TUMLSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 9026
CZM: 42

HEARING DATE: 02/18/2020 1:30 PM

APPLICANT: Kyle Whisenhunt

ACTION REQUESTED: Variance of the minimum frontage requirement on a public street/dedicated right-of-way from 30 ft to 0 ft in the AG district (Section 207).

LOCATION: N of NE/c of W. Coyote Trail & S. 209th W. Ave. ZONED: AG

FENCING: Sand Springs

PRESENT USE: Vacant TRACT SIZE: 10 acres

LEGAL DESCRIPTION: W/2 N/2 N/2 N/2 NW SEC 26 10 10ACS

RELEVANT PREVIOUS ACTIONS: None relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by agricultural zoning with both agricultural and single-family residential uses.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance of the minimum frontage requirement on a public street/dedicated right-of-way from 30 ft to 0 ft in the AG district (Section 207). Section 207 of the Code requires owners of land utilized for residential purposes to own 30 feet of frontage on a public street or dedicated right-of-way. The Code attempts to ensure that each parcel used for a residential purpose has public access and emergency access.

The applicant provided the following statement:

"I am requesting a zero variance to property 4117 S. 209th West Ave, Sand Springs, OK, 74063. I propose the utilization of the thirty foot easement currently owned by the county but maintained by myself. As shown on the drawing it is located between the properties numbered 1 and 3, which I currently own. I am making this request in order to comply with the zoning ordinance so I can build a permanent residence on property number 2, which I also own.

My hardship is that the county requires thirty feet of road frontage in order to obtain a residential building permit. Some peculiar conditions for this property is that it is landlocked on all four sides from a county maintained road, and this easement is the only access point to this property. If granted, I do not see any detriment or impairment being projected onto the public due to this property being landlocked."

According to Tulsa County Engineering Department, the portion of S. 209th W. Ave north of Coyote Trail, is not county maintained. The plat of Hickory Ridge Estates Addition shows a 30' dedicated
right-of-way but the applicant’s property to the east has not dedicated 30’ of right-of-way on their parcel to complete the street. Therefore, the applicant can access the platted dedicated right-of-way but he is still required to have the Board’s approval for 0’ of frontage.

If inclined to approve, the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed use and future development of the subject property is compatible with and non-injurious to the surrounding area.

SAMPLE MOTION:

"Move to _______ (approve/deny) a Variance of the minimum frontage requirement on a public street/dedicated right-of-way from 30 ft to 0 ft in the AG district. (Section 207)

Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.

Subject to the following conditions, if any: ____________________________

Finding the hardship to be ________.

In granting a Variance, the Board must find that by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan.
Subject Tract

CBOA-2800

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

Aerial Photo Date: February 2013
Subject Tract

CBOA-2800

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

Aerial Photo Date: February 2018
Looking north into entrance of property from S. Campbell Creek Rd.

Looking northwest along S. Campbell Creek Rd. – entrance to property is on the right.
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Hello,

Attached you will find a copy of my hardship explanation and a drawing.

Please let me know if these attachments are sufficient.

Sincerely,
Kyle Whisenhunt