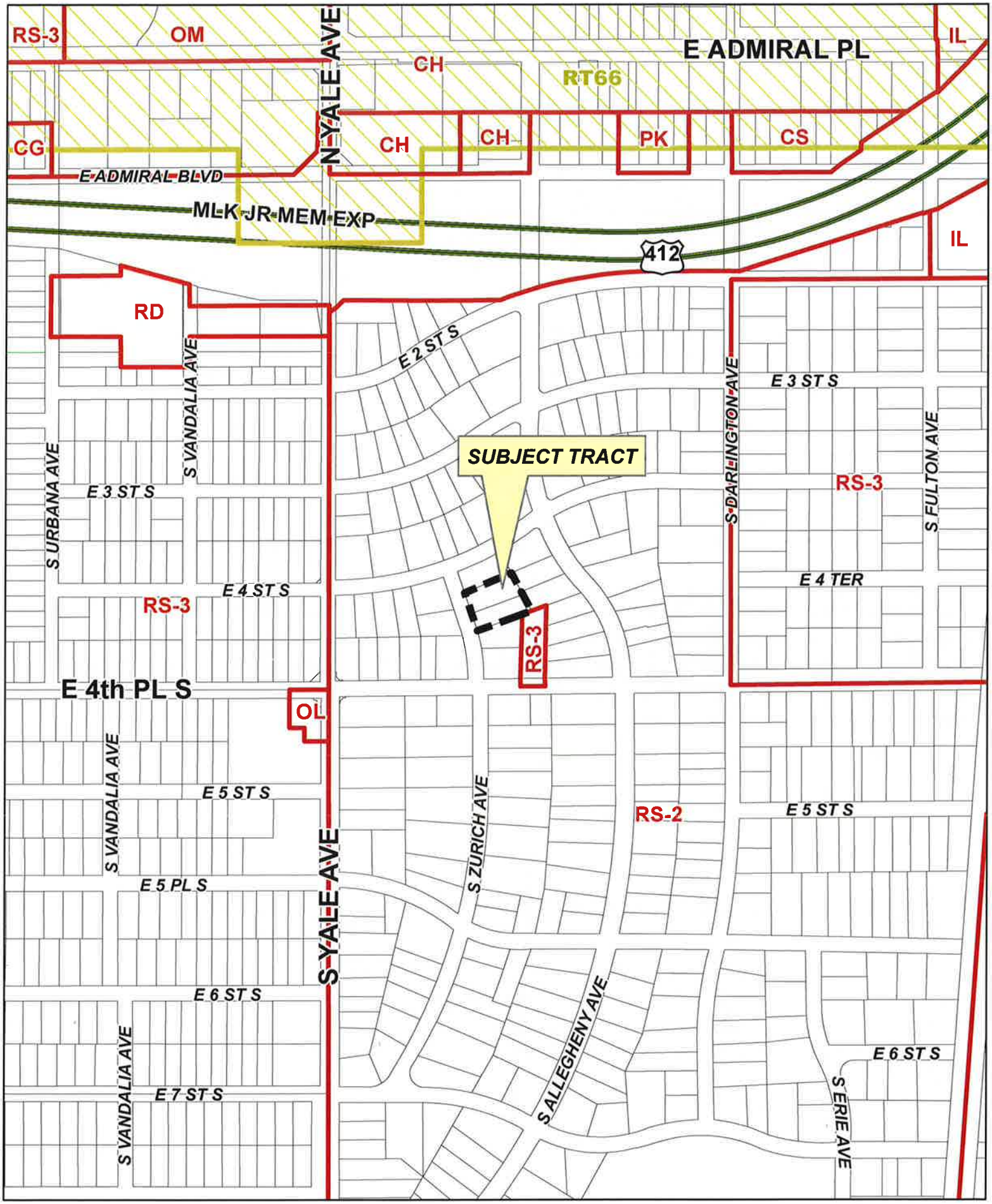

BOA-22826

19-13 03

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BOARD OF ADJUSTMENT
CASE REPORT

STR: 9303 Case Number: **BOA-22826**

CZM: 38

CD: 5

HEARING DATE: 01/14/2020 1:00 PM

APPLICANT: Gary Davis

ACTION REQUESTED: Variance of the minimum 75 foot lot width in an RS-2 District to permit a lot line adjustment (Section 5.030, Table 5-3).

LOCATION: 413 S ZURICH AV E; 409 S ZURICH AV E **ZONED:** RS-2

PRESENT USE: Residential **TRACT SIZE:** 23182.73 SQ FT

LEGAL DESCRIPTION: S61 W/2 LT 2 & S61 LT 3 BLK 10; N73 S134 W/2 LT 2 & N73 S134 LT 3 BLK 10, WHITE CITY ADDN

RELEVANT PREVIOUS ACTIONS: None

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an "Existing Neighborhood "and an "Area of Stability ".

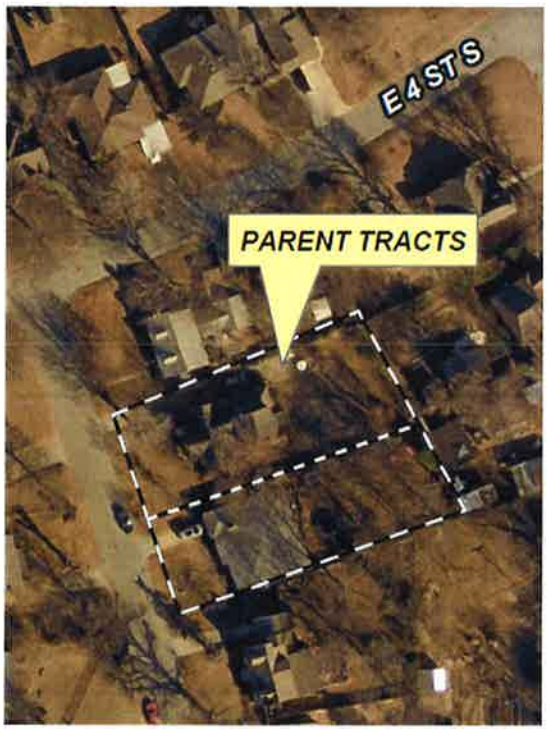
An **Existing Neighborhood** is intended to preserve and enhance Tulsa's existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code.

The **Areas of Stability** include approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

ANALYSIS OF SURROUNDING AREA: The subject tract is located South of the SE/c of E. 4th Street and S. Zurich Ave and is zoned RS-2.

STAFF COMMENTS: The applicant is requesting a Variance of the minimum 75 foot lot width in an RS-2 District to permit a lot line adjustment (Section 5.030, Table 5-3).

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
Duplex	-	-	-	9,000	9,000	3,300	6,900	6,900	6,900	6,900	6,900	6,900	-
Multi-unit house	-	-	-	-	-	3,300	6,900	5,500	5,500	5,500	5,500	5,500	-
Apartment/condo	-	-	-	-	-	-	-	-	10,000	10,000	6,000	24,000	-
Mobile home park	-	-	-	-	-	-	-	-	-	-	-	-	[1]
Other allowed buildings/uses													
Permitted by right	22,500	13,500	9,000	6,900	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500
Special exceptions	22,500	13,500	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000
Min. Lot Area per Unit (sq. ft.)													
Detached house	22,500	13,500	9,000	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	-
Patio house	-	-	-	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	-
Townhouse	-	-	-	4,500	4,500	2,200	2,750	1,600	1,600	1,600	1,600	1,600	-
Cottage house dev't	-	-	-	-	-	2,750	2,750	2,750	2,750	2,750	2,750	2,750	-
Duplex	-	-	-	4,500	4,500	1,650	3,450	3,450	3,450	3,450	3,450	3,450	-
Multi-unit house	-	-	-	-	-	1,100	1,800	1,800	1,800	1,375	1,100	900	-
Apartment/condo	-	-	-	-	-	-	-	-	2,900	1,750	1,100	400	-
Other allowed buildings/uses													
Permitted by right	-	-	-	-	-	-	-	-	5,500	5,500	5,500	5,500	5,500
Special exceptions	22,500	13,500	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000
Minimum Lot Width (ft.)													
Detached house	150	100	75	60	50	30	50	50	50	50	50	50	-



STATEMENT OF HARDSHIP: The current property line is too close to the house making ingress and egress to rear yard impractical and unsafe.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** of the minimum 75 foot lot width in an RS-2 District to permit a lot line adjustment (Section 5.030, Table 5-3).

- Finding the hardship(s) to be_____.
- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions _____.

In granting the **Variance** the Board finds that the following facts, favorable to the property owner, have been established:

a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;

c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;

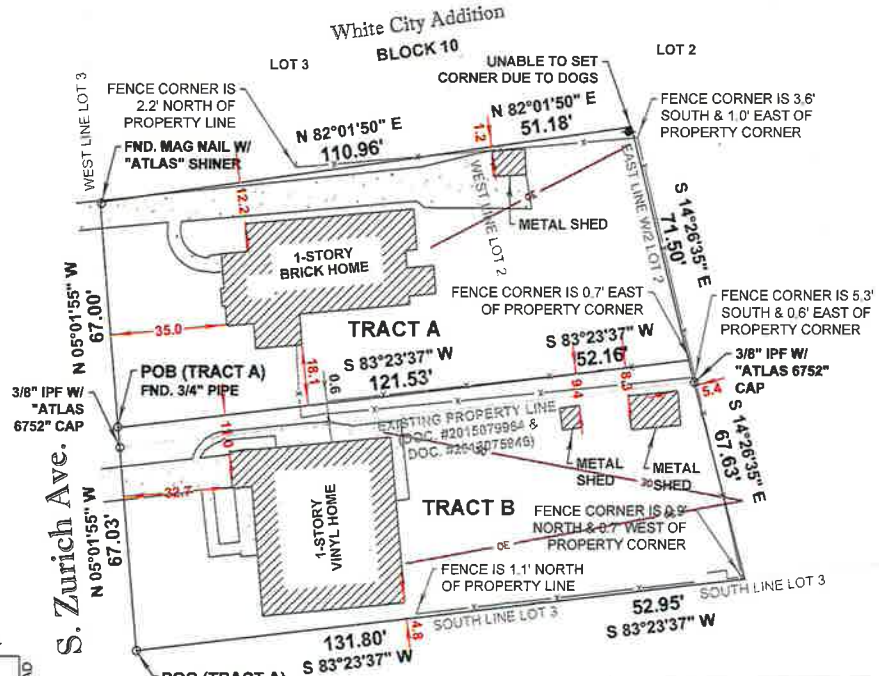
d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;

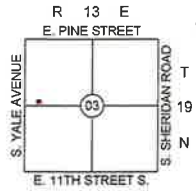
e. That the variance to be granted is the minimum variance that will afford relief;

f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."

Subject Properties





Location Map

SCALE: 1"=4000'

Legend

O	3/8" IRON PIN FOUND (UNLESS OTHERWISE NOTED)
●	3/8" IPS W/ PINK "ATLAS 8060" CAP (UNLESS OTHERWISE NOTED)
	POWER POLE
IPF	IRON PIN FOUND
IPS	IRON PIN SET
OE	OVERHEAD ELECTRIC

Proposed Lot Line Adjustment

OF A PART OF LOTS 2 & 3, BLOCK 10

White City Addition

TULSA COUNTY, OKLAHOMA

Legal Description

PROVIDED ON SHEET 2.

Notes

1. ABSTRACT OF TITLE OR ATTORNEY'S TITLE OPINION NOT AVAILABLE TO SURVEYOR AT DATE OF SURVEY.
2. THIS FIRM WAS NOT CONTRACTED TO RESEARCH EASEMENTS OR ENCUMBRANCES OF RECORD. NO ATTEMPT TO RESEARCH THE COUNTY RECORDS OR OTHER RECORD OFFICES WAS PERFORMED BY THIS FIRM, THEREFORE EASEMENTS MAY AFFECT THE SUBJECT TRACT THAT ARE NOT REFLECTED BY THIS PLAT.
3. THE BASIS OF BEARING IS BASED ON THE NON-ASTRONOMICAL GRID BEARINGS OF THE OKLAHOMA STATE PLANE COORDINATE SYSTEM NAD83 - ZONE NORTH 3501.

Surveyor's Statement

I, ALBERT JONES III, A PROFESSIONAL LAND SURVEYDR IN THE STATE OF OKLAHOMA, DO HEREBY STATE THAT THE ABOVE MAP REPRESENTS A SURVEY PERFORMED IN THE FIELD UNDER MY DIRECT SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS OF THIS DATE. THIS SURVEY MEETS OR EXCEEDS THE MINIMUM STANDARDS FOR SURVEYING IN THE STATE OF OKLAHOMA AS SET FORTH BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYOR'S AS OF THIS DATE

ALBERT JONES III
AJ@ATLASLANDOFFICE.COM
PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1580

11-18-19

PROFESSIONAL LAND SURVEYOR — ALBERT JONES III 1580 — OKLAHOMA

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EXISTING UNDERGROUND LINES HAVE BEEN SHOWN TO THE EXTENT KNOWN

0 15 30 60

SCALE: 1"=30'

PREPARED FOR: GARY DAVIS II			
CHECKED BY:	ARJ	SCALE:	1"=30'
SURVEY BY:	BOC	DRAFTED BY:	JMH
SURVEY DATE:	10/17/2019	JOB NUMBER:	11597
BOOK / PAGE:	DIGITAL	FILE NUMBER:	1913.0300

ATLAS LAND OFFICE
202 SOUTH MAIN - WAGONER, OK 74467
918.485.9987 C.A.#8060 EXP: 6-30-2020

11.6

Legal Description
(Parent Tract of Tract A – Doc. #2015079964)

THOSE PARTS OF LOTS TWO (2) AND THREE (3), BLOCK TEN (10), WHITE CITY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 770, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT A POINT ON THE WEST LINE OF LOT 3 AND 67 FEET NORTH OF THE SOUTHWEST CORNER OF SAID LOT 3; THENCE IN AN EASTERLY DIRECTIONS A DISTANCE OF 173.74 FEET IN A STRAIGHT LINE TO A POINT, THE NORTHEAST ANGLE OF SAID LINE AND THEN WEST LINE OF LOT 3 BEING 88°32'; THENCE TO THE LEFT AT AN ANGLE OF 97°59' A DISTANCE OF 71.5 FEET; THENCE TO THE LEFT AT AN ANGLE OF 83°29' A DISTANCE OF 162.01 FEET TO A POINT WHICH IS ON THE WEST LINE OF LOT 3; THENCE TO THE LEFT AT AN ANGLE OF 87°4' ALONG THE WEST LINE OF LOT 3 A DISTANCE OF 67 FEET TO THE POINT OF BEGINNING.
AND
THE NORTHERLY SIX (6) FEET OF THE FOLLOWING DESCRIBED PIECE, PARCEL OR TRACT OF LAND DESCRIBED AS FOLLOWS, TO WIT: THE SOUTHERLY SIXTY-SEVEN (67) FEET OF LOT THREE (3) AND A PART OF LOT TWO (2), BLOCK TEN (10), WHITE CITY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 770, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT A POINT KNOWN AS THE SOUTHWEST CORNER OF LOT 3, BLOCK 10 AND THENCE EASTERLY DIRECTION ALONG THE SOUTH LINE OF LOT 3 AND PART OF LOT 2, BLOCK 10, A DISTANCE OF 184.75 FEET TO A POINT; THENCE TO THE LEFT AT AN ANGLE OF 97°47' IN A NORTHERLY DIRECTION A DISTANCE OF 67 FEET TO A POINT; THENCE TO THE LEFT AT AN ANGLE OF 82°01' IN A WESTERLY DIRECTION A DISTANCE OF 173.74 FEET TO A POINT, BEING ON THE WEST LINE OF LOT 3; THENCE TO THE LEFT AT AN ANGLE OF 98°32' IN A SOUTHERLY DIRECTION A DISTANCE OF 67 FEET TO THE POINT OF BEGINNING.

Legal Description
(Parent Tract of Tract B – Doc. #2013075946)

THE SOUTHERLY 61 FEET OF THE PART OF LOTS TWO (2) AND THREE (3), BLOCK TEN (10), WHITE CITY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 770, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT KNOWN AS THE SOUTHWEST CORNER OF LOT THREE (3); THENCE EASTERLY ALONG THE SOUTH LINE OF LOT THREE (3) AND PART OF LOT TWO (2), A DISTANCE OF 184.75 FEET TO A POINT; THENCFE LEFT AT AN ANGLE OF 90°47' IN A NORTHERLY DIRECTION, A DISTANCE OF 67 FEET TO POINT; THENCE LEFT AT AN ANGLE OF 82%%11' IN A WESTERLY DIRECTION,A DISTANCE OF 173.73 FEET TO A POINT BEING ON THE WEST LINE OF LOT THREE (3); THENCE TO THE LEFT AT AN ANGLE OF 98°32' INA SOUTHERLY DIRECTION, A DISTANCE OF 67 FEET TO THE POINT OF BEGINNING.

Legal Description (Tract A)

A PART OF LOTS TWO (2) AND THREE (3), BLOCK TEN (10), WHITE CITY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 770, AND BEING A PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION THREE (3), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT THREE (3), BLOCK TEN (10), WHITE CITY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 770; THENCE N 05° 01' 55" W, ALONG THE WEST LINE OF SAID LOT THREE (3), A DISTANCE OF 67.03 FEET, TO A POINT THAT IS 67.00 FEET NORTH OF THE SOUTH LINE OF SAID LOT THREE (3) AS MEASURED PERPENDICULARLY, SAID POINT BEING **THE POINT OF BEGINNING**; THENCE CONTINUING N 05° 01' 55" W, CONTINUING ALONG THE WEST LINE OF SAID LOT THREE (3), A DISTANCE OF 67.00 FEET; THENCE N 82° 01' 50" E A DISTANCE OF 110.96 FEET, TO A POINT ON THE WEST LINE OF LOT TWO (2) OF SAID BLOCK TEN (10); THENCE CONTINUING N 82° 01' 50" E A DISTANCE OF 61.18 FEET, TO A POINT ON THE EAST LINE OF THE WEST HALF (W/2) OF SAID LOT TWO (2); THENCE S 14° 26' 35" E, ALONG THE EAST LINE OF SAID WEST HALF (W/2), A DISTANCE OF 71.50 FEET, TO A POINT THAT IS 67.00 FEET NORTH OF THE SOUTH LINE OF SAID LOT TWO (2) AS MEASURED PERPENDICULARLY; THENCE S 83° 23' 37" W, PARALLEL WITH AND 67.00 FEET NORTH OF THE SOUTH LINE OF SAID LOT TWO (2), A DISTANCE OF 52.16 FEET, TO A POINT ON THE WEST LINE OF SAID LOT TWO (2); THENCE CONTINUING S 83° 23' 37" W, PARALLEL WITH AND 67.00 FEET NORTH OF THE SOUTH LINE OF SAID LOT THREE (3), A DISTANCE OF 121.53 FEET, **TO THE POINT OF BEGINNING**.

SAID TRACT OF LAND CONTAINING 0.27 ACRES / 11,575.96 SQUARE FEET.

THIS LEGAL DESCRIPTION WAS CREATED ON NOVEMBER 12, 2019 BY ALBERT R. JONES, III, OK PLS #1580, WITH THE BASIS OF BEARING BEING N 05° 01' 55" W, ALONG THE WEST LINE OF LOT THREE (3), BLOCK TEN (10), WHITE CITY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 770.

Legal Description (Tract B)

A PART OF LOTS TWO (2) AND THREE (3), BLOCK TEN (10), WHITE CITY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 770, AND BEING A PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION THREE (3), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

DESCRIBED AS FOLLOWS:

THE SOUTHERLY SIXTY-SEVEN (67) FEET OF LOT THREE (3) AND THE SOUTHERLY SIXTY-SEVEN (67) FEET OF THE WEST HALF OF LOT TWO (2), BLOCK TEN (10), WHITE CITY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 770.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT THREE (3), BLOCK TEN (10), WHITE CITY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 770; THENCE N 05° 01' 55" W, ALONG THE WEST LINE OF SAID LOT THREE (3), A DISTANCE OF 67.03 FEET, TO A POINT THAT IS 67.00 FEET NORTH OF THE SOUTH LINE OF SAID LOT THREE (3) AS MEASURED PERPENDICULARLY; THENCE N 83° 23' 37" E, PARALLEL WITH AND 67.00 FEET NORTH OF SAID SOUTH LINE, A DISTANCE OF 121.53 FEET, TO A POINT ON THE WEST LINE OF LOT TWO (2) OF SAID BLOCK TEN (10); THENCE CONTINUING N 83° 23' 37" E, PARALLEL WITH AND 67.00 FEET NORTH OF THE SOUTH LINE OF SAID LOT TWO (2), A DISTANCE OF 52.16 FEET, TO THE NORTHEAST CORNER OF THE SOUTH SIXTY-SEVEN (67) FEET OF THE WEST HALF OF SAID LOT TWO (2); THENCE S 14° 26' 35" E, ALONG THE EAST LINE OF THE WEST HALF (W/2) OF SAID LOT WO (2), A DISTANCE OF 67.63 FEET, TO A POINT OF THE SOUTH LINE OF SAID LOT TWO (2); THENCE S 83° 23' 37" W, ALONG THE SOUTH LINE OF SAID LOT TWO (2), A DISTANCE OF 52.95 FEET, TO THE SOUTHWEST CORNER OF SAID LOT TWO (2); THENCE CONTINUING S 83° 23' 37" W, ALONG THE SOUTH LINE OF SAID LOT THREE (3), A DISTANCE OF 131.80 FEET, **TO THE POINT OF BEGINNING**.

SAID TRACT OF LAND CONTAINING 0.28 ACRES / 12,007.63 SQUARE FEET.

THIS LEGAL DESCRIPTION WAS CREATED ON NOVEMBER 12, 2019 BY ALBERT R. JONES, III, OK PLS #1580, WITH THE BASIS OF BEARING BEING N 05° 01' 55" W, ALONG THE WEST LINE OF LOT THREE (3), BLOCK TEN (10), WHITE CITY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 770.

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0 15 30 60
SCALE: 1"=30'

PREPARED FOR: GARY DAVIS II			
CHECKED BY:	ARJ	SCALE:	1"=30'
SURVEY BY:	BOC	DRAFTED BY:	JMH
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918.485.9987 C.A.#8060 EXP: 6-30-2020

Feet
0 200 400

Subject Tract

BOA-22826

19-13 03

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

Aerial Photo Date: February 2018

11.8

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Feet
0 50 100

Subject Tract

BOA-22826

19-13 03

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

Aerial Photo Date: February 2018

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