

CBOA-2858

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**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 7328
CZM: 67, 66

CASE NUMBER: CBOA-2858
CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 11/17/2020 1:30 PM

APPLICANT: Karen Murphy

ACTION REQUESTED: Variance of the minimum lot area and land area per dwelling unit in the AG District (Section 330) to permit two dwelling units on one lot of record (Section 208)

LOCATION: 16920 S YALE AV E

ZONED: AG

FENCELINE: Bixby

PRESENT USE: Residential

TRACT SIZE: 2.5 acres

LEGAL DESCRIPTION: N/2 N/2 SE SE SE SEC 28 17 13 2.5AC,

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-1265 May 1994: The Board approved a Variance of the required lot width from 200' to 165' in an AG district to permit a lot split, on property located at 16920 S. Yale Ave.

Surrounding Property: None relevant

ANALYSIS OF SURROUNDING AREA: The subject tract abuts Agricultural zoning to the north, west, and south. It abuts IL zoning to the east. The surrounding properties appear to have residential uses.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance of the minimum lot area and land area per dwelling unit in the AG District (Section 330) to permit two dwelling units on one lot of record (Section 208). As shown on the attached plan, the applicant has an existing mobile home on the lot ("B") and is proposing to build a small house with an attached garage, (40' x 35') behind that existing home..

The applicant provided the following statement: *"I have an elderly mother (76 years old) who has a hard time getting around in her current home. Steps, the bathtub, and even her carpet are challenges. She has fallen several times in the last year. She has had to call the fire department several times to get help because I live in Mounds. My brother-in-law lives in the trailer on my property and would be right there to assist mom. In addition, with the new house would be built with handicap access. My mother's current home is literally falling down around her. She raised 3 children on her own. I'd like to build her a small house on my property she*

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will have a nice home for her remaining years. This is financially doable and there is family on the property to help her. Thank you for your consideration.”

Section 330, Table 3 of the Code requires a minimum lot area of 2 acres and a minimum land area per dwelling unit of 2.1 acres in the AG district. The applicant is proposing two dwelling units on the 2.5-acre subject lot. To permit two homes on the site the permitted lot area and land area per dwelling unit would be reduced to 1.25+ acres.

Section 208 of the Code states that not more than one single-family dwelling or mobile home may be constructed or otherwise placed on a lot, except in the case of a lot...in an AG district, with the exception in the AG district that there be not more than two dwellings per lot.

If inclined to approve, the Board may consider any conditions it deems necessary and reasonably related to the request to ensure that the additional dwelling is not injurious to the surrounding agricultural district.

Sample Motion:

“Move to _____ (approve/deny) Variance of the minimum lot area and land area per dwelling unit in the AG District (Section 330) to permit two dwelling units on one lot of record (Section 208).

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

FILE COPY

Case No. 1264 (continued)

Comments and Questions:

Mr. Walker asked if the property will be fenced, and the applicant stated that he has considered installing a chain link fence.

In reply to Mr. Walker, the applicant stated that there will be no outside storage on the property.

Protestants:

None.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Special Exception** to permit a mini-storage in a CS zoned district, and a variance to reduce the required setback from 100' to 75' from the centerline of South 65th West Avenue - **SECTION 710. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICT** and **SECTION 730. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 17; per plan submitted; subject to the building wall along 65th West Avenue being a solid wall, with no entrance from the east side or 65th West Avenue; subject to no outside storage or parking of vehicles in the development area; finding that approval of the request will not be detrimental to the neighborhood or violate the spirit and intent of the Code; on the following described property:

Lot 1, Block 1, Country Corner Center, Tulsa County, Oklahoma.

Case No. 1265

Action Requested:

Variance of the required lot width from 200' to 165' to permit a lot split - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT** - Use Unit 6, located 16920 South Yale Avenue.

Presentation:

The applicant, **Larry Lewis**, 12401 5th Street, Jenks, Oklahoma, was represented by John Hubbard, 4306 East 64th Place, who informed that the subject tract is to be sold and does not have the required lot width. He stated that the lot is a part of family property that has all been disposed of, except for the subject tract.

Comments and Questions:

Mr. Walker noted that there are other tracts in the area that have similar lot widths, and some have less.

Protestants:

None.

Case No. 1265 (continued)

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Variance** of the required lot width from 200' to 165' to permit a lot split - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT** - Use Unit 6; per survey submitted; finding that there are lots in the area that are more narrow than the lot in question; and that approval of the request will not be detrimental to the area or violate the spirit and intent of the Code; on the following described property:

S/2, NE/4, SE/4, SE/4 and N/2, N/2, SE/4, SE/4, Section 28, T-18-N, R-13-E, Tulsa County, Oklahoma.

Case No. 1266

Action Requested:

Special Exception to permit a single-family dwelling in an RMH zoned district - **SECTION 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located between 137th Street North and 136th Place North and between 2nd and 3rd Streets.

Presentation:

The applicant, **Tommy Beeson**, P. O. Box 480, Collinsville, Oklahoma, stated that he is proposing to sell the property and the buyer is requesting that a single-family dwelling be permitted.

Protestants:

None.

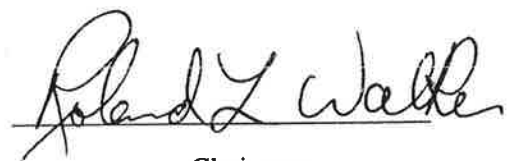
Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Special Exception** to permit a single-family dwelling in an RMH zoned district - **SECTION 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; finding that the property is zoned for mobile home use and the construction of a single-family dwelling will not be detrimental, to the area; on the following described property:

All of Block 11, Industrial Heights, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 2:27 p.m.

Date Approved 6-21-94



Chairman



E 171st ST S

S YALE AVE



Subject Tract

CBOA-2858

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

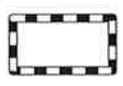
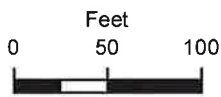
Aerial Photo Date: February 2018



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S YALE AVE



Subject Tract

CBOA-2858

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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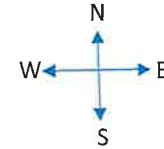
16920 S. Yale Bixby OK 74008

← Yale

↑
171 st

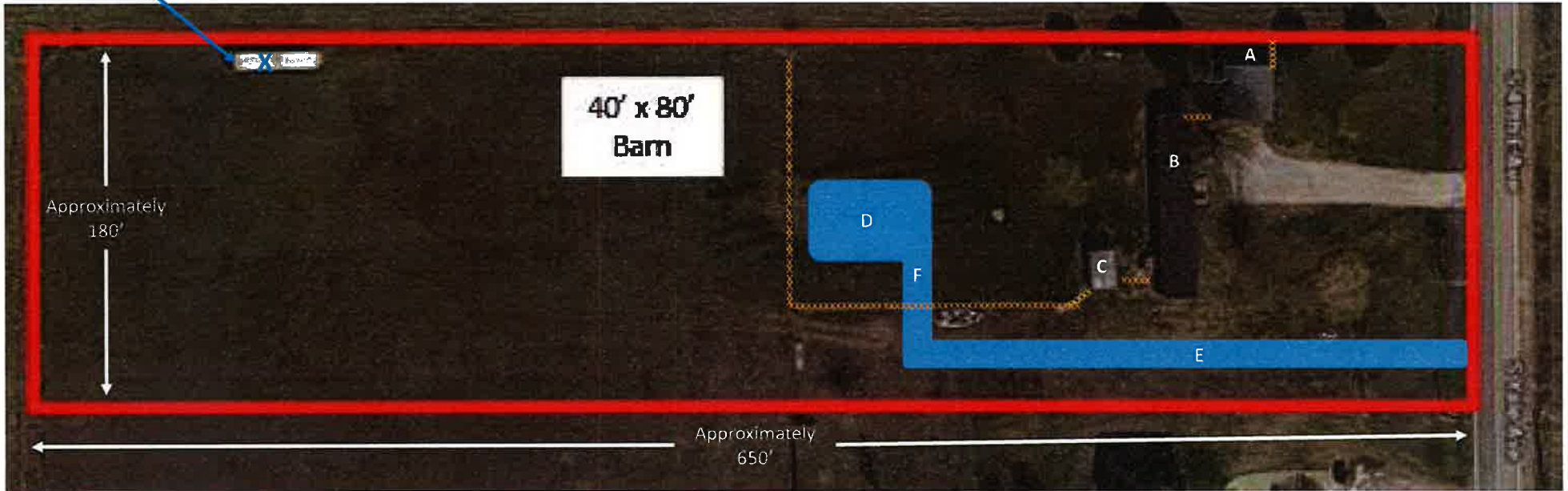
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16920 S. Yale Bixby Ok 74008 – Owner Karen Murphy



North property line is fenced with hog wire and barbwire
 xxxxxx Identifies current chain link fence (some will be removed for the build)

Shipping container is gone



Existing Structures:

- A – 2 Car Garage 24' x 24'
- B – Mobile Home 16' x 84'
- C – Shed 12' x 14'
- Barn 40' x 80'

Proposed Structures:

- (Currently the specific dimensions are unknown but I am submitting estimates)
- D – Small house with attached garage 40' x 35'
- E – Gravel Driveway 12' x 300'
- F – Concrete Driveway 12' x 20'

Approximate distance between structures:

- A & B 10'
- Barn & North Fence 20'
- B & C 15'
- Barn & D 35'
- B & D 125'
- A & North Fence 10'
- C & D 35'
- B & North Fence 35'
- D & North Fence 75'

The mobile home and new home would have to be put on aerobic systems because the house would be built where the lateral lines currently are.

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