

CBOA-2849

19-10 03

8.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9003

CASE NUMBER: **CBOA-2849**

CZM: 33

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 09/15/2020 1:30 PM

APPLICANT: Alicia Warlick

ACTION REQUESTED: Variance of the minimum lot width (Tracts A, B, & C), lot area (Tracts A & B), and land area per dwelling unit (Tracts A, B, & C) in the AG district to permit a lot line adjustment (Section 330, Table 3) and Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet to permit a lot line adjustment (Tracts A, B, & C) (Section 207)

LOCATION: 22307 W 6 ST S

ZONED: AG

FENCELINE: Sand Springs

PRESENT USE: Residential

TRACT SIZE: 4.47 acres

LEGAL DESCRIPTION: N10AC S12 1/2AC LESS WLY3AC & LESS S182 & LESS E330 & LESS W330 E660 N132 SW NW & S25 W BRADLEY ST S ADJ ON N SEC 3 19 10 1.434ACS; 1AC IN N 10AC S12 /2AC SW NW BEG 330W NEC TH W330 S132 E330 N132 POB SEC 3 19 10; N10AC S12 1/2AC LESS WLY3AC TO USA & LESS N198 & LESS E330 SW NW PRT SW NW BEG 413N & 743.17W SECR SW NW TH W70 N25 E70 S25 POB & N25 W BRADLEY ST S ADJ ON S SEC 3 19 10 2.034AC,

RELEVANT PREVIOUS ACTIONS: None relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by AG zoning with a mixture of agricultural and residential uses.

STAFF COMMENTS:

The applicant is before the Board to request a **Variance** of the minimum lot width (Tracts A, B, & C), lot area (Tracts A & B), and land area per dwelling unit (Tracts A, B, & C) in the AG district to permit a lot line adjustment (Section 330, Table 3) and **Variance** of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet to permit a lot line adjustment (Tracts A, B, & C) (Section 207). **(The land area per dwelling unit on Tract C is withdrawn by staff – the survey submitted indicates that the parcel will be 2.215 acres which meets zoning code requirements.)**

The applicant provided the following hardship:

“1957 and 2007 County vacated Bradley Street which:

- *Eliminated tract frontage*
- *Eliminated legal ingress / egress*
- *Altered tract orientation with respect to frontage, which altered width calculations*
- *Forces creation of flag plots*

- *County Road frontage size at 50 feet assures non-conforming frontage to our three existing plots, each requiring 30 feet of frontage.*

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- *Unbeknown to us, House slightly encroached on north property, now owned by Cheatwood, requiring remedy (0.04 acre mini-tract).*
- *Tracts created prior to 1957, which preceded current zoning expectations; entire neighborhood filled with non-conforming lots, such as the 1.55 acre plot south; and the ~1 acre plot east of our own one acre plot.*
- *Original property shape would not have permitted adherence to current zoning due to its shape, size and the existence of neighboring properties with non-conforming widths and sizes.*
- *Tracts originally purchased as separate land tracts with the intention to permit future retirement plan for separate family members on distinct land tracts: 22307 was separated by Bradley Street from the southern tract and the east one acre was purchased as a single one acre plot. We want specific family members to have the ability to separately inhabit distinct tracts and realize the original promise of this purchase.*
- *Changes requested augment tract size, permit legal frontage, permit legal ingress/egress, eradicate the "land lock" of our one acre and rectify a slight home encroachment."*

The AG district requires a minimum lot area of 2 acres and a minimum land area per dwelling unit of 2.1 acres. The Code also requires a minimum lot width of 150' in an AG district. As shown on the submitted surveys, the proposed lot line adjustment will create three flag lots.

- Tract A will be 1.4 acres and the proposed lot width is 65 ft.
- Tract B will be 1.3 acres and contain a lot width of 90 ft.
- Tract C will be 2.215 acres (meets code) and the proposed lot width is 99 ft.

The Code requires owners of land utilized for residential purposes to maintain 30 feet of frontage on a public street or dedicated right-of-way. The submitted site plan indicates that all three tracts will have less than 30 feet of frontage on South 221st West Avenue.

- Tract A – 12.5 feet
- Tract B – 12.5 feet
- Tract C – 25 feet

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) Variance of the minimum lot width (Tracts A, B, & C), lot area (Tracts A & B), and land area per dwelling unit (Tracts A & B) in the AG district to permit a lot line adjustment (Section 330, Table 3) and a Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet to permit a lot line adjustment (Tracts A, B, & C) (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.”



151

412

W WEKIWA RD

S 221 WAVE

W 6 ST S

W 8 ST S

S 221 WAVE



Subject Tract

CBOA-2849

19-10 03

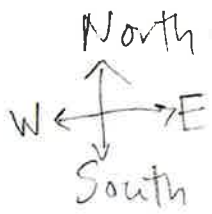
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

8.4



SITE PLAN (Before Changes)



TAX ID #30610
5.97 ACRE

TAX ID #29010 + TAX ID #29410 + TAX ID #29510
5.71 ACRES- CHEATWOOD

Keystone Expressway

(B)

1.13 ACRES
TAX ID #29880
ABBODD

(A)

TAX ID #30310
1 ACRE

TAX ID #30110
1 ACRE

Bradley street

TAX ID #31280
0.609 ACRE

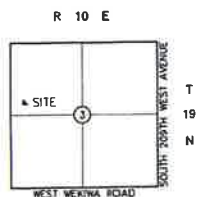
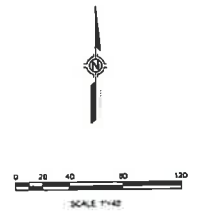
Driveway

(C)

TAX ID #29710
1.69 ACRE

TAX ID #29610
0.90 ACRE

TAX ID #30410
1.55 ACRE



Location Map
SCALE 1"=200'

IGNORE →
MINI-TRACT "A"

A TRACT OF LAND THAT IS PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION THREE (3), TOWNSHIP NINEEEN (19) NORTH, RANGE TEN (10) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING FURTHER DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW/4) OF THE NORTHWEST QUARTER (NW/4) OF SAID SECTION THREE (3); THENCE NORTH 02°00'43" EAST ALONG THE EASTERLY LINE OF SAID SW/4, NW/4 FOR 413.00 FEET; THENCE SOUTH 89°41'14" WEST FOR 743.17 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°41'14" WEST FOR 70.00 FEET; THENCE NORTH 00°16'46" WEST FOR 25.00 FEET; THENCE NORTH 89°41'14" EAST FOR 70.00 FEET; THENCE SOUTH 00°16'46" EAST FOR 25.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.
TRACT OF LAND CONTAINING 1.750 50 FT OR 0.0402 ACRES MORE OR LESS

Exhibit

THIS IS NOT A PLAN OF SURVEY THIS EXHIBIT IS FOR INFORMATIONAL PURPOSES ONLY

SWA **Sisemro Weisz & Associates, Inc.**
 801 EAST 30th PLACE PHONE (318) 899-3600
 TULSA, OKLAHOMA 74103 FAX (318) 899-8288
 CA. NO. 242 EXP. DATE 10/20/16

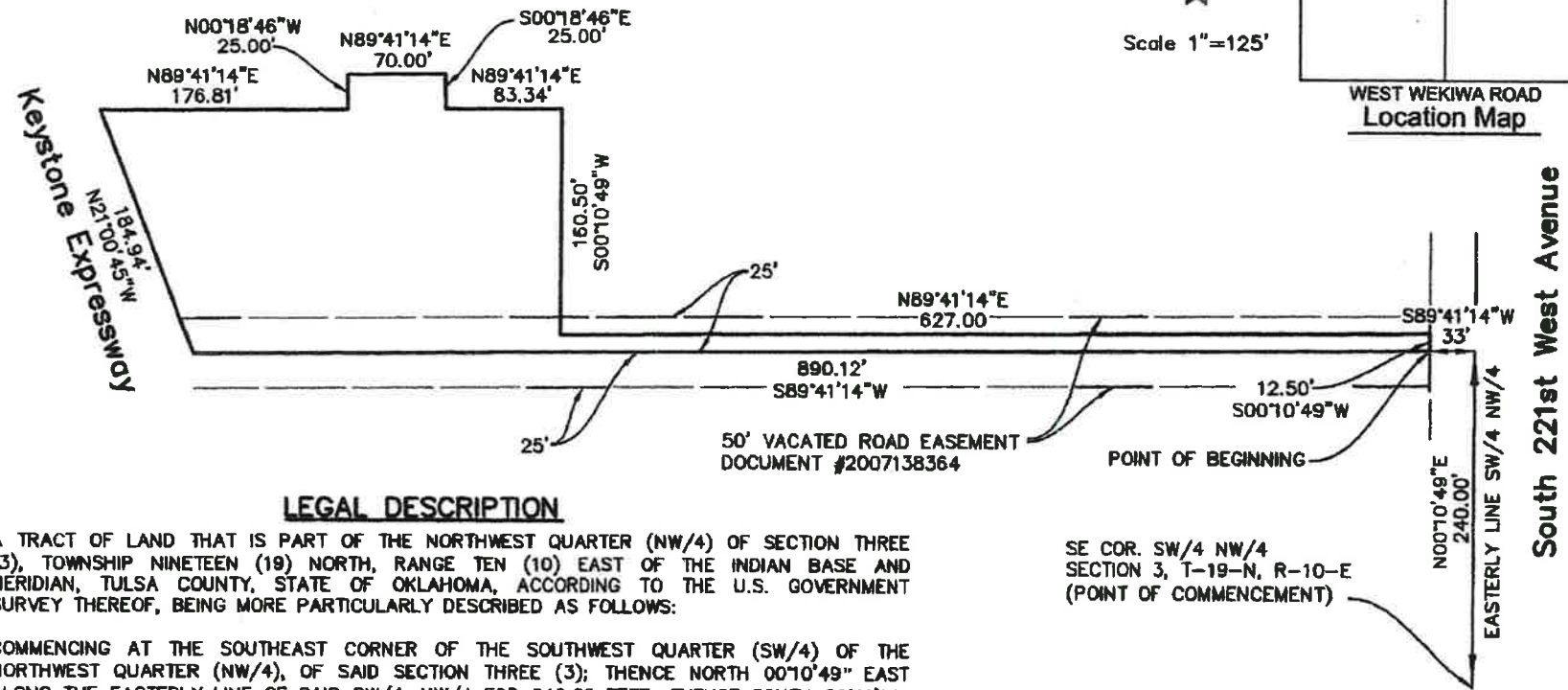
Tract A

Exhibit

Part of the NW/4 Section 3, T-19-N, R-10-E



Scale 1"=125'



LEGAL DESCRIPTION

A TRACT OF LAND THAT IS PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION THREE (3), TOWNSHIP NINETEEN (19) NORTH, RANGE TEN (10) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW/4) OF THE NORTHWEST QUARTER (NW/4), OF SAID SECTION THREE (3); THENCE NORTH 00°10'49" EAST ALONG THE EASTERLY LINE OF SAID SW/4, NW/4 FOR 240.00 FEET; THENCE SOUTH 89°41'14" WEST FOR 33.00 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SOUTH 221ST WEST AVENUE AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°41'14" WEST FOR 890.12 FEET TO THE EASTERLY RIGHT OF WAY LINE OF KEYSTONE EXPRESSWAY; THENCE NORTH 21°00'45" WEST ALONG SAID RIGHT OF WAY LINE FOR 184.94 FEET; THENCE NORTH 89°41'14" EAST FOR 176.81 FEET; THENCE NORTH 00°18'46" WEST FOR 25.00 FEET; THENCE NORTH 89°41'14" EAST FOR 70.00 FEET; THENCE SOUTH 00°18'46" EAST FOR 25.00 FEET; THENCE NORTH 89°41'14" EAST FOR 83.34 FEET; THENCE SOUTH 00°10'49" WEST FOR 160.50 FEET; THENCE NORTH 89°41'14" EAST FOR 627.00 FEET; THENCE SOUTH 00°10'49" WEST FOR 12.50 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

TRACT OF LAND CONTAINING 60,917 SQ. FT. OR 1.40 ACRES MORE OR LESS.

SISEMORE & ASSOCIATES

Surveying - Civil Engineering - Land Planning

6111 EAST 32nd PLACE
TULSA, OKLAHOMA 74135
C.A. NO. 2421

PHONE: (918) 665-3600
FAX: (918) 665-8668
EXP. DATE 8/30/21

(www.sw-assoc.com)

DRAWING: K:\18019.04\18019.04\exhibit.dwg SISEMORE & ASSOCIATES, INC., 2020

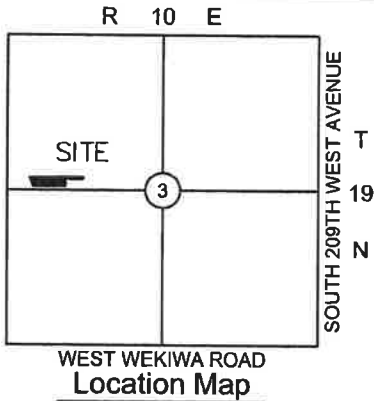
DATE 7/9/20 ORDER #: 18019.04 FILE #: 1910.0900

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DRAWING: K:\18019.04\8019.04exhibit.dwg SISEMORE & ASSOCIATES, INC., 2020

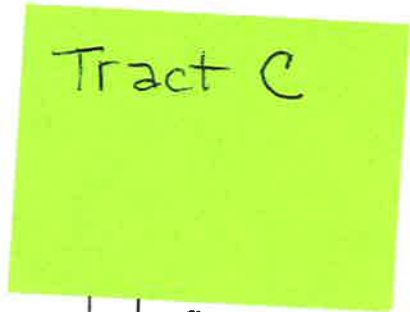


Scale 1"=125'



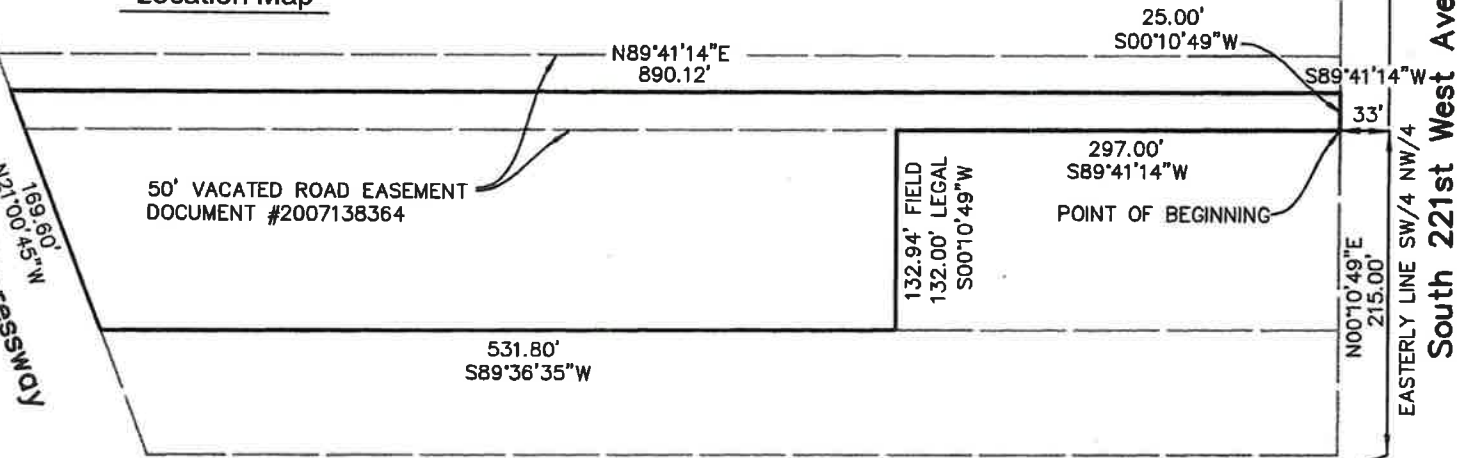
Exhibit

Part of the NW/4 Section 3, T-19-N, R-10-E



WEST WEKIWA ROAD
Location Map

Keystone Expressway
 N21°00'45"W
 169.60'



LEGAL DESCRIPTION

A TRACT OF LAND THAT IS PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION THREE (3), TOWNSHIP NINETEEN (19) NORTH, RANGE TEN (10) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW/4) OF THE NORTHWEST QUARTER (NW/4), OF SAID SECTION THREE (3); THENCE NORTH 00°10'49" EAST ALONG THE EASTERLY LINE OF SAID SW/4, NW/4 FOR 215.00 FEET; THENCE SOUTH 89°41'14" WEST FOR 33.00 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SOUTH 221ST WEST AVENUE AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°41'14" WEST FOR 297.00 FEET; THENCE SOUTH 00°10'49" WEST 132.94 FEET (FIELD)(132.00 FEET LEGAL); THENCE SOUTH 89°36'35" WEST FOR 531.80 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF KEYSTONE EXPRESSWAY; THENCE NORTH 21°00'45" WEST, ALONG SAID RIGHT OF WAY, FOR 169.60 FEET; THENCE NORTH 89°41'14" EAST FOR 890.12 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SOUTH 221ST WEST AVENUE; THENCE SOUTH 00°10'49" WEST, ALONG SAID RIGHT OF WAY, FOR 25.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

TRACT OF LAND CONTAINING 96,473 SQ. FT. OR 2.215 ACRES MORE OR LESS.

DATE 8/20/20 ORDER #: 18019.04 FILE #: 1910.0300

SE COR. SW/4 NW/4
 SECTION 3, T-19-N, R-10-E
 (POINT OF COMMENCEMENT)



SISEMORE & ASSOCIATES

Surveying ~ Civil Engineering ~ Land Planning

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 TULSA, OKLAHOMA 74135
 C.A. NO. 2421

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 EXP. DATE 6/30/21

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