

E 161st ST S

AG

AG

S 43 E AVE

S YALE AVE

SUBJECT TRACT

AG



CBOA-2850

9.1



**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 7328

**CASE NUMBER:** CBOA-2850

**CZM:** 66

**CASE REPORT PREPARED BY:** Robi Jones

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

**APPLICANT:** Nathalie Cornett

**ACTION REQUESTED:** Variance of the minimum lot width to permit a lot-split in an AG district. (Section 330 Table 3)

**LOCATION:** 16325 S 43 AV E

**ZONED:** AG

**FENCELINE:** Bixby

**PRESENT USE:** Residential

**TRACT SIZE:** 4.06 acres

**LEGAL DESCRIPTION:** S290 N1475 E610 W/2 NE SEC 28 17 13 4.06AC,

**RELEVANT PREVIOUS ACTIONS:**

Subject Property: None Relevant

Surrounding Property:

CBOA-918 August 1989: The Board approved a *Variance* of the required lot width from 200' to 145' in an AG zoned district, on property located at 16235 South 43<sup>rd</sup> East Avenue.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is surrounds AG zoning in all directions and contains a mixture of residential and agricultural uses.

**STAFF COMMENTS:**

The applicant is before the Board requesting a **Variance** of the minimum lot width to permit a lot-split in an AG district. (Section 330 Table 3)

The applicant provided the attached statement concerning the hardship, see exhibit "B".

As shown in the submitted survey, the applicant is attempting to split the 4.06 parcel into two tracts of 2.03 acres each. The average lot widths are 145 ft each. Per Section 330 of the Code, the AG district requires a minimum lot width of 150 ft.

If inclined to approve, the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the current and future use of the subject property is compatible and non-injurious to the public good and spirit/intent of the Code.

9.2

**Sample Motion:**

**“Move to \_\_\_\_\_ (approve/deny) Variance of the minimum lot width to permit a lot-split in an AG district. (Section 330 Table 3)**

***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.”***

Case No. 917 (continued)

**Additional Comments:**

Mr. Looney asked Mr. Webster how long he has owned the property, and he replied that he purchased the land in September of 1988, with the intention of constructing a home and operating a business.

Mr. Eller asked the applicant to state the size of the proposed building, and he replied that a 40' by 60' building is planned.

**Board Action:**

On **MOTION** of **ELLER**, the Board voted 3-0-0 (Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Alberty, Walker, "absent") to **DENY** a **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1206 and 1215) to allow for a cabinet shop, a kennel and a single-family dwelling in a CS zoned district; and to **DENY** a **Use Variance** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1209) to allow for a mobile home to locate in a CS zoned district; finding that the granting of the requests would be detrimental to the neighborhood and would violate the spirit, purposes and intent of the Code; on the following described property:

Lot 1, Block 1, Convenient Center Addition, Tulsa County, Oklahoma.

**Case No. 918**

**Action Requested:**

Variance - Section 330 - Bulk & Area Requirements in Agriculture District - Use Unit 1206 - Request a variance of the required lot width from 200' to 145' in an AG zoned district to allow for a previously approved lot split (L-14969), located 16235 South 43rd East Avenue.

**Presentation:**

The applicant, **Kathie Burns**, 16235 South 43rd East Avenue, Tulsa, Oklahoma, stated that the property in question has two existing homes, and she requested a lot split in order to sell one of the houses.

**Comments and Questions:**

Mr. Looney asked if there was a previously approved lot split on the property, and she replied that the lot split was previously approved, but she did not make application to the Board of Adjustment for a variance of the required lot width.

**Protestants:** None.

Case No. 918 (continued)

Board Action:

On MOTION of TYNDALL, the Board voted 3-0-0 (Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Alberty, Walker, "absent") to APPROVE a Variance (Section 330 - Bulk & Area Requirements In Agriculture District - Use Unit 1206) of the required lot width from 200' to 145' in an AG zoned district to allow for a previously approved lot split (L-14969); finding that there are other lots of similar size in the area, and the granting of the request will not impair the spirit, purposes and intent of the Code; on the following described property:

The south 290' of the north 1185' of the east 610' of the W/2, NE/4, Section 28, T-17-N, R-13-E, Tulsa County, Oklahoma.

Case No. 919

Action Requested:

Special Exception - Section 910 - Permitted Uses In Industrial Districts - Use Unit 1219 - Request a special exception to allow for a nightclub to locate in an IM zoned district, located 4807 East Dawson Road.

Presentation:

The applicant, B. L. Ward, 1814 North Fulton, Tulsa, Oklahoma, submitted photographs (Exhibit J-1) and stated that he has rented a building at the above stated location for use as a nightclub. He explained that the building, which has been empty for two years, has been remodeled inside and is ready for occupancy.

Mr. Looney inquired as to the days and hours of operation, and Mr. Ward stated that the club will be open Tuesday through Saturday, 3:00 p.m. to 2:00 a.m. It was noted that the club will seat approximately 200 customers, and security will be provided for the parking lot. In response to Mr. Looney, the applicant stated that the building is 115' by 70', but only 4224 sq ft of floor space will be utilized for the business.

Mr. Eller asked Mr. Ward if he is presently a club operator, and he replied that he previously operated a club in Glenpool, Oklahoma.

Board Action:

On MOTION of ELLER, the Board voted 3-0-0 (Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Alberty, Walker, "absent") to APPROVE a Variance (Section 330 - Bulk and Area Requirements In Agriculture Districts - Use Unit 1206) of the required lot width from 200' to 145', and a variance of lot area from two acres to one acre to allow for a lot split (L-17207) in an AG zoned district; subject to Health Department approval; finding the use to be compatible with the surrounding area; on the following described property:

## Exhibit "B"

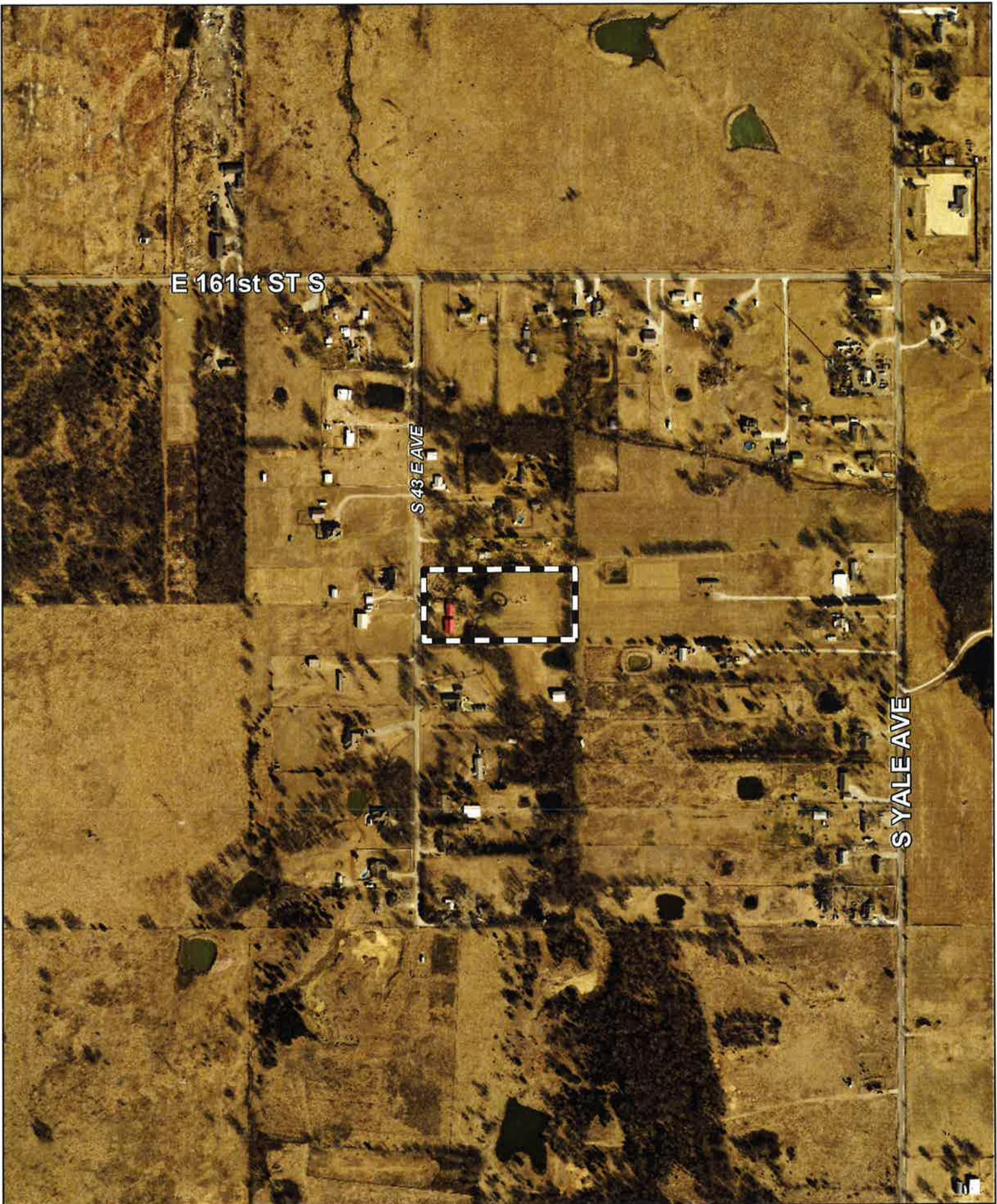
The Applicant requests two (2) variances of Section 330 of the Tulsa County Zoning Code (the "Code") to permit property, located at 16325 S. 43<sup>rd</sup> E. Ave. (the "Property"), in an AG District to be split into two (2) lots, each with an average lot width of 145 feet.

The Property is a 4.06 acre unplatted tract with a lot width of 290 feet and is situated on the east side of S. 43<sup>rd</sup> E. Ave. South 43<sup>rd</sup> is an approximately ½ mile residential collector street off of 161<sup>st</sup> Street which serves about twenty rural residents on larger lots ranging from 1.5 to 5 acres. The lots on the East side of the street, including the Property, are all 2 or 4 acre lots. The existing 2-acre lots all have a lot width of approximately 145 feet.

The owner of the Property desires to split the Property into two, 2.03 acre tracts and convey the split tract to his daughter. A site plan of the proposed lot split is attached hereto. In order to comply with the setback requirements of the Code, the Property will need to be split in such a way to account for the existing residence at the southwest corner of the Property. Therefore, as shown on the site plan, both proposed lots will have a lot width of 165' at one end, and 125' at the opposite end, which results in an average lot width of 145 feet.

The application of the Code's lot width requirement creates unnecessary hardship due to the established development pattern along S. 43<sup>rd</sup> E. Ave. of 2-acre lots less than 150 feet wide (and 4-acre lots less than 300 feet wide).

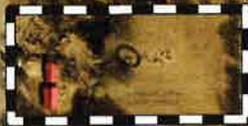
The Property is located in the Bixby fenceline and is designated under the Comprehensive Plan as Low Density Residential, which contemplates density of 1.5 to 4 acres/dwelling unit. The requested variances to reduce the required lot width by five (5) feet are *de minimus* in nature and will not cause any detriment to the public good or impair the purpose and intent of the Code or the Comprehensive Plan.



E 161st ST S

S 43rd E AVE

S YALE AVE



Subject Tract

**CBOA-2850**

17-13 28

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

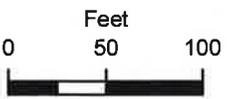
Aerial Photo Date: February 2018

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S 43 E AVE



Subject Tract

**CBOA-2850**

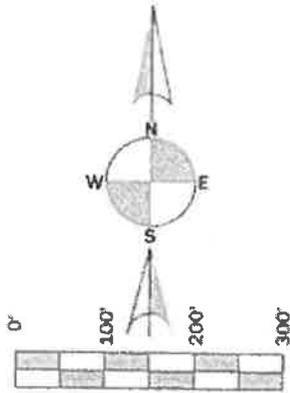
17-13 28

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

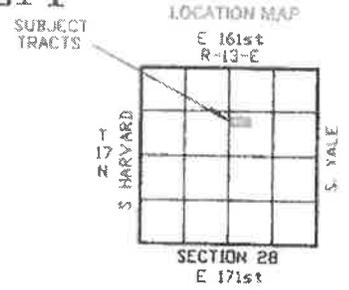
Aerial Photo Date: February 2018 9.8



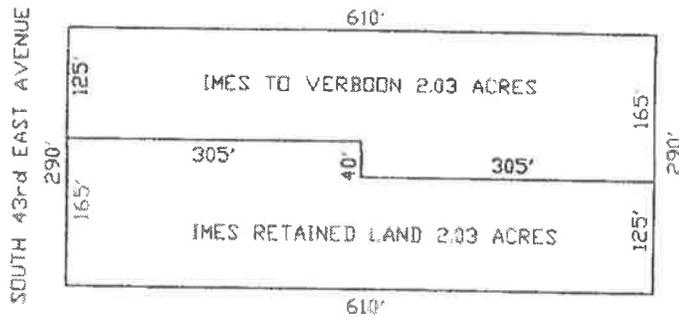
# PLAT FOR LOT SPLIT



- IRON PIN FOUND  
 ○ IRON PIN SET  
 --- FENCE  
 --- EASEMENT LINE  
 --- POWER LINE  
 --- GAS LINE  
 (ALL FACILITIES IN LEGEND MAY NOT APPEAR ON PLAT)



PREPARED FOR: CHRISTY VERBOON  
 christy.verboon@lindseymgmt.com



**DESCRIPTION (IMES TO VERBOON)**

THE NORTH 125 FEET OF THE WEST 305 FEET AND THE NORTH 165 FEET OF THE EAST 305 FEET OF A TRACT OF LAND DESCRIBED AS FOLLOWS, TO-WIT:  
 THE SOUTH 290 FEET OF THE NORTH 1475 FEET OF THE EAST 610 FEET OF THE WEST HALF OF THE NORTHEAST QUARTER (W/2 NE/4) OF SECTION 28, TOWNSHIP 17 NORTH, RANGE 13 EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.  
 CONTAINING 2.03 ACRES

**DESCRIPTION (IMES RETAINED LAND)**

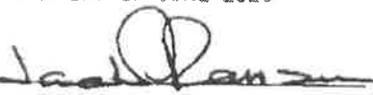
THE SOUTH 165 FEET OF THE WEST 305 FEET AND THE SOUTH 125 FEET OF THE EAST 305 FEET OF A TRACT OF LAND DESCRIBED AS FOLLOWS, TO-WIT:  
 THE SOUTH 290 FEET OF THE NORTH 1475 FEET OF THE EAST 610 FEET OF THE WEST HALF OF THE NORTHEAST QUARTER (W/2 NE/4) OF SECTION 28, TOWNSHIP 17 NORTH, RANGE 13 EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.  
 CONTAINING 2.03 ACRES

NOTE: THE ORIGINAL IMES TRACT IS DESCRIBED IN WARRANTY DEED FILED IN BOOK 4340 PAGE 759

NOTE: NO BOUNDARY CORNERS WERE SET ON THESE TRACTS AT THIS TIME

NO TITLE OPINION OR ABSTRACT WAS PROVIDED FOR THE DEVELOPMENT OF THIS LOT SPLIT PLAT AND DESCRIPTIONS DESCRIPTIONS WERE DEVELOPED FROM WARRANTY DEED FILED IN BOOK 4340 PAGE 579

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, WITNESS MY HAND AND SEAL THIS 24th DAY OF JUNE 2020

  
 JACK D. RAMSEY R.L.S. 387

PLAT REVISED 7/28/2020

**RAMSEY SURVEYING SERVICE**  
 P.O. BOX 366 BIXBY, OKLAHOMA 74008  
 918 388 4520 918 740 1124  
 OKLAHOMA CERTIFICATE OF AUTHORIZATION  
 NUMBER 2112 EXPIRES JUNE 30, 2021  
 ramseysurvey6886@gmail.com

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