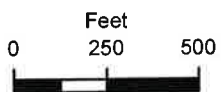


**CBOA-2920**

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19-10 12



**TULSA COUNTY BOARD OF ADJUSTMENT  
CASE REPORT**

**TRS:** 9012

**CASE NUMBER:** CBOA-2920

**CZM:** 33

**CASE REPORT PREPARED BY:** Robi Jones

**HEARING DATE:** 09/21/2021 1:30 PM

**APPLICANT:** William D. and Barb McCalip

**ACTION REQUESTED:** Variance of the minimum land area per dwelling unit from 2.1 acres in the AG district to permit a lot line adjustment (Tract B); Variance of the minimum lot area from 2 acres in the AG district to permit a lot line adjustment (Tracts B & C); Variance of the minimum lot width from 150' in the AG district to permit a lot line adjustment (Tracts B & C); Variance of the rear and side setbacks in the AG district to permit a lot line adjustment (Tract B) (Section 330- Table 3).

**LOCATION:** 18715 and 18707 W 51 HY S

**ZONED:** AG

**AREA:** Keystone

**PRESENT USE:** Residential

**TRACT SIZE:** 2.14 acres

**LEGAL DESCRIPTION:** BEG 696.57W & 45.39N OF NEC SE SW TH SW140 S170 SE196.7 SW15 NW196.7 N170 SW96.7 N154 NE270.33 S235 TO POB SEC 12 19 10 1.243; BEG 696.57W & 289.61S NEC SE SW TH SW115 ALONG HWY 51 TO POB TH SW155.33 N416 NE96.7 S170 SE196.7 TO POB SEC 12 19 10 .902AC,

**RELEVANT PREVIOUS ACTIONS:**

Subject Property:

**CBOA-342 April 1983:** The Board approved a Variance of the frontage requirement from 200' to 100' and a variance of the minimum lot size of 2 acres to 1.75 acres and a Variance of the 30' minimum of frontage on a public street requirement to 15' instead on 0' to permit a lot split, on property located north of Highway 51, between 177<sup>th</sup> West Avenue and 193<sup>rd</sup> West Avenue.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is surrounded by agricultural property. The surrounding uses are a mix of agricultural and residential.

**STAFF COMMENTS:**

The applicant is before the Board to request a Variance of the minimum land area per dwelling unit from 2.1 acres in the AG district to permit a lot line adjustment (Tract B); Variance of the minimum lot area from 2 acres in the AG district to permit a lot line adjustment (Tracts B & C); Variance of the minimum lot width from 150' in the AG district to permit a lot line adjustment (Tracts B & C); Variance of the rear and side setbacks in the AG district to permit a lot line adjustment (Tract B) (Section 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.

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The applicant provided the following statement: *“There is an established driveway and water line running just inside the fence on the west property line of tract B and C that would have to be relocated without the lot line adjustment. The intent is to move the property lines back to where we assumed they always were.”*

As shown on the submitted survey:

Tract B will have a lot size of 1.2 acres and Tract C will have a lot size of .85 acres after the proposed lot split. Therefore, the applicant has requested Variance of the minimum lot area from 2 acres in the AG district to permit a lot line adjustment (Tracts B & C);

Tract B will have a Land Area per Dwelling Unit of 1.2 acres and Tract C will have a Land Area per Dwelling Unit of .94 acres after the proposed lot split. Therefore, the applicant has requested a Variance of the minimum land area per dwelling unit from 2.1 acres in the AG district to permit a lot line adjustment (Tract B). There is not a house on Tract C so the request was not made for that tract;

Tract B will have an average lot width of 81 feet and Tract C will have an average lot width of 90 feet. Therefore, the applicant has requested a Variance of the minimum lot width from 150' in the AG district to permit a lot line adjustment (Tracts B & C);

Tract C has two buildings on it that need relief from the setbacks. The required side yard setback in an agricultural district is 15 feet and the required rear yard setback is 40 feet. Therefore, the applicant has requested a Variance of the rear and side setbacks in the AG district to permit a lot line adjustment (Tract B).

**Sample Motion:**

*“Move to \_\_\_\_\_ (approve/deny) a Variance of the minimum land area per dwelling unit from 2.1 acres in the AG district to permit a lot line adjustment (Tract B); Variance of the minimum lot area from 2 acres in the AG district to permit a lot line adjustment (Tracts B & C); Variance of the minimum lot width from 150' in the AG district to permit a lot line adjustment (Tracts B & C); Variance of the rear and side setbacks in the AG district to permit a lot line adjustment (Tract B) (Section 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.”*

Case No. 339 (continued)

Commencing at the NE corner of the NE/4 of said Section 12; thence South 0°-00'-01" East along the East Section Line of Said Section 12, a distance of 534.63 feet to the point of beginning; thence South 89°-45'-56" West a distance of 325.52 feet; thence South 0°-00'-01" East a distance of 158.11 feet; thence North 89°-45'-56" East a distance of 325.52 feet; thence North 0°-00'-01" West a distance of 158.11 feet to the point of beginning.

This described tract of land contains 1.00 acre, more or less.

A tract of land in the NE/4 of the NE/4 of Section 12, Township 17 North, Range 12 East, Tulsa County, Oklahoma, and being more particularly described as follows:

Commencing at the NE corner of the NE/4 of said Section 12; thence South 0°-00'-01" East, along the East Section Line of said Section 12, a distance of 692.74 feet to the point of beginning; thence South 89°-45'-56" West a distance of 527.99 feet; thence South 0°-00'-01" East a distance 188.11 feet; thence North 89°-45'-56" East a distance of 251.62 feet; thence North 0°-00'-01" West a distance of 158.11 feet; thence North 89°-45'-56" East a distance of 276.37 feet; thence North 0°-00'-01" West a distance of 30 feet to the point of beginning.

This described tract of land contains 1.00 acre, more or less.

Case No. 342

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in the Agriculture Districts - Request for a variance of the frontage requirement from 200' to 100' and a variance of the minimum lot size of 2 acres and 1-3/4ths acres; and a  
Variance - Section 207 - Street Frontage Required - Request for a variance of the 30' minimum of frontage on a public street requirements to 0' to permit a lot split. This property is located north of Highway #51, between 177th West Avenue and 193rd West Avenue.

Presentation:

Betty Harp, 6727 East Oklahoma Place, was present and requested the application be approved to permit a lot split and to allow a mobile home on the new lot. An easement for a roadway and a utility easement was provided for, but it was not written in the deed. Mrs. Harp advised that she has since signed an agreement to put the condition for a 15' utility and roadway easement into the deed.

Protestants: None.

Board Comments:

Chairman Walker advised the Planning Commission approved the lot split subject to approval by this Board, approval of the Health Department and subject to the access handle to the highway (minimum of 15') with utility easement.

4.15.83:32(2)

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Case No. 342 (continued)

Mr. Alberty asked if there would be a home on the north portion of the property and Mrs. Harp answered in the affirmative and advised that there will be three (3) dwellings on the property in question.

Board Action:

On MOTION of MARTIN and SECOND by ALBERTY, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines, "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in the Agriculture Districts) of the frontage requirement from 200' to 100' and a variance of the minimum lot size of 2 acres to 1-3/4th acre; and a Variance (Section 207 - Street Frontage Required) of the 30' minimum of frontage on a public street requirement to 15' instead of 0' to permit a lot split (L-15741), subject to Tulsa City-County Health Department approval, on the following described property:

A tract of ground situated in the E/2 of the SW/4 of Section 12, Township 19 North, Range 10 East, being more particularly described as: BEGINNING at a point on the Northerly property line of O.S.H. #51 said point being 696.57 feet West and 289.61 feet South of the Northeast Corner of the SE/4 of the SW/4 of Section 12; thence South 67°-38'-06" West along the Northerly right-of-way line of Highway #51 a distance of 100 feet to the Point of Beginning; thence South 67°-38'-06" West a distance of 170.33 feet to a point; thence North a distance of 460 feet to a point; thence East a distance of 110 feet to a point; thence South a distance of 170 feet to a point; thence Southeasterly on a straight line to the POINT OF BEGINNING; reserving to the grantors a 20-foot Roadway Easement along the Easterly boundary, Tulsa County, Oklahoma.

Case No. 343

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in the Agriculture Districts - Request for a Variance of the lot area from two acres to 1-1/2 acre to permit a lot split. This property is located North of 211th Street on Lewis Avenue.

Presentation:

The applicant, Darrell Williams, was not present.

Ricky Jones advised that the Planning Commission approved the lot split on April 6, 1983, subject to this Board's approval and the Health Department approval. The variance request is minor in nature.

Protestants: None.

Board Action:

On MOTION of MARTIN and SECOND by ALBERTY, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines, "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in the Agriculture Districts) of the lot area from two acres to 1-1/2 acre to permit a lot split (L-15742), subject to Tulsa City-County Health Department, on the following described property:

The NE/4 of the SE/4, less a 2-acre tract beginning at a point located at the SE corner of the NE/4 of the SE/4;

4.15.83:32(3)

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S 193rd W AVE

OLD STATE HIGHWAY 51

51

51



Subject Tract

**CBOA-2920**

19-10 12

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

Aerial Photo Date: 2020/2021



10.6



Subject Tract

**CBOA-2920**

19-10 12

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

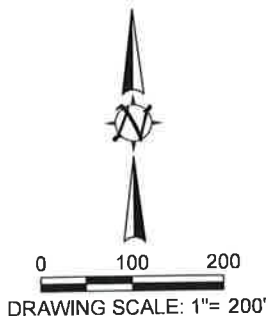
Aerial Photo Date: 2020/2021



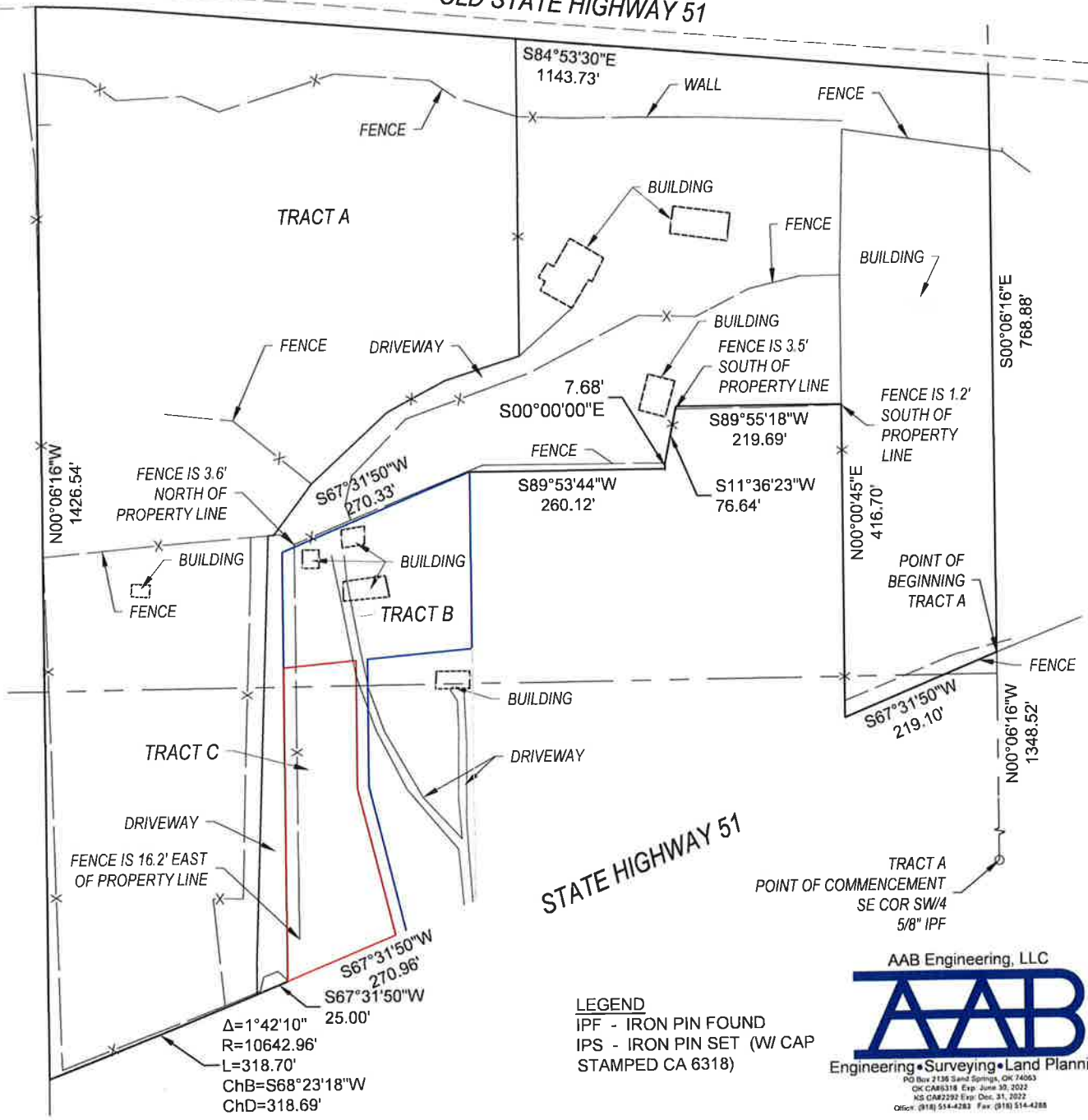
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# Existing Lot Configuration

PAGE 1 OF 3



OLD STATE HIGHWAY 51



PLOT DATE: Mon, 16 Aug 2021 FILE: P:\1910112-MCCALIP TRACTS HIGHWAY 51 WEST SURVEY\1910-12.MCCALIP-HARP.LLA SURVEY BASE

**LEGEND**  
 IPF - IRON PIN FOUND  
 IPS - IRON PIN SET (W/ CAP  
 STAMPED CA 6318)

AAB Engineering, LLC

Engineering • Surveying • Land Planning

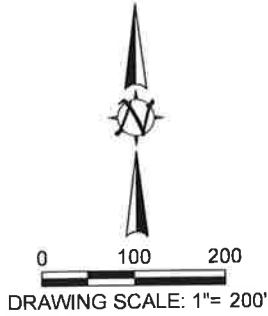
PO Box 2158 Sand Springs, OK 74063  
 OK CAR#318 Exp. June 30, 2022  
 NS CAR#2292 Exp. Dec. 31, 2022  
 Office: (918) 514-4283 Fax: (918) 514-4288

10.8

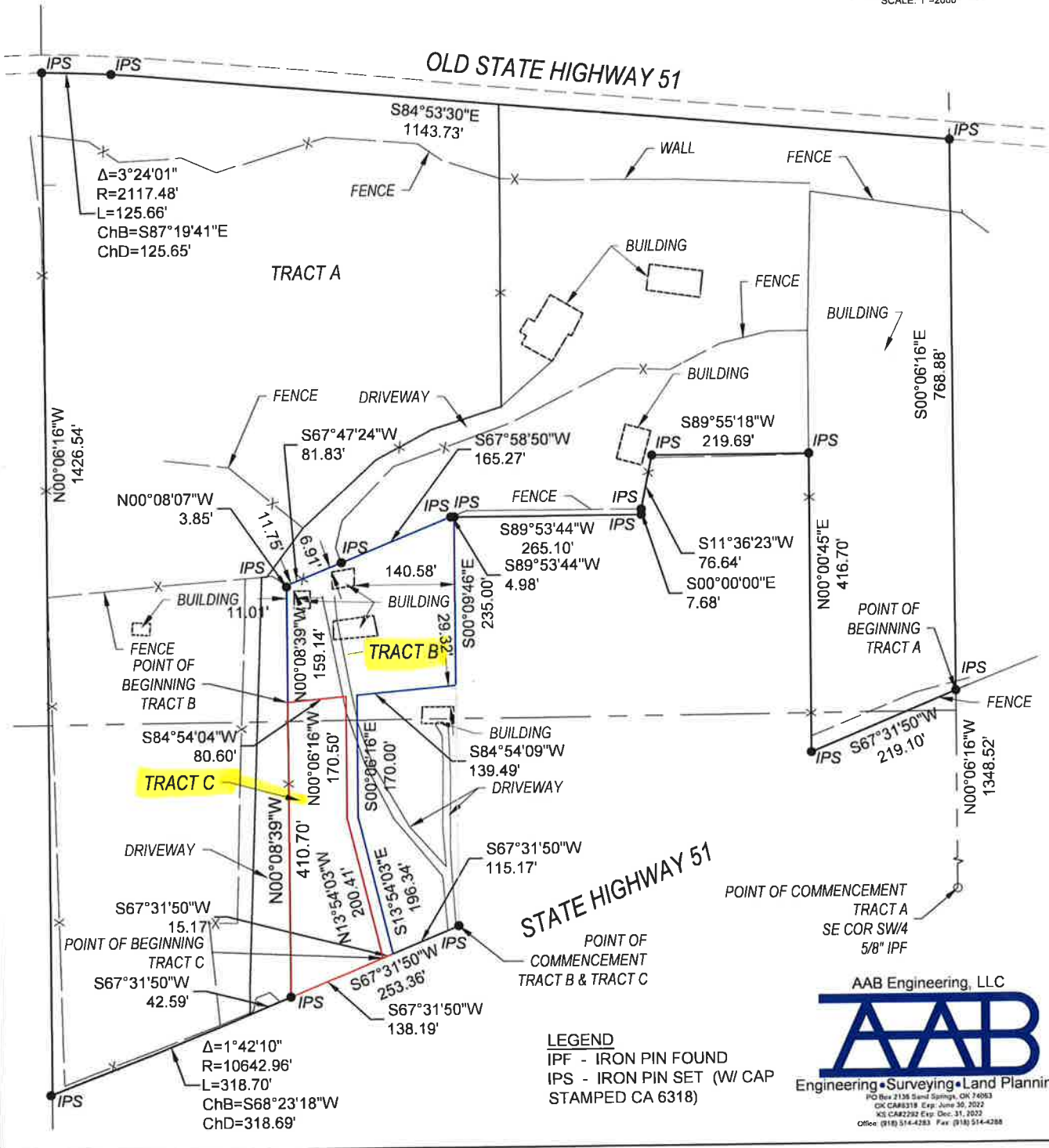


# Proposed Lot Configuration

PAGE 1 OF 6



PLOT DATE: Mon, 16 Aug 2021 FILE: P:\191012-MCCALIP TRACTS HIGHWAY 51 WEST SURVEY\1910-12 MCCALIP-HARP LLA SURVEY BASE



**LEGEND**  
 IPF - IRON PIN FOUND  
 IPS - IRON PIN SET (W/ CAP  
 STAMPED CA 6318)

AAB Engineering, LLC

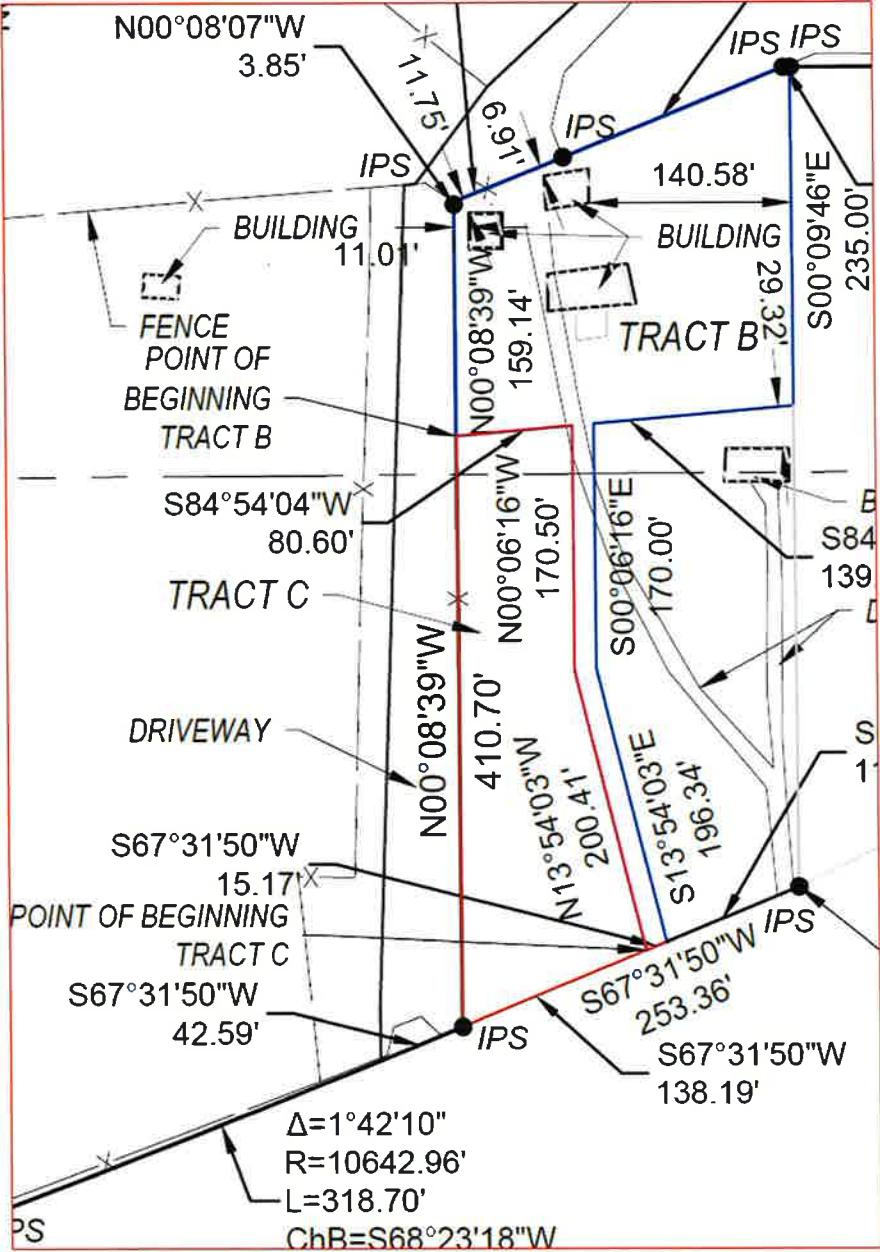
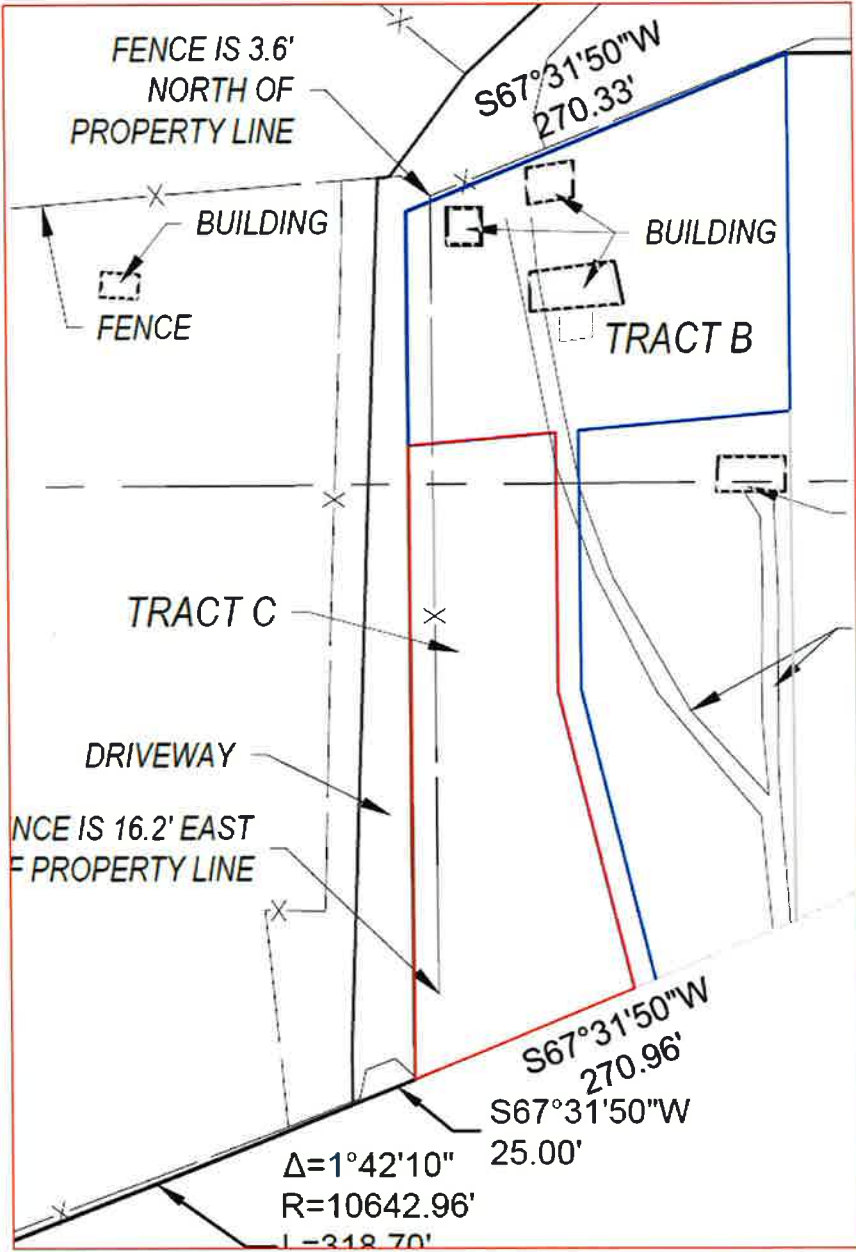
Engineering • Surveying • Land Planning

PO Box 2136 Sand Springs, OK 74063  
 OK CA88318 Exp: June 30, 2022  
 KS CA82292 Exp: Dec. 31, 2022  
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10.9

Existing Property Line

Proposed Property Line



10.10