

**SUBJECT TRACT**

PUD-780

E 49 ST S

AG

AG

RS-3

OL

CS

RM-2

E 51st ST S

E OMAHA ST

A-1

RM

A-1

PUD-110

FD

A-1

**LEGEND**

- Broken Arrow Corporate Limits
- Tulsa Corporate Limits



**BOA-23165**

12.1

19-14 26



**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:** 9426  
**CZM:** 50  
**CD:** 6

Case Number: **BOA-23165**

**HEARING DATE:** 07/27/2021 1:00 PM

**APPLICANT:** Kristen M. Saxon and Thomas M. Kelley

**ACTION REQUESTED:** Variance of the minimum lot width in the AG district to permit a lot split (Section 25.020-D, Table 25-2) and Variance of the minimum lot area and lot area per dwelling unit in the AG district to permit a lot split (Section 25.020-D, Table 25-2)

**LOCATION:** 4920 S LYNN LANE RD E

**ZONED:** AG

**PRESENT USE:** Residential

**TRACT SIZE:** 177725.53 SQ FT

**LEGAL DESCRIPTION:**

A TRACT OF LAND IN SECTION SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE/4 SE/4) OF SECTION TWENTY-SIX (26), TOWNSHIP NINETEEN (19), NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING 416 FEET SOUTH OF THE NORTHEAST CORNER OF THE SE/4 OF THE SE/4; THENCE SOUTH 171 FEET TO A POINT; THENCE WEST 1040 FEET TO A POINT; THENCE NORTH 171 FEET TO A POINT; THENCE EAST 1040 FEET TO A POINT OF BEGINNING.

**RELEVANT PREVIOUS ACTIONS:** None.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of a "New Neighborhood" and an "Area of Growth".

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

**The New Neighborhood** designation is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity and shall be paired with an existing or new Neighborhood or Town Center.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located North of the NW/c of S. 177<sup>th</sup> E. Ave. and E. 51<sup>st</sup> St. S.

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**STAFF COMMENTS:** The applicant is requesting **Variance** of the minimum lot width in the AG district to permit a lot split (Section 25.020-D, Table 25-2) and **Variance** of the minimum lot area and lot area per dwelling unit in the AG district to permit a lot split (Section 25.020-D, Table 25-2)

*Table 25-2: AG District Lot and Building Regulations*

Regulations	AG	AG-R
Min. Lot Area	2 acres	1 acre
Min. Lot Area per Unit	2 acres	1 acre
Minimum Lot Width (feet)	200	150
Min. Lot Frontage (feet)	30	30
Min. Building Setbacks (feet)		
Street	25	25

**Proposed Area and Width after ROW dedication for 177th E. Ave. :**

**Tract A:**

Lot Area≈ 1.88 acres

Lot Area per Dwelling Unit≈ 1.88 acres

Lot Width= 141'

**Tract B:**

Lot Area≈ 2.00 acres

Lot Area per Dwelling Unit≈ 2 acres

Lot Width ≈ 88'

**STATEMENT OF HARDSHIP:** Please see attached Exhibits provided by applicant.

**SAMPLE MOTION:** Move to \_\_\_\_\_ (approve/deny) a **Variance** of the minimum lot width in the AG district to permit a lot split (Section 25.020-D, Table 25-2) and **Variance** of the minimum lot area and lot area per dwelling unit in the AG district to permit a lot split (Section 25.020-D, Table 25-2)

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:

- 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;*
- That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;*
- 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 Property***

**Variances:**

1. The width currently doesn't meet the AG requirement of 200 feet. We will be using all the lot width available (171 Feet) to minimize the variance.
2. The literal enforcement of the code prohibits the ability to maximize the potential use on the property due to the unique shape of the lot being narrow and deep.
3. The conditions leading to the need of the variance are unique to this property due to the shape of the lot being narrow and deep.
4. We didn't create the unnecessary hardship.
5. Our request is to utilize the existing driveway due to the significant size of the drainage way and culvert.
6. It will not alter the character of the neighborhood
7. We believe the variance will not cause substantial detriment as we are only looking to split and build an additional house on the separate lot.

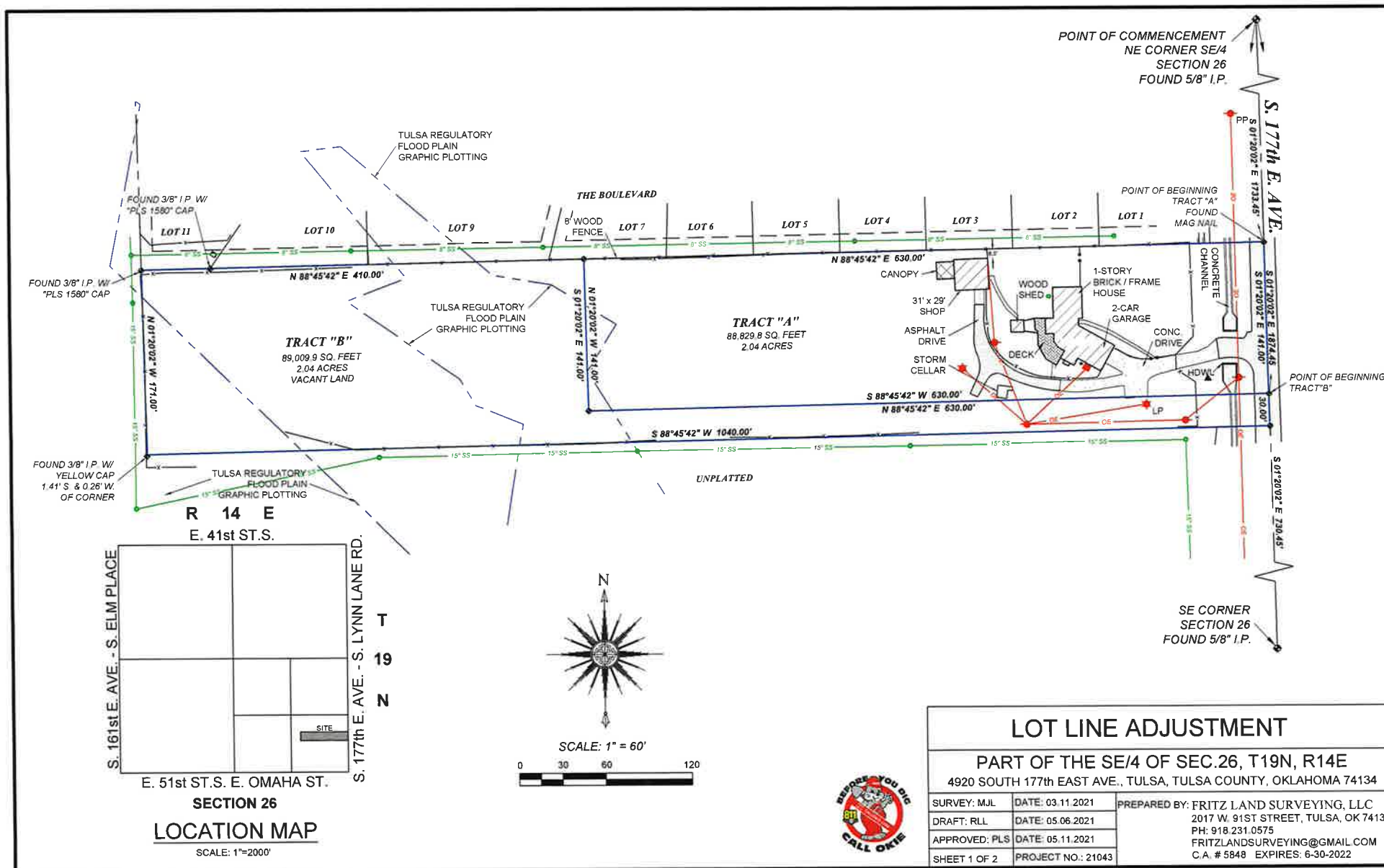
## Neighbor Communications

I, Thomas Kelley, live in the only neighborhood bordering the property, which is the Boulevard. I am the president of the HOA so I have contact information and am in constant communication with all 22 homeowners. I have discussed the plan to split the lot several of times. I also sent out the email below on May 4, 2021, to which I received many positive and supportive responses and zero negative responses.

*"I am currently under contract to purchase the house & lot adjacent to (immediately to the south) of The Boulevard. It is a 4.08-acre lot and is currently zoned AG.*

*I am informing everyone because I am in the process of requesting INCOG to let me split the lot into 2 equal 2 acre lots while retaining AG zoning and you may be getting a notice from INCOG.*

*Please feel free to contact me if you have any questions."*



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Right-of-Way dedication required along 177<sup>th</sup> E. Ave  
 Lot Width after dedication:  
 Tract A ≈ 141'  
 Tract B ≈ 88'

Lot Area & Area per dwelling unit after dedication:  
 Tract A ≈ 1.88 acres  
 Tract B ≈ 2.00 acres



**LEGAL DESCRIPTION - AS PROVIDED - JTWD DOC. #2020104981**

A TRACT OF LAND IN SECTION SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE/4 SE/4) OF SECTION TWENTY-SIX (26), TOWNSHIP NINETEEN (19), NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING 416 FEET SOUTH OF THE NORTHEAST CORNER OF THE SE/4 OF THE SE/4; THENCE SOUTH 171 FEET TO A POINT; THENCE WEST 1040 FEET TO A POINT; THENCE NORTH 171 FEET TO A POINT; THENCE EAST 1040 FEET TO A POINT OF BEGINNING.

**LEGAL DESCRIPTION - TRACT "A"**

A TRACT OF LAND THAT IS PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE/4 SE/4) OF SECTION TWENTY-SIX (26), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE SE/4 OF SAID SECTION 26; THENCE SOUTH 01°20'02" EAST ALONG THE EAST LINE THEREOF A DISTANCE OF 1733.45 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 01°20'02" EAST ALONG SAID EAST LINE 141.00 FEET; THENCE SOUTH 88°45'42" WEST A DISTANCE OF 630.00 FEET; THENCE NORTH 01°20'02" WEST AND PARALLEL WITH THE EAST LINE OF THE SE/4 OF SAID SECTION 26 A DISTANCE OF 141.00 FEET; THENCE NORTH 88°45'42" EAST A DISTANCE OF 630.00 FEET TO A POINT ON THE EAST LINE OF THE SE/4 OF SAID SECTION 26 AND THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 88,829.8 SQ. FEET OR 2.04 ACRES. BEARINGS ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, (3501 OK N), NORTH AMERICAN DATUM 1983 (NAD83) USING THE EAST LINE OF THE SE/4 AS S 01°20'02" E.

**LEGAL DESCRIPTION - TRACT "B"**

A TRACT OF LAND THAT IS PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE/4 SE/4) OF SECTION TWENTY-SIX (26), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE SE/4 OF SAID SECTION 26; THENCE SOUTH 01°20'02" EAST ALONG THE EAST LINE THEREOF A DISTANCE OF 1874.45 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 01°20'02" EAST 30.00 FEET; THENCE SOUTH 88°45'42" WEST A DISTANCE OF 1040.00 FEET; THENCE NORTH 01°20'02" WEST A DISTANCE OF 171.00 FEET; THENCE NORTH 88°45'42" EAST 410.00 FEET; THENCE SOUTH 01°20'02" EAST 141.00 FEET; THENCE NORTH 88°45'42" EAST A DISTANCE OF 630.00 FEET TO A POINT ON THE EAST LINE OF THE SE/4 OF SAID SECTION 26 AND THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 89,009.9 SQ. FEET OR 2.04 ACRES. BEARINGS ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, (3501 OK N), NORTH AMERICAN DATUM 1983 (NAD83).

**SURVEYOR'S NOTES**

PREPARED FOR: SHACKELFORD RESIDENCE / SELECT DESIGN

PHYSICAL ADDRESS: 4920 SOUTH 177th EAST AVENUE (S. LYNN LANE ROAD), TULSA, OK 74134

BEARINGS ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, (3501 OK N), NORTH AMERICAN DATUM 1983 (NAD83).

EASEMENTS MAY EXIST THAT ARE NOT SHOWN.

SET 3/8" IRON PIN W/ GREEN "FRITZ CA5848" CAP OR MAG NAIL W/ "FRITZ CA5848" WASHER AT ALL CORNERS UNLESS NOTED AND SHOWN OTHERWISE HEREON.

GROSS LAND AREA: ORIGINAL PARENT TRACT: 177,839.8 SQ. FEET OR 4.08 ACRES.  
TRACT "A" : 88,829.8 SQ. FEET OR 2.04 ACRES.  
TRACT "B" : 89,009.9 SQ. FEET OR 2.04 ACRES.

WE HAVE EXAMINED A MAP BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP, CITY OF TULSA, OKLAHOMA, COMMUNITY PANEL NO. 40143C0385M - SEPTEMBER 30, 2016, WHICH INDICATES THE SURVEYED PROPERTY TO BE WITHIN UNSHADED ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN). SURVEYED PROPERTY IS AFFECTED BY THE CITY OF TULSA REGULATORY FLOODPLAIN AS SHOWN HEREON.

LAST SITE VISIT: MARCH 11, 2021.

ALL UTILITIES MAY NOT BE SHOWN - CALL OKIE 1-800-522-6543!

**CERTIFICATE OF SURVEY**

FRITZ LAND SURVEYING, LLC AND THE UNDERSIGNED PROFESSIONAL LAND SURVEYOR, UNDER CERTIFICATE OF AUTHORIZATION CA #5848, DO HEREBY STATE THAT THIS PLAT OF SURVEY IS A TRUE AND ACCURATE REPRESENTATION OF THE EXISTING RECORD AND THAT THIS PLAT MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

WITNESS MY HAND AND SEAL THIS 11th DAY OF MAY, 2021.

ANDY FRITZ, PLS  
OK LIC. 1694  
CA #5848



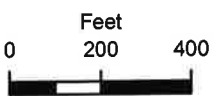
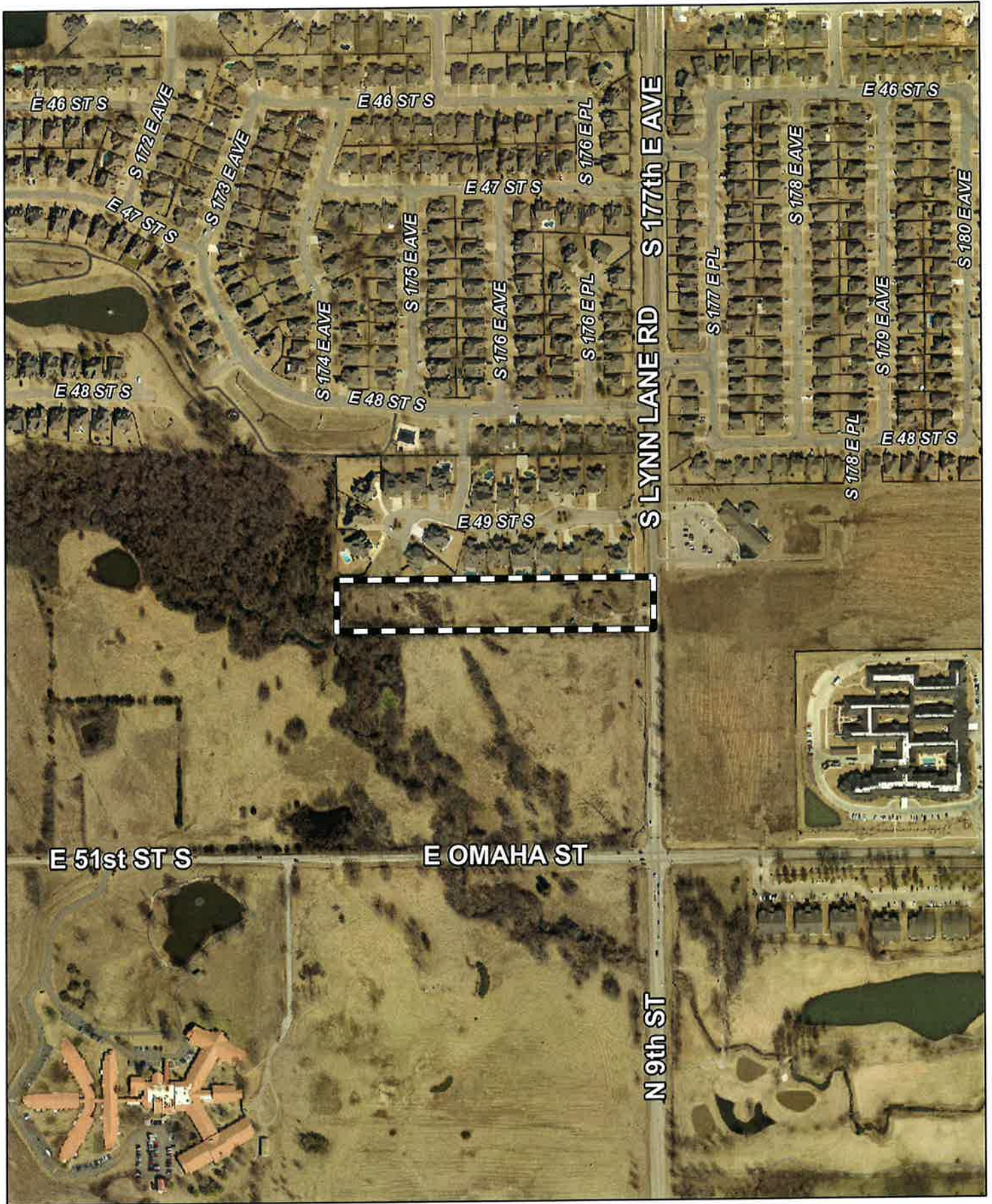
**LOT LINE ADJUSTMENT**

**PART OF THE SE/4 OF SEC.26, T19N, R14E**

4920 SOUTH 177th EAST AVE., TULSA, TULSA COUNTY, OKLAHOMA 74134

SURVEY: MJL	DATE: 03.11.2021	PREPARED BY: FRITZ LAND SURVEYING, LLC 2017 W. 91ST STREET, TULSA, OK 74132 PH: 918.231.0575 FRITZLANDSURVEYING@GMAIL.COM C.A. # 5848 EXPIRES: 6-30-2022
DRAFT: RLL	DATE: 05.06.2021	
APPROVED: PLS	DATE: 05.11.2021	
SHEET 2 OF 2	PROJECT NO.: 21043	

12.9



 Subject Tract

**BOA-23165**

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

19-14 26

Aerial Photo Date: 2020/2021



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