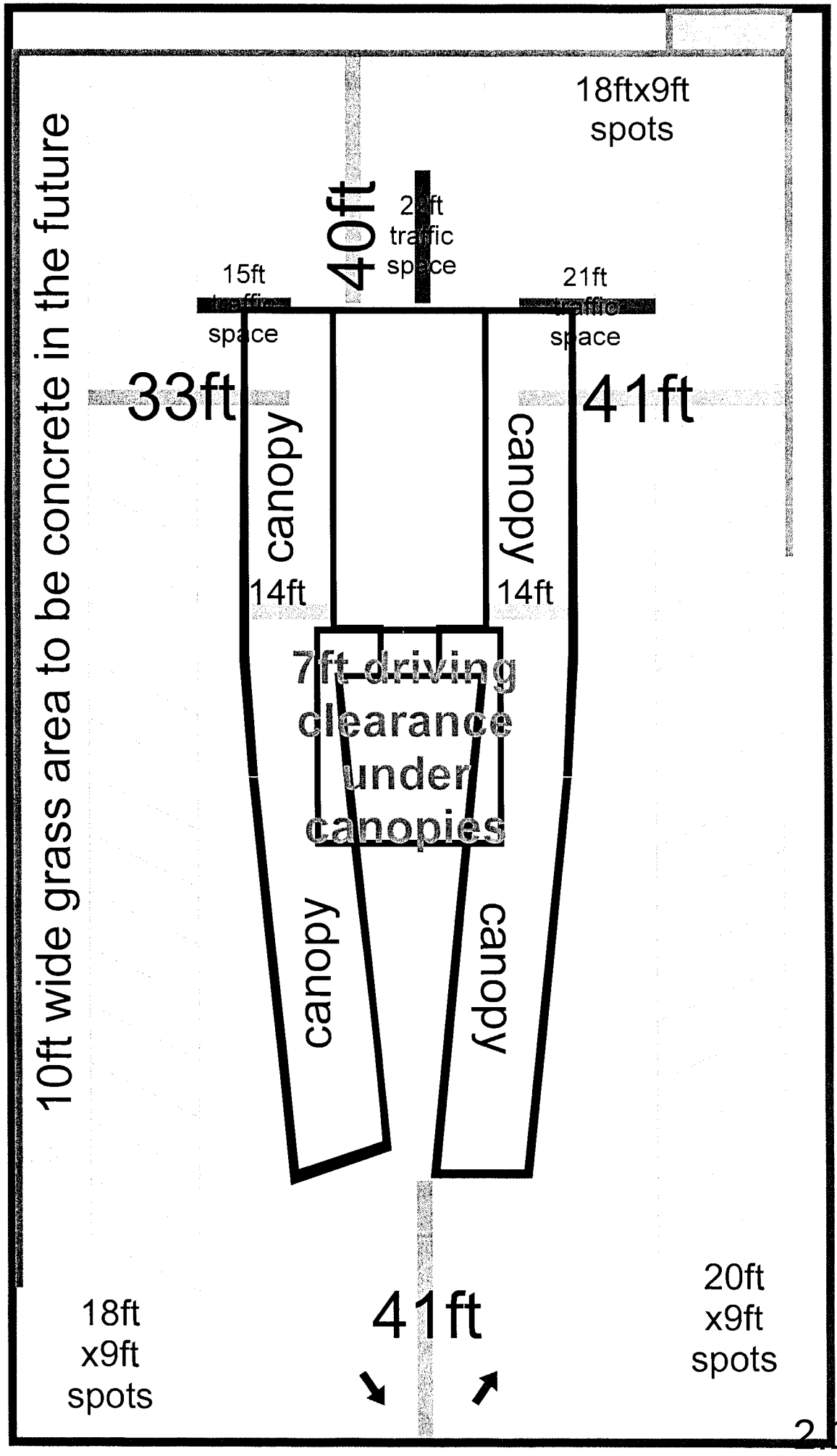
52'
60'
8'
8'
7'
7'
Canopy
2041.2 sf
Canopy
2041.2 sf
28'
28'
82'
82'
14'
14'

224 ft
128 ft
28206 sqft
125 ft
223 ft
2.13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canopy
canopy
10ft wide grass area to be concrete in the future
18ft
x9ft
spots
41ft
20ft
x9ft
spots

REQUEST FOR WAIVER OF LETTER OF DEFICIENCY REQUIREMENT

If the Board staff waives the requirement that an LOD accompany an application to the Board**, the Applicant is responsible for requesting all necessary relief and for citing the sections of the Zoning Code pertinent to the relief sought.** (The waiver of the requirement that an LOD accompany an application to the Board shall not be considered a waiver of the necessity to apply for a building permit or a zoning clearance permit, as may be required by the particular proposed use or construction**.**) **In the event that the applicant does not request all necessary relief, additional BOA action may be required resulting in significant delays during the building permit process.**

I hereby certify that I have read and understand the above requirements and that I request that the LOD requirement be waived for the subject property in case number: 24108

Domingo Maldonado

Applicant's Signature

09/08/26

Date

Approved by: Christopher Willis