TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 1315
CZM: 11

CASE NUMBER: CBOA-2871
CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 01/19/2021 1:30 PM

APPLICANT: Peggy Warren

ACTION REQUESTED: Variance of the minimum lot area and the land area per dwelling unit in the AG district to permit two dwellings on one lot (Sec. 330 Table 3).

LOCATION: 5603 E 96 ST N
ZONED: AG

FENCeline: N. Tulsa County

PRESENT USE: Agriculture
TRACT SIZE: 3.03 acres

LEGAL DESCRIPTION: S660 W200 E400 SE SW SEC 15 21 13 3.03ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property: None relevant

Surrounding Property:

CBOA-1119 October 1992: The Board approved a Variance of the required lot area from 2 acres to 1.25 acres and a variance of the land area from 2.2 acres to 1.25 acres to permit a lot split, on property located on the southside of East 96th Street North and west of North Sheridan Road.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts AG zoning to the west, north, and east. It abuts RE zoning to the south. Surrounding properties appear to be mainly residential in nature with some agricultural/vacant uses in the area.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance of the minimum lot area and the land area per dwelling unit in the AG district to permit two dwellings on one lot (Sec. 330 Table 3). As shown on the attached plan, the applicant has an existing home on the lot and is proposing to add a double-wide manufactured home, (28' x 60') behind that existing home..

The applicant provided the following statement: “I have purchased the property with a reverse mortgage. I am 71 years old with an enlarged aorta and I would be more secure if my granddaughter and family, as caretakers, live near me. My husband died 03/12/2019. There are trees around double-wide and is 100' behind my house.”

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 3.03-acre subject lot. To permit two homes on the site the permitted lot area and land area per dwelling unit would be reduced to 1.52+ 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 the land area per dwelling unit in the AG district to permit two dwellings on one lot (Sec. 330 Table 3).

- 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”
Case No. 1118

Action Requested:
Variance of the required 30’ of frontage on a public street or dedicated right-of-way to permit a lot split - SECTION 207. STREET FRONTAGE REQUIRED - Use Unit 6, located NW/c 41st St. and 257th W. Ave.

Presentation:
The applicant, Mike Mason, was not present.

Protestants: None.

Board Action:
On MOTION of LOONEY, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no, "nays"; no, "abstentions"; none, "absent") to CONTINUE Case No. 1118 to the December 15, 1992 meeting.

Case No. 1119

Action Requested:
Variance of the required lot area from 2 acres to 1.25 acres and for a variance of the land area from 2.2 acres to 1.25 acres - SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT - Use Unit 6, located S. side of 96th St. N. and W. of Sheridan.

Presentation:
The applicant, Peggy Robinson, was represented by her daughter, Mary Lou Robinson. She informed her mother owns 20 acres, and they would like to split off 1 1/4 acres and have it on a separate deed in her name.

Protestants: None.

Comments and Questions:
Mr. Alberty asked why they did not wish to split off the required 2.2 acres, and Ms. Robinson informed there is a trailer on the east side of the property which has a lagoon system. If they made the property any larger, it would take in the lagoon area. She has had a perc test which indicated the lot would only have to be 1.25 acres. She informed they cannot make the lots any wider because they are required to have 200 feet of frontage for each of the dwellings on the lot. They are trying to avoid building a home with somebody else’s septic system on the property.

Mr. Alberty asked if her hardship is that in order to comply with the ordinance it would involve another septic system which is already in existence, and Ms. Robinson informed that is correct.
Case No. 1119 (continued)

Mr. Jones informed that a lot split has been filed on this tract and the Technical Advisory Committee has recommended approval. If the Board is inclined to approve this case, approval needs to be subject to the Planning Commission approval of the filed lot split.

Board Action:

On MOTION of LOONEY, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no, "nays"; no, "abstentions"; none, "absent") to APPROVE a Variance of the required lot area from 2 acres to 1.25 acres and for a variance of the land area from 2.2 acres to 1.25 acres - SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT - Use Unit 6; subject to TMAPC lot split approval; subject to Health Department approval; finding the applicant cannot meet the lot area requirement, due to the location of a lagoon system which would prohibit an extension of the property to the rear and at the same time meet the 200' frontage requirement; on the following described property:

A tract of land containing a part of the W/2 of the NW/4 of the NE/4 of Section 22, T-21-N, R-13-E of the IBM, Tulsa County, Oklahoma, being further described as follows: Commencing at the NW/c of said W/2 of NW/4 of NE/4, thence East, along the north line thereof, a distance of 200 feet to true point of beginning, thence south a distance of 272.25 feet, thence east a distance of 200.00 feet, thence north a distance of 272.25 feet to the north line of said W/2 of NW/4 of NE/4, thence west, along said north line, a distance of 200.00 feet to the point of beginning, containing 1.25 acres more or less.

Case No. 1120

Action Requested:

Variance of the required lot width from 200' to 150' - SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS - Use Unit 6.

Variance of the required street frontage from 30' to 20' - SECTION 207. STREET FRONTAGE REQUIRED - Use Unit 6, located E. of the SE/c of 177 W. Ave. and Wekiwa.
Subject Tract

CBOA-2871

21-13 15

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

Aerial Photo Date: February 2018
Note: Graphic overlays may not precisely align with physical features on the ground.
Looking north from E. 96th St. N. toward proposed site of 2nd dwelling unit

Looking north from the northeast corner of E. 96th St. N. & N. Hudson Ave.
Looking east from the northeast corner of E. 96th St. N. & N. Hudson Ave.

Looking west from the northeast corner of E. 96th St. N. & N. Hudson Ave.
INDIVIDUAL SEWAGE DISPOSAL SYSTEM INSPECTION REPORT

Name of Owner: Dale Roden

Property Address: Rt. 1 Box 620, Sperry, OK 74073, Tulsa, Oklahoma

Legal Location: S. 600 W. 200, E. 400' Self Suff, Sec. 15, T-21-13

Finding Location: 5603 E. 96th St. N. (blocks or miles from given point)

TYPE ESTABLISHMENT: X Living unit

SEPTIC TANK: X Precast

Location: Distance from well 15 ft., Foundation 8 ft., Lot line 80 ft., Waterline 12

Design: X Rectangular

Baffles: X Vertical tee fittings

TILE ABSORPTION FIELD:

Percolation Test Results: Number minutes 41 per one inch drop.

Performed by: Leonard Halsey Title R.S. #44

Type soil: X Loam


Number of absorption lines 4

Trench width: 36" Depth of Absorption Line from finished grade 12-15"

Filter material: X Gravel (1/4 inch min.)

Depth filter material under tile 3 In.

RESIDENTIAL LAGOON:

Location: Property line 12 ft., Well 12 ft., Waterline 60 ft., Buildings 12 ft.

Dikes: Top width 6 ft., Depth 6 ft., Slope: 1:1 vertical, St. horizontal

Other secondary treatment

NOTE: Sketch layout of system on reverse side of this form. Installed by Ed. Halsey

REMARKS: Permit #7263, Halsey Septic Tank

INSPECTION MADE BY:

This on-site sewage disposal system has been constructed in compliance with the requirements of the State Board of Health.

Date of Inspection 4-8-92

SIGNED: O. W. Halsey

TITLE OF OFFICIAL R.S. #524

ODH Form No. 576
I have examined the above results of the percolation tests and other information developed in connection with this area. All construction shall be in accordance with ODH Bulletin No. 600 and/or ODH Bulletin No. 0587. It is my opinion that the tract described is

- Suitable for use of individual septic tank, liquid capacity of **1000** gallons with **600** feet of subsurface absorption system.
- Suitable for use of individual septic tank, liquid capacity of **_____** gallons with a residential lagoon **_____** feet by **_____** feet at bottom dimensions.
- Unsuitable for use of individual sewage system.
- Unable to approve for certificate because form is incomplete. The following items need to be included before determination is possible.

**Remarks:** Houses in this area have performed satisfactorily with **600** of **X** laterals. Contractor expresses desire to install **600** even though test indicate less.

**Note:** The design, construction and installation of each system shall be based upon specific conditions affecting each building lot. Lot plans showing layout of sewage system shall be reviewed and approved by the local health authority prior to start of construction.

To my knowledge the information presented on this document is true and accurate.

**Signature:**

**Address:**

12/12/2020 12:07 PM
### Property Search

#### Disclaimer

The Tulsa County Assessor's Office has made every effort to insure the accuracy of the data contained on this web site; however, this material may be slightly dated which could have an impact on its accuracy.

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<td><strong>Parcel #</strong></td>
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<td><strong>Owner name</strong></td>
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<td><strong>Last year's taxes</strong></td>
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<td>Improvements value</td>
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<td><strong>Homestead</strong></td>
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<td><strong>County Government</strong></td>
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HVAC

Exterior Roof

1970
2.0

Bldg Baths Year built

Sidings/ Bricks/ Stone Veneer

Composition Shingles

Cool Air in Heat Ducts

Sales/Documents

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<th>Grantor</th>
<th>Grantee</th>
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Images

† Square footage and acreage values included in this record are approximations. They may not reflect what a licensed surveyor would determine by performing a formal survey. They are for tax purposes only and are not intended for use in making conveyances or for preparing legal descriptions of properties.

Click to view this area on the Google Maps web page in a new window

John A. Wright – Tulsa County Assessor
Tulsa County Administration Building, Room 215 | 500 S. Denver | Tulsa, OK 74103
Phone: (918) 596-5100 | Fax: (918) 596-4799 | Email: assessor@tulsacounty.org
Office hours: 8:00–5:00 Monday–Friday (excluding holidays)
A New driveway - 230°
B Fence to Double wide - 50°
C Double wide - 60’ x 28’
D Double wide to fence 89°
E East fence to Double wide NE
F Double wide to W fence 48°
G House 2000 sq ft
H Arabic sprinklers will be in field, west of Double wide