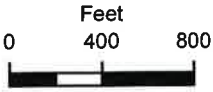


**CBOA-2909**

10.1



17-14 25



**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 7425

**CASE NUMBER:** CBOA-2909

**CZM:** 69

**CASE REPORT PREPARED BY:** Robi Jones

**HEARING DATE:** 08/17/2021 1:30 PM

**APPLICANT:** JR Donelson

**ACTION REQUESTED:** Variance of the minimum land area per dwelling unit requirement from 2.1 acres and minimum lot area requirement from 2 acres in the AG district (Tracts A and B); and a Variance from the minimum lot width requirement from 150' to 147' (Tracts A and B) in an AG district to permit a lot split (Sec. 330, Table 3).

**LOCATION:** 16333 S 185 AV E

**ZONED:** AG

**FENCELINE:** Bixby

**PRESENT USE:** AG

**TRACT SIZE:** 4.01 acres

**LEGAL DESCRIPTION:** N294 GOV 4 SEC 25 17 14 4.015AC,

**RELEVANT PREVIOUS ACTIONS:** None Relevant

**ANALYSIS OF SURROUNDING AREA:** The subject tract is surrounded by AG zoning, and it borders the Arkansas River to the east. Surrounding uses appear to be agricultural with some residential.

**STAFF COMMENTS:**

The applicant is before the Board to request Variance of the minimum land area per dwelling unit requirement from 2.1 acres and minimum lot area requirement from 2 acres in the AG district (Tracts A and B); and a Variance from the minimum lot width requirement from 150' to 147' (Tracts A and B) in an AG district to permit a lot split (Sec. 330, Table 3).

The AG district (Section 330, Table 3) 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.

The applicant provided the following statement:

*"The hardship is the width of the property after a lot split would be 147 feet, less than the County Agriculture zoned property width of 150 feet; and a parcel being created less than 2.0 acres.*

*This property is located in the southeast portion of Tulsa County and is used for agriculture purposes. The desire is to obtain a lot split on the property and sell the north half of the property with the existing barn to a sod company. The sod company wishes to use the property to park its equipment in the barn. The width of the property for both parcels would be 147 feet, if the lot split is approved. The minimum width for the 'AG' zoning is 150 feet. The Arkansas River abuts this tract of land to the east. The east boundary of the*

10.2

*Government Lot 4 is a Meander line. Splitting the property into two parcels would create a north parcel being 1.91 acres and a south parcel being 2.105, with the recorded Meander Line. The 1.91-acre north parcel would be less than the 2.0 acres required in Tulsa County for 'AG' zoned property.*

*The Arkansas River Meander line to the east can and does change. Therefore, the total property at times could exceed the 4.015 acres as listed by the Tulsa County Assessor, making the north parcel equal to or greater than 2.0 acres."*

As shown on the submitted survey and figures describing the lot sizes after the required dedication of right-of-way, the proposed lot split will create two lots. Tract B will be 1.91 acres and the proposed lot width is 147 ft.; Tract C will be 2.1 acres and the proposed lot width is 147 ft. With an approved lot split, the applicant may be required to dedicate right-of-way which would leave the tract sizes slightly smaller, so relief is required from the County Board of Adjustment.

The applicant has also requested variance of the minimum lot width from 150 ft. to 147 feet on both tracts.

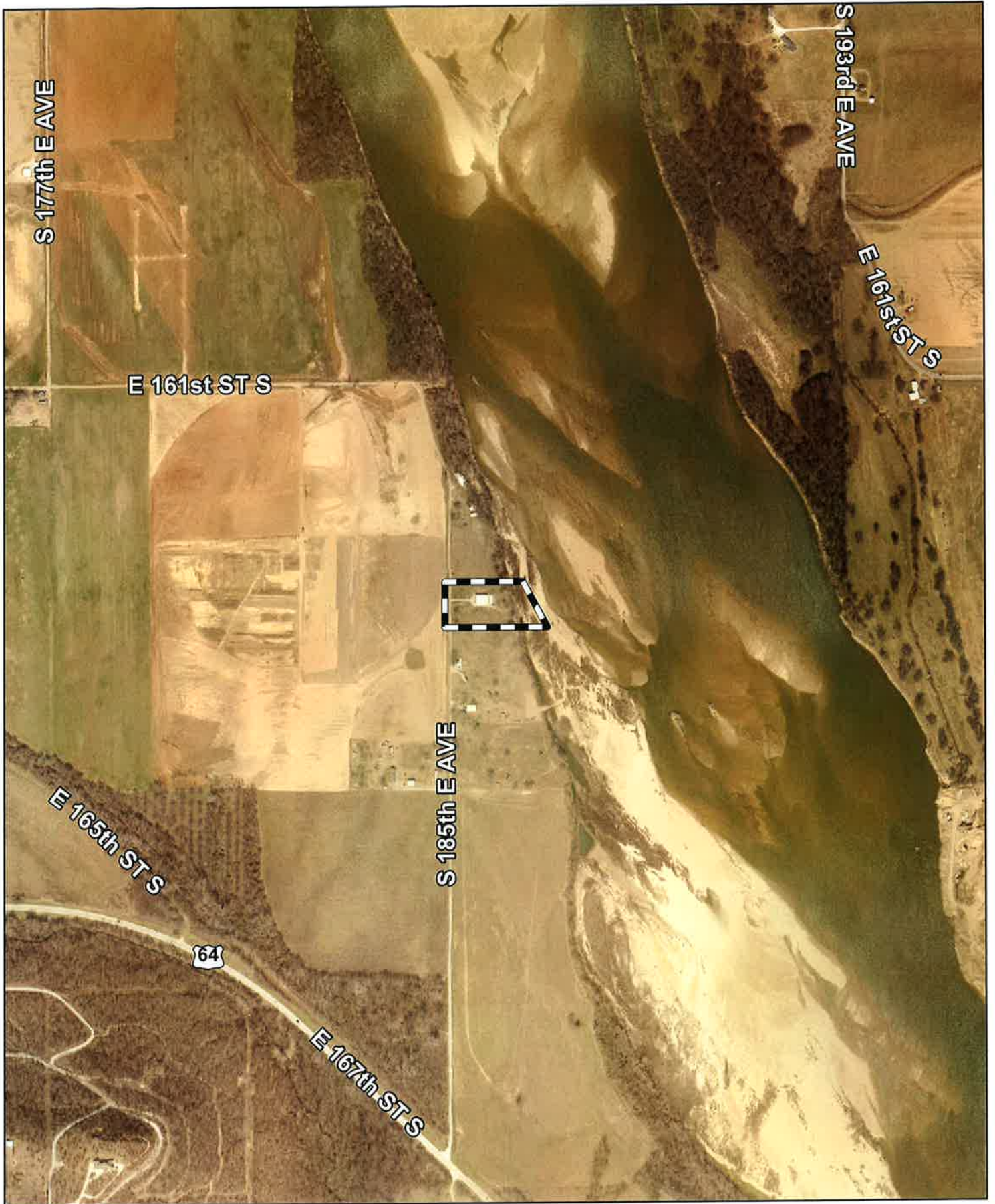
**Sample Motion:**

**"Move to \_\_\_\_\_ (approve/deny) a Variance of the minimum land area per dwelling unit requirement from 2.1 acres and minimum lot area requirement from 2 acres in the AG district (Tracts A and B); and a Variance from the minimum lot width requirement from 150' to 147' (Tracts A and B) in an AG district to permit a lot split (Sec. 330, Table 3).**

- Finding the hardship(s) to be\_\_\_\_\_.
- Subject to the following conditions (if any) \_\_\_\_\_.

***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-2909**

17-14 25

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

Aerial Photo Date: 2020/2021



10.4



S 185th E AVE



0 Feet 50 100

 Subject Tract

**CBOA-2909**

17-14 25

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

Aerial Photo Date: 2020/2021



10.5

EXHIBIT A

LOT SPLIT PLAT  
PARENT TRACT A



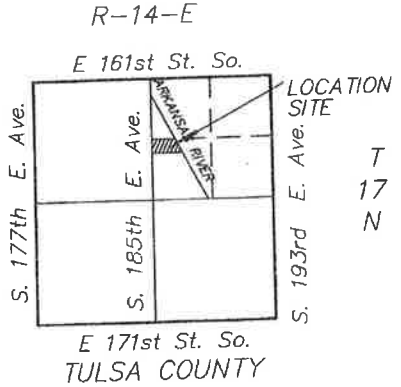
NO SCALE

OWNER:

MARTHA J. & DANIELS J. VASICEK

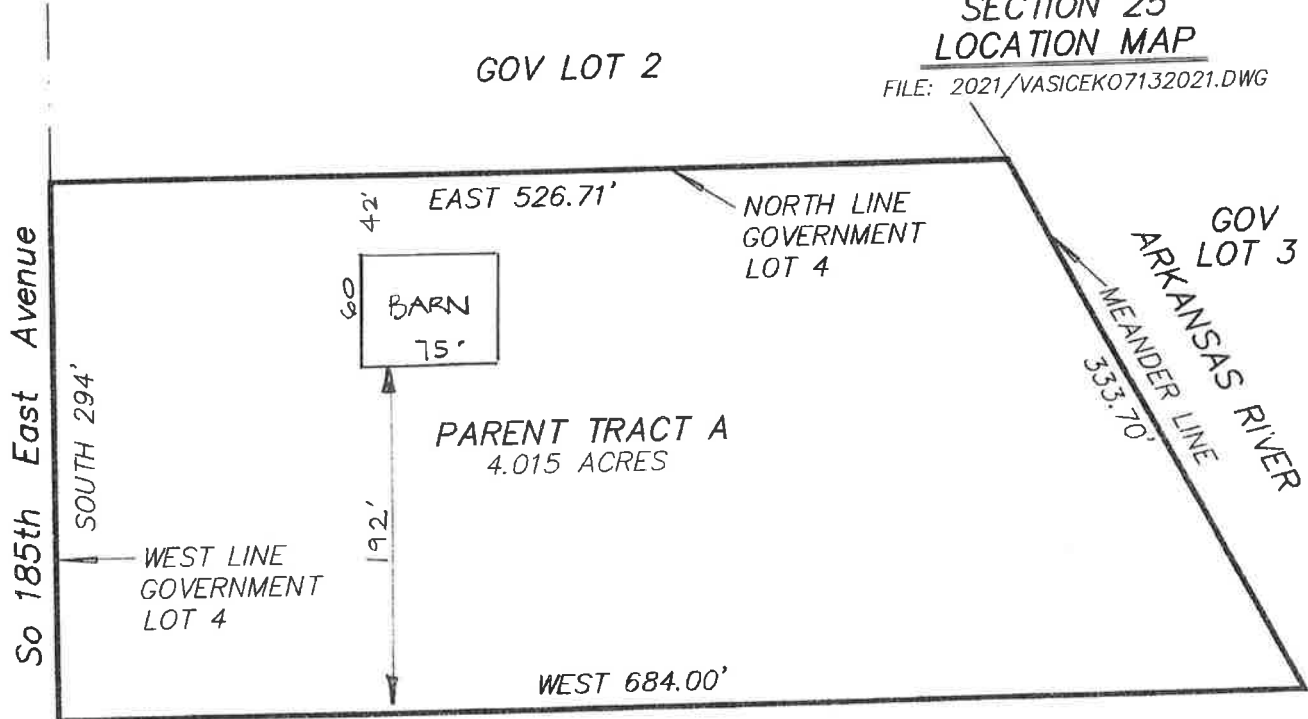
SITE ADDRESS:

16333 SO. 185TH E AVE  
BIXBY, OKLAHOMA 74008



SECTION 25  
LOCATION MAP

FILE: 2021/VASICEK07132021.DWG



LEGAL DESCRIPTION  
PARENT TRACT A

THE NORTH 294.00 FEET OF GOVERNMENT LOT 4, LOCATED IN SECTION 25, T-17-N, R-14-E, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, CONTAINING 4.015 ACRES, MORE OR LESS.

I, CHARLES K. HOWARD CERTIFY THAT THE ABOVE PLAT OF SURVEY FOR A LOT SPLIT CLOSES IN ACCORD WITH EXISTING RECORDS AND IS A TRUE REPRESENTATION OF THE REAL PROPERTY AS DESCRIBED.

*Charles K. Howard*

CHARLES K. HOWARD  
PLS 297 C.A. NO. 5611 EXP.DATE: 6/30/23

7/15/21  
DATE



**EXHIBIT B**

**LOT SPLIT PLAT  
TRACT B**

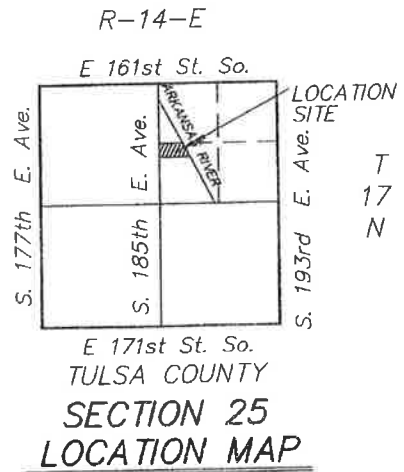


NO SCALE

**OWNER:**

MARTHA J. & DANIELS J. VASICEK

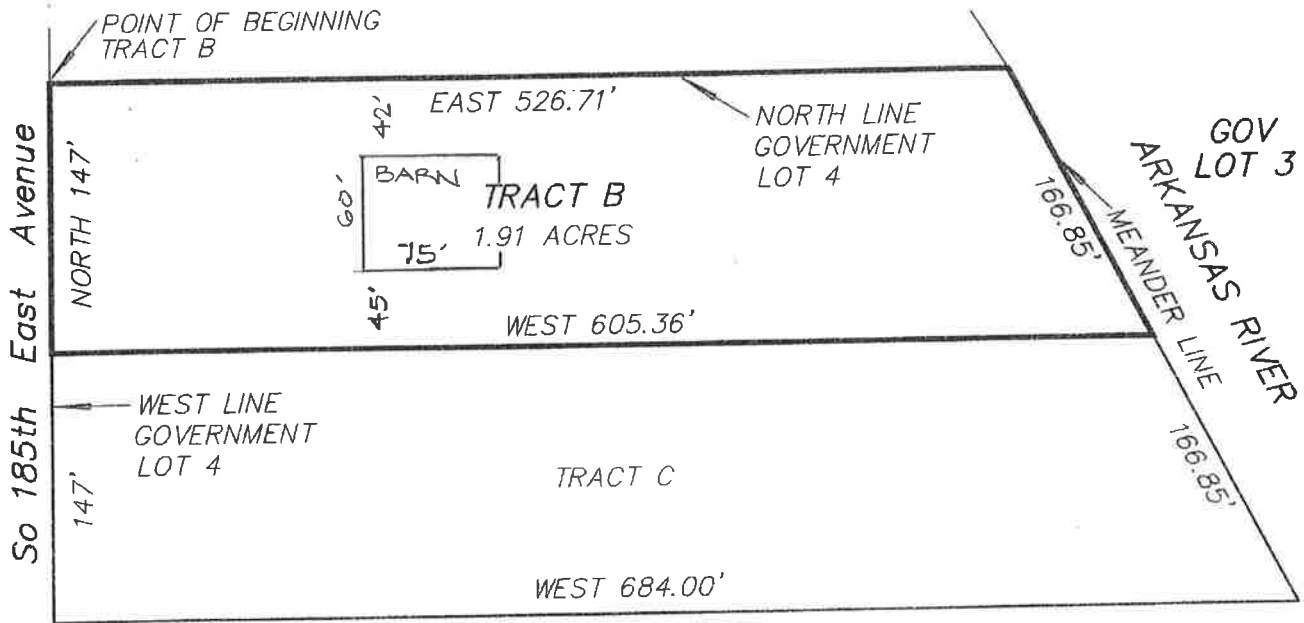
SITE ADDRESS:  
16333 SO. 185TH E AVE  
BIXBY, OKLAHOMA 74008



FILE: 2021/VASICEKO7132021.DWG

**LEGEND**  
GOV GOVERNMENT

**GOV LOT 2**



**LEGAL DESCRIPTION  
TRACT B**

THE NORTH 147.00 FEET OF THE FOLLOWING TRACT OF LAND;

THE NORTH 294.00 FEET OF GOVERNMENT LOT 4, LOCATED IN SECTION 25, T-17-N, R-14-E, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED, AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE ABOVE DESCRIBED PROPERTY; THENCE EAST A DISTANCE OF 526.71 FEET; THENCE SOUTHEAST A DISTANCE OF 166.85 FEET; THENCE WEST A DISTANCE OF 605.36 FEET TO A POINT ON THE WEST LINE OF SAID GOVERNMENT LOT 4; THENCE NORTH AND ALONG THE WEST LINE OF SAID GOVERNMENT LOT 4 A DISTANCE OF 147.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.91 ACRES, MORE OR LESS.

I, CHARLES K. HOWARD CERTIFY THAT THE ABOVE PLAT OF SURVEY FOR A LOT SPLIT CLOSES IN ACCORD WITH EXISTING RECORDS AND IS A TRUE REPRESENTATION OF THE REAL PROPERTY AS DESCRIBED.

*Charles K. Howard*

CHARLES K. HOWARD  
PLS 297 C.A. NO. 5611 EXP. DATE: 6/30/23

7/15/21  
DATE



**EXHIBIT C**

**LOT SPLIT PLAT  
TRACT C**

**OWNER:**

MARTHA J. & DANIELS J. VASICEK

**SITE ADDRESS:**

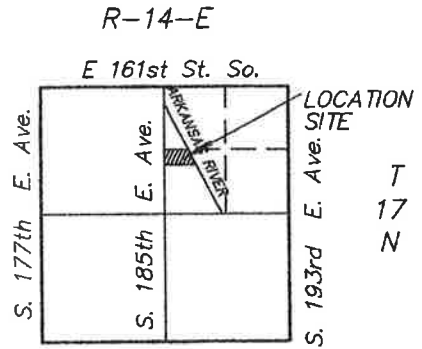
16333 SO. 185TH E AVE  
BIXBY, OKLAHOMA 74008



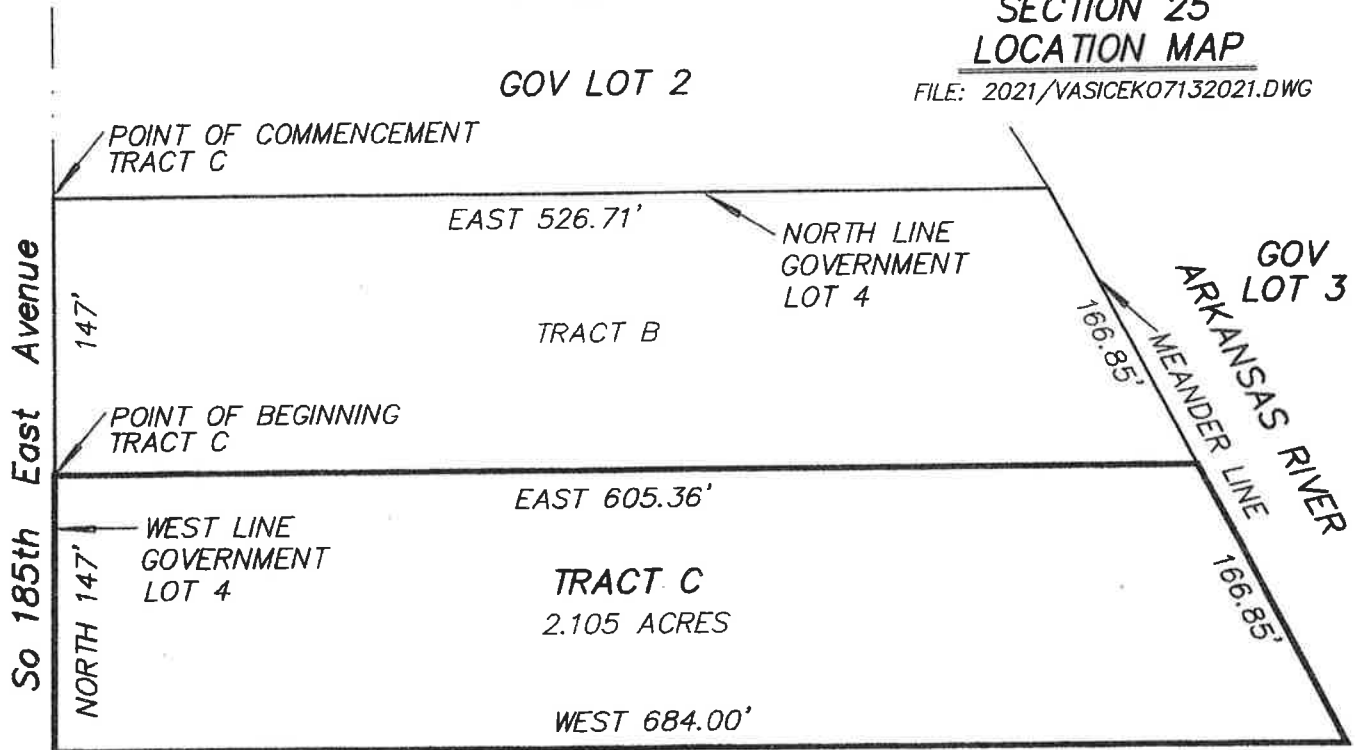
NO SCALE

LEGEND

GOV GOVERNMENT



E 171st St. So.  
TULSA COUNTY  
**SECTION 25**  
**LOCATION MAP**  
FILE: 2021/VASICEK07132021.DWG



**LEGAL DESCRIPTION  
TRACT C**

THE SOUTH 147.00 FEET OF THE FOLLOWING TRACT OF LAND;

THE NORTH 294.00 FEET OF GOVERNMENT LOT 4, LOCATED IN SECTION 25, T-17-N, R-14-E, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE ABOVE DESCRIBED PROPERTY; THENCE SOUTH ALONG THE WEST LINE OF GOVERNMENT LOT 4, A DISTANCE OF 147.00 FEET TO THE POINT OF BEGINNING; THENCE EAST A DISTANCE OF 605.36 FEET; THENCE SOUTHEAST A DISTANCE OF 166.85 FEET; THENCE WEST A DISTANCE OF 684.00 FEET TO A POINT ON THE WEST LINE OF GOVERNMENT LOT 4; THENCE NORTH AND ALONG THE WEST LINE OF GOVERNMENT LOT 4, A DISTANCE OF 147.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.105 ACRES, MORE OR LESS.

I, CHARLES K. HOWARD CERTIFY THAT THE ABOVE PLAT OF SURVEY FOR A LOT SPLIT CLOSES IN ACCORD WITH EXISTING RECORDS AND IS A TRUE REPRESENTATION OF THE REAL PROPERTY AS DESCRIBED.

*Charles K. Howard*

CHARLES K. HOWARD  
PLS 297 C.A. NO. 5611 EXP. DATE: 6/30/23

7/15/21

DATE

