HEARING DATE: 03/17/2020 1:30 PM

APPLICANT: Nicholas Brown

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: 9525 S 33 AV W

ZONED: AG

FENCING: Jenks

PRESENT USE: Vacant

TRACT SIZE: 2.42 acres

LEGAL DESCRIPTION: BEG 485E SWC NW TH N388.71 E275 SWLY CL NICKEL CREEK 180 SWLY 210.43 SW26.1 W227.62 TO POB SEC 22 18 12 2.425ACS,

RELEVANT PREVIOUS ACTIONS: None relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by AG zoning in all directions. There are residential uses to the west, south, and southeast. The remaining properties appear to be agricultural uses and are located within the 100-year floodplain.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 ft to 0 ft to permit a single-wide mobile home on the subject lot. The applicant provided the following statement: "I am requesting this variance because I plan to park a single-wide mobile home on the property and was told by Tulsa County that the building permit to park the home could not be approved without a variance. The property is landlocked and there is no street frontage. While the property to the west has a granted easement for ingress and egress to the property in question, the zoning code requires the variance before a building permit can be issued."

The submitted site plan indicates that the subject lot has access through an easement located on the parcel to the west which abuts South 33rd West Avenue. The Code requires owners of land utilized for residential purposes to maintain 30 feet of frontage on a public street. The applicant has submitted a copy of a General Warranty Deed that describes a twenty-five (25) foot roadway easement for ingress and egress to the subject property.

The single-wide mobile home is permitted by right in the AG district and it meets all the bulk and area requirements. It appears that the placement of the mobile home will not be in the 100-year floodplain.

REVISED 3/2/2020
The Tulsa County Comprehensive Plan, as well as the Jenks Comprehensive Plan, describe the Land Use Plan as Low Intensity and Development Sensitive. Low Intensity areas are described as those areas with four or fewer residences per acre. Development Sensitive areas are described as those areas in which the property is subject to flooding as determined by the Flood Insurance Administration. In this case, the placement of the proposed mobile home does not appear to be in the Development Sensitive area of the property. See the attached Land Use Plan.

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 to reduce the required 30 feet of frontage on a public road or dedicated right-of-way from 30 feet to 0 feet in an AG district (Section 207).

Finding the hardship to be ________.

Finding 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-2806
18-12 22

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

Aerial Photo Date: February 2018
Jones, Robi

From: Nick Brown <nick.r.brown2002@gmail.com>
Sent: Wednesday, February 12, 2020 8:15 AM
To: Jones, Robi
Subject: Nick Brown Variance Request

Robi,

I am requesting this variance because I plan to park a single-wide mobile home on the property and was told by Tulsa County that the building permit to park the home could not be approved without a variance. The property is landlocked and there is no street frontage. While the property to the west has a granted easement for ingress and egress to the property in question, the zoning code requires the variance before a building permit can be issued.

Thank you,

Nick Brown
GENERAL WARRANTY DEED  
(with Survivorship Clause)

THIS INDENTURE, Made this 30th day of October, 1991, between JIMMIE MARIE NEWTON, a single person, party of the first part, and JIMMIE MARIE NEWTON and SUE ANN NEWTON BROWN, party of the second part.

WITNESSETH, That in consideration of the sum of TEN and NO/100 ($10.00) DOLLARS, the receipt of which is hereby acknowledged, said party of the first part does, by these presents, grant, bargain, sell and convey unto JIMMIE MARIE NEWTON and SUE ANN NEWTON BROWN, the following described real estate, situated in the County of Tulsa, State of Oklahoma, to wit:

A tract of land located in the West Half of the Northwest Quarter (W/2 NW/4) of Section Twenty-two (22), Township Eighteen (18) North, Range Twelve (12) East, Tulsa County, State of Oklahoma according to the U.S. Government Survey thereof; more particularly described as Beginning at a point twenty-five (25) feet East of the Southwest corner of said West Half of the Northwest Quarter (W/2 NW/4) thence North and parallel to the West line of the West Half of the Northwest Quarter (W/2 NW/4) a distance of 388.71 feet, thence East a distance of 460 feet, thence South a distance 388.71 feet, thence West a distance of 460 feet to the point of beginning; subject to a twenty-five (25) foot roadway easement for ingress and egress located on the South twenty-five (25) feet of the above described property. CONTAINING: 4.10 acres more or less.

TO HAVE AND TO HOLD THE SAME as joint tenants, and not as tenants in common, with fee simple title in the survivor together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining forever.

And said party of the first part, her successors or assigns, do hereby covenant, promise and agree to and with said parties of the second part at the delivery of these presents they are lawfully seized in their own right of an absolute and indefeasible estate of inheritance in fee simple, of and in all singular the above granted and described premises, with the appurtenances; that the same are free, clear and discharged and unencumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and encumbrances, of whatsoever nature and kind. EXCEPT: Easements and building restrictions of record and special assessments not yet due;

and that party grantor will WARRANT and FOREVER DEFEND the same unto said parties of the second part, their heirs, executors, or administrators, against said parties of the first part, their successors or assigns, and all and every person or persons whomsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, the said party of the first part hereto have executed or caused to be executed, this instrument the day and ear first above written.

JIMMIE MARIE NEWTON

4.8
STATE OF OKLAHOMA

COUNTY OF TULSA

Before me, the undersigned Notary Public, in and for said County and State, on this 30th day of October, 1991, personally appeared JIMMIE MARIE NEWTON to me known to be the identical person who subscribed her name to the foregoing instrument and acknowledged to me that she executed the same as her free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal of office the day and year last above written.

[Signature]
Notary Public

My commission expires: [Signature]

TULSA COUNTY

TULSA COUNTY