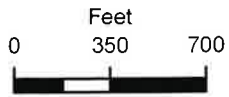


**SUBJECT TRACT**

**LEGEND**

- Catoosa Corporate Limits
- Tulsa Corporate Limits



**BOA-23144**

5.1



**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:** 9412  
**CZM:** 40  
**CD:** 6

Case Number: **BOA-23144**

**HEARING DATE:** 06/22/2021 1:00 PM

**APPLICANT:** Mark Wayne

**ACTION REQUESTED:** Variance to reduce the minimum lot width in the AG district to permit a lot split (Section 25.020, Table 25-2).

**LOCATION:** 18528 E 11 ST S

**ZONED:** AG

**PRESENT USE:** Residential

**TRACT SIZE:** 217800.89 SQ FT

**LEGAL DESCRIPTION:** W/2 NW NW NE SEC 12 19 14

**RELEVANT PREVIOUS ACTIONS:** None.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of a "New Neighborhood" and an "Area of Growth".

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

**The New Neighborhood** designation is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity and shall be paired with an existing or new Neighborhood or Town Center.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located West of the SW/c of S. 193<sup>rd</sup> E. Ave. and E. 11<sup>th</sup> St. S.

**STAFF COMMENTS:** The applicant is requesting Variance to reduce the minimum lot width in the AG district to permit a lot split (Section 25.020, Table 25-2).

5.2

*Table 25-2: AG District Lot and Building Regulations*

Regulations	AG	AG-R
Min. Lot Area	2 acres	1 acre
Min. Lot Area per Unit	2 acres	1 acre
Minimum Lot Width (feet)	200	150
Min. Lot Frontage (feet)	30	30
Min. Building Setbacks (feet)		
Street	25	25

The applicant is seeking to reduce the lot width from 200' to 162.62'. There are several buildings on the site, compliance to other portions of the zoning code will be reviewed as a part of the lot split application. City of Tulsa Development Services provide the comments below regarding the lot split application LS-21337 related to this variance application.

- **Building Code:** Okay.
- **Stormwater:** Okay / Note: Property drains to Center Creek. May need on-site detention for future development on either lot.
- **Sanitary Sewer:** Public sanitary sewer not available for service connection in the vicinity of the site.  
(This does not require action for lot split approval – but please note you are responsible for obtaining permits from ODEQ for any septic/aerobic systems)
- **Water:** Conditional approval – Each tract with existing buildings cannot share a single water service meter. Each tract must have a water service meter issued for the existing building structures.
- **Right-of-way:** All lots will have access to ROW. 24.5' statutory ROW is shown on plat. Total of 50' of ROW is required for approval.
- **Fire:** OK

**STATEMENT OF HARDSHIP:** We are trying to split 5 acres into 2 equal 2.5 acre lots. We have 165' of road frontage, which is just short of the 200' in the zoning requirements. We feel like 165' of frontage for each lot is plenty, as we don't plan on changing anything. My dad wants to pass this property on to his 2 sons. This is a fair and equitable way to divide the property, which is perfectly divided by a fence down the middle.

**SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a Variance to reduce the minimum lot width in the AG district to permit a lot split (Section 25.020, Table 25-2)

- Finding the hardship(s) to be \_\_\_\_\_.
- Per the Conceptual Plan(s) shown on page(s) \_\_\_\_\_ of the agenda packet.
- Subject to the following conditions \_\_\_\_\_.

In granting the **Variance** the Board finds that the following facts, favorable to the property owner, have been established:

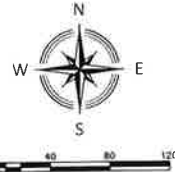
- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*
- b. That literal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



***Subject Property***

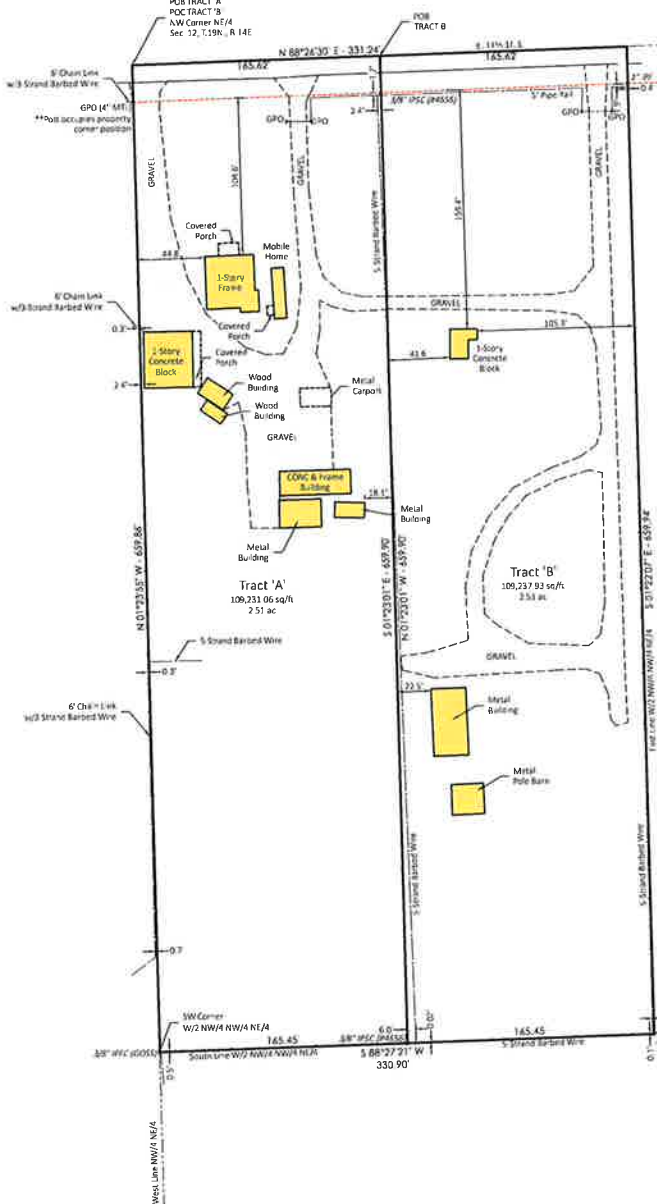
# PLAT OF SURVEY

OF: The W/2 of the NW/4 of the NW/4 of the NE/4 of Section 12,  
Township 19 North, Range 14 East, Tulsa County, Oklahoma.  
18518 EAST 11th STREET SOUTH



## GENERAL NOTES

- The grid bearings shown hereon are based upon the Oklahoma State Plane Coordinate System, North Zone 3501, NAD 83 (1993)
- The properties described hereon contain:  
Undivided Tract = 236,468.93 sq. ft. or 5.02 acres, more or less  
Tract A = 109,231.06 sq. ft. or 2.51 acres, more or less  
Tract B = 109,237.93 sq. ft. or 2.51 acres, more or less
- The property described hereon is located in flood zone "X-UNSHADED", as per Flood Insurance Rate Map, Community Panel No. 405381 035D, effective date: September 30, 2016
- Fieldwork completed September 16, 2020



## LEGAL DESCRIPTION OF THE REAL PROPERTY

**UNDIVIDED TRACT:**  
The W/2 of the NW/4 of the NW/4 of the NE/4 of Section 12, Township 19 North, Range 14 East, Tulsa County, Oklahoma

**TRACT A:**  
A tract of land being the West Half of the West Half of the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (W/2 W/2 NW/4 NW/4 NE/4) of Section Twelve (12), Township Nineteen (19) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, being more particularly described as follows:

**BEGINNING** at the Northwest corner of the Northwest Quarter (NW/4), thence North 88°26'30" East and along the North line of said NE/4, for a distance of 165.62 feet; thence South 01°23'01" East, for a distance of 659.90 feet to a point the South line of said W/2 NW/4 NW/4 NE/4; thence South 88°27'21" West and along said South line, for a distance of 165.45 feet to the Southwest corner of said W/2 NW/4 NW/4 NE/4; thence North 01°23'55" West and along the West line of said W/2 NW/4 NW/4 NE/4, for a distance of 659.86 feet to the POINT OF BEGINNING.

**TRACT B:**  
A tract of land being the East Half the West Half of the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (E/2 W/2 NW/4 NW/4 NE/4) of Section Twelve (12), Township Nineteen (19) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, being more particularly described as follows:

**COMMENCING** at the Northwest corner of the Northwest Quarter (NW/4), thence North 88°26'30" East, for a distance of 165.62 feet to the POINT OF BEGINNING; thence continuing North 88°26'30" East and along said North line, for a distance of 165.62 feet to the Northeast corner of said W/2 NW/4 NW/4 NE/4; thence South 01°23'07" East and along the East line of said W/2 NW/4 NW/4 NE/4, for a distance of 659.94 feet to the Southeast corner of said W/2 NW/4 NW/4 NE/4; thence South 88°27'21" West and along the South line of said W/2 NW/4 NW/4 NE/4, for a distance of 165.45 feet; thence North 01°23'01" West, for a distance of 659.90 feet to the POINT OF BEGINNING.

## NOTES

This Plat of Survey meets the Oklahoma Minimum Standards for the practice of Land Surveying as adopted by the Oklahoma State Board of Registration for Professional Engineers and Land Surveyors

## SURVEYORS CERTIFICATE

I, Nathaniel J. Reed of the State of Oklahoma, and a Professional Surveyor, do hereby certify that the above shows true and correct information with respect to the best of my knowledge.

WITNESS my hand and seal this 16th day of SEPTEMBER, 2020.

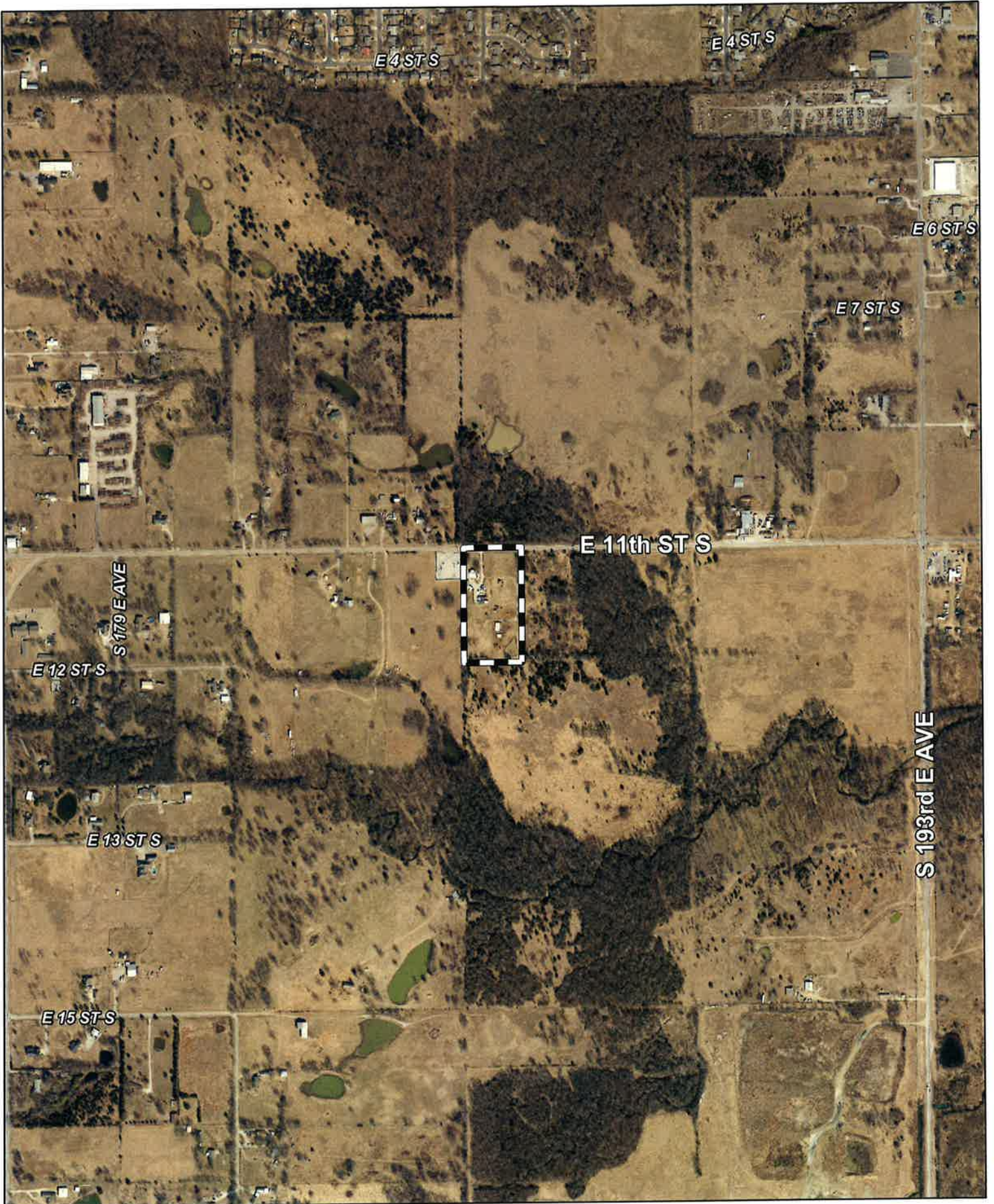


## SYMBOL LEGEND

- Gate Post
- Fence Line (All Types)
- Survey Control Point Found
- Survey Control Point Set
- Section Corner
- POB - Point of Beginning
- POC - Point of Commencement
- IPF - Iron Pin Found w/ Cap
- IPFC - Iron Pin Found w/ Cap

5807 South Garner Road, Suite 4 Tulsa, Oklahoma 74146		HARDEN ASSOCIATES SURVEYING AND MAPPING, P.C.		(918) 234-4859 Office (918) 853-5522 Fax
REVISIONS	BY	DATE	Certificate of Authorization No. 4656	Expires June 30, 2021
<b>PLAT OF SURVEY</b>				
Drawn By: JLN	Checked By: NWR	Proj. No.: 201852		
Date: 09/24/2020	Scale: 1"=60'	Sheet: 1 of 1		

5.6



Subject Tract

**BOA-23144**

19-14 12

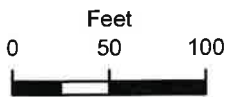
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

5.7



E 11th ST S



Subject Tract

**BOA-23144**

19-14 12

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

Aerial Photo Date: February 2018

**5.8**

