

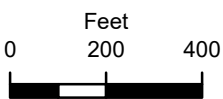
W NEWTON ST

N 53rd W Ave

N 57th W Ave

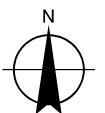
AG

MPD-2



BOA-23312

20-12 32



20.1

BOARD OF ADJUSTMENT CASE REPORT

STR: 9202
CZM: 36
CD: 1

Case Number: **BOA-23312 Osage**

HEARING DATE: 04/12/2022 1:00 PM

APPLICANT: Scott Pardee

ACTION REQUESTED: Special Exception to allow a Bed and Breakfast Use in the AG District (Sec. 25.020-B, Table 25-1)

LOCATION: 921 N. 57th W. Ave.

ZONED: AG

PRESENT USE: Residential

LEGAL DESCRIPTION: THE NW/4 OF SECTION 32, TOWNSHIP 20 NORTH, RANGE 12 EAST, OF THE INDIAN BASE AND MERIDIAN, OSAGE COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF LESS AND EXCEPT THE FOLLOWING DESCRIBED TRACT: BEGINNING AT THE NORTHWEST CORNER OF SAID NW/4; THENCE N 89° 39' 36" E ALONG THE NORTH LINE OF SAID NW/4 A DISTANCE OF 2641.66 FEET TO THE NORTHEAST CORNER OF SAID NW/4; THENCE S 00° 56' 02" E ALONG SAID EAST LINE OF SAID NW/4 A DISTANCE OF 105.00 FEET; THENCE S 89° 36' 36" W A DISTANCE OF 119.71 FEET; THENCE S 49° 40' 48" W A DISTANCE OF 101.27 FEET; THENCE S 89° 36' 36" W A DISTANCE OF 50.00 FEET; THENCE N 45° 52' 43" W A DISTANCE OF 94.14 FEET; THENCE S 89° 36' 36" W A DISTANCE OF 545.43 FEET; THENCE S 63° 14' 36" W A DISTANCE OF 193.65 FEET; THENCE S 89° 36' 36" W A DISTANCE OF 164.57 FEET; THENCE N 62° 43' 57" W A DISTANCE OF 198.11 FEET; THENCE S 89° 36' 36" W A DISTANCE OF 780.30 FEET TO A LIMIT OF NO ACCESS (LNA) POINT; THENCE S 89° 36' 36" W A DISTANCE OF 81.60 FEET; THENCE S 16° 36' 13" W A DISTANCE OF 175.62 FEET; THENCE S 04° 06' 58" W A DISTANCE OF 220.44 FEET; THENCE S 76° 59' 40" E A DISTANCE OF 402.72 FEET; THENCE S 17° 17' 23" E A DISTANCE OF 106.62 FEET; THENCE S 42° 11' 49" W A DISTANCE OF 730.10 FEET TO A (LNA) POINT; THENCE S 0° 37' 47" W A DISTANCE OF 395.00 FEET; THENCE S 15° 04' 10" E A DISTANCE OF 313.21 FEET; THENCE S 07° 20' 25" W A DISTANCE OF 251.25 FEET; THENCE S 12° 24' 24" E A DISTANCE OF 309.23 FEET; THENCE S 01° 37' 47" W A DISTANCE OF 210.63 FEET TO A POINT ON THE SOUTH LINE OF SAID NW/4; THENCE N 89° 59' 21" W ALONG THE SOUTH LINE OF SAID NW/4 A DISTANCE OF 302.90 FEET TO THE SOUTHWEST CORNER OF SAID NW/4; THENCE N 01° 31' 32" W ALONG THE WEST LINE OF SAID NW/4 A DISTANCE OF 2676.67 FEET TO THE 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 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.

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.

ANALYSIS OF SURROUNDING AREA: The subject tract is located a larger tract of land on the East side of N. 57th W. Ave. between W. Edison and Newton Streets. The property is mostly undeveloped and consist of a large residence and some accessory structures.

STAFF COMMENTS: The applicant is requesting a **Special Exception** to allow a Bed and Breakfast Use in the AG District (Sec. 25.020-B, Table 25-1)

Bed and Brekfast Uses are subject to the following conditions:

Section 40.060 **Bed and Breakfasts**

The supplemental use regulations of this section apply to all bed and breakfast uses.

- 40.060-A** Bed and breakfast are limited to a maximum of 12 guest rooms unless a lower limit is established by the board of adjustment as a condition of an approved special exception.
- 40.060-B** The maximum length of stay for any guest is limited to 30 consecutive days.
- 40.060-C** The owner/operator must maintain a register of bed and breakfast guests and on-site events for each calendar year and make the register available to city code enforcement upon request.
- 40.060-D** Cooking facilities are prohibited in guest rooms.
- 40.060-E** Signs are allowed in accordance with the sign regulations of the subject zoning district unless the board of adjustment establishes stricter conditions at the time of special exception approval.
- 40.060-F** Public restaurants are prohibited. Meals may be served only to overnight guests and for on-site events expressly authorized by the board of adjustment at the time of special exception approval. The board of adjustment may authorize bed and breakfasts to be rented for events, such as weddings, receptions, anniversaries, private dinner parties, business seminars, etc. The use of bed and breakfasts for on-site events requires express authorization of the board of adjustment, in accordance with the special exception procedures of [Section 70.120](#). As part of approval of the special exception, the board of adjustment is authorized to establish the maximum number of on-site events per year and the maximum number of guests per any single event, based on the availability of off-street parking and the facility's likely impacts on the area.

SAMPLE MOTION:

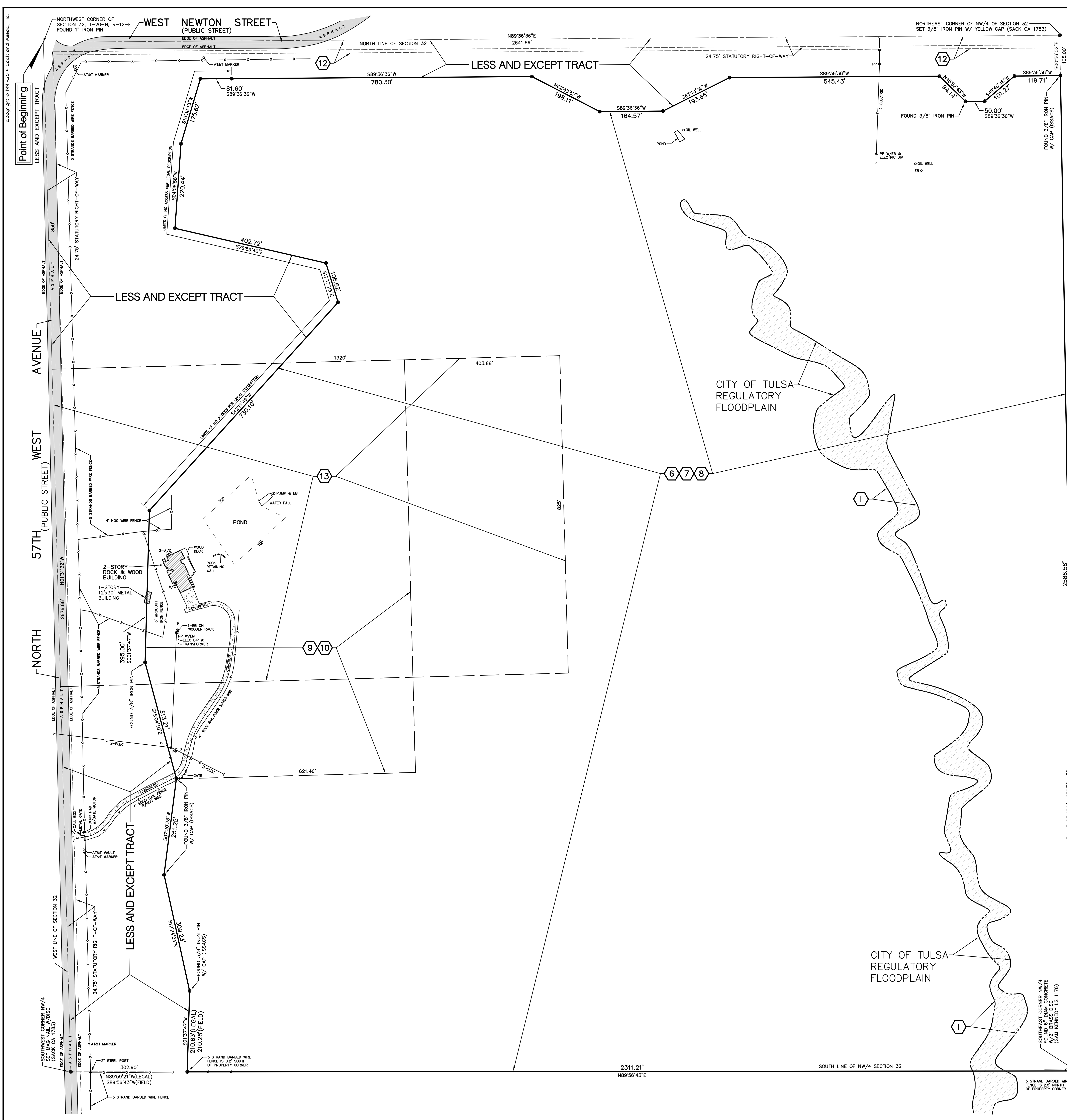
Move to _____ (approve/deny) a **Special Exception** to allow a Bed and Breakfast Use in the AG District (Sec. 25.020-B, Table 25-1)

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions (including time limitation, if any):

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.



Subject property



Legal Description

THE NW/4 OF SECTION 32, TOWNSHIP 20 NORTH, RANGE 12 EAST, OF THE INDIAN BASE AND MERIDIAN, OSAGE COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, LESS AND EXCEPT THE FOLLOWING DESCRIBED TRACT:

BEGINNING AT THE NORTHWEST CORNER OF SAID NW/4; THENCE N 89°39'36" E ALONG THE NORTH LINE OF SAID NW/4 A DISTANCE OF 2641.66 FEET TO THE NORTHEAST CORNER OF SAID NW/4; THENCE S 00°56'02" E ALONG SAID EAST LINE OF SAID NW/4 A DISTANCE OF 105.00 FEET; THENCE S 89°38'36" W A DISTANCE OF 119.71 FEET; THENCE S 49°40'48" W A DISTANCE OF 101.27 FEET; THENCE S 89°36'36" W A DISTANCE OF 50.00 FEET; THENCE N 45°52'43" W A DISTANCE OF 203.14 FEET; THENCE S 89°36'36" W A DISTANCE OF 545.43 FEET; THENCE S 63°14'36" W A DISTANCE OF 193.65 FEET; THENCE S 89°36'36" W A DISTANCE OF 164.57 FEET; THENCE N 62°43'57" W A DISTANCE OF 198.11 FEET; THENCE S 89°36'36" W A DISTANCE OF 780.30 FEET TO A LIMIT OF NO ACCESS (LNA) POINT; THENCE S 89°36'36" W A DISTANCE OF 81.60 FEET; THENCE S 16°36'13" W A DISTANCE OF 175.82 FEET; THENCE S 04°06'58" W A DISTANCE OF 220.44 FEET; THENCE S 76°59'40" W A DISTANCE OF 402.72 FEET; THENCE S 17°17'23" E A DISTANCE OF 106.62 FEET; THENCE S 42°11'49" W A DISTANCE OF 730.10 FEET TO A (LNA) POINT; THENCE S 01°37'47" W A DISTANCE OF 305.00 FEET; THENCE S 15°04'10" E A DISTANCE OF 313.21 FEET; THENCE S 07°20'25" W A DISTANCE OF 251.25 FEET; THENCE S 12°24'24" E A DISTANCE OF 309.23 FEET; THENCE S 01°37'42" W A DISTANCE OF 210.63 FEET TO A POINT ON THE SOUTH LINE OF SAID NW/4; THENCE N 89°59'21" W ALONG THE SOUTH LINE OF SAID NW/4 A DISTANCE OF 302.90 FEET TO THE SOUTHWEST CORNER OF SAID NW/4; THENCE N 01°31'32" W ALONG THE WEST LINE OF SAID NW/4 A DISTANCE OF 2676.67 FEET TO THE POINT OF BEGINNING.

Title Commitment Notes

- MEMORANDUM OF LEASE IN FAVOR OF OKLAHOMA NATURAL GAS COMPANY, A DIVISION OF ONEOK, INC., DATED JUNE 23, 1999, FILED JULY 28, 1999 AS DOCUMENT NO. 99-871 AND RECORDED IN BOOK 993, PAGE 571; ASSIGNMENT AND ASSUMPTION OF EASEMENTS AND LEASES TO ONEOK GAS STORAGE, L.L.C., AN OKLAHOMA LIMITED LIABILITY COMPANY, DATED NOVEMBER 23, 1999, FILED DECEMBER 15, 1999 AS DOCUMENT NO. 99-10876 AND RECORDED IN BOOK 1005, PAGE 496. (AFFECTS AND IS BLANKET IN NATURE.)
- MEMORANDUM OF UNDERGROUND GAS STORAGE AGREEMENT IN FAVOR OF ONEOK GAS STORAGE, L.L.C., AN OKLAHOMA LIMITED LIABILITY COMPANY, DATED DECEMBER 1, 2002, FILED FEBRUARY 12, 2003 AS DOCUMENT NO. 2003-1538 AND RECORDED IN BOOK 1120, PAGE 718. (AFFECTS AND IS BLANKET IN NATURE.)
- MEMORANDUM OF UNDERGROUND GAS STORAGE AGREEMENT IN FAVOR OF ONEOK GAS STORAGE, L.L.C., AN OKLAHOMA LIMITED LIABILITY COMPANY, DATED DECEMBER 1, 2008, FILED NOVEMBER 7, 2008 AS DOCUMENT NO. 1-2008-00936 AND RECORDED IN BOOK 1370, PAGE 114. (AFFECTS AND IS BLANKET IN NATURE.)
- AFFIDAVIT OF CORRECTION, DATED JUNE 21, 2011, FILED JUNE 22, 2011 AS DOCUMENT NO. 1-2011-00401 AND RECORDED IN BOOK 1453, PAGE 799. (AFFECTS AND IS SHOWN HEREON.)
- AFFIDAVIT OF CORRECTION, DATED JUNE 27, 2011, FILED JUNE 27, 2011 AS DOCUMENT NO. 1-2011-004104 AND RECORDED IN BOOK 1454, PAGE 75. (AFFECTS AND IS SHOWN HEREON.)
- MEMORANDUM OF UNDERGROUND GAS STORAGE AGREEMENT IN FAVOR OF ONEOK GAS STORAGE, L.L.C., AN OKLAHOMA LIMITED LIABILITY COMPANY, DATED DECEMBER 1, 2013, FILED DECEMBER 4, 2013 AS DOCUMENT NO. 1-2013-08538 AND RECORDED IN BOOK 1539, PAGE 667. (AFFECTS AND IS BLANKET IN NATURE.)
- 33' RIGHT OF WAY IN FAVOR OF THE THOMAS GILCREASE FOUNDATION, AN ELEMENTARY CORPORATION, DATED JANUARY 9, 1984, FILED JANUARY 9, 1984 AS DOCUMENT NO. 110520 AND RECORDED IN BOOK 648, PAGE 210. (DOES NOT AFFECT THE PROPERTY DESCRIBED HEREON.)
- EASEMENTS CONTAINED WITHIN GENERAL WARRANTY DEED IN FAVOR OF ROBERT H. AIKMAN AND BOBBIE E. AIKMAN, HUSBAND AND WIFE, DATED JULY 26, 1990, FILED JULY 27, 1990 AS DOCUMENT NO. 053335 AND RECORDED IN BOOK 777, PAGE 90. (THE GENERAL WARRANTY DEED DESCRIBES A TRACT THAT IS PART OF THE PROPERTY DESCRIBED HEREON, HOWEVER NO SPECIFIC EASEMENT IS GIVEN.)
- EASEMENTS CONTAINED WITHIN QUIT-CLAIM DEED IN FAVOR OF CYNTHIA R. TURNER, TRUSTEE OF THE CYNTHIA R. TURNER REVOCABLE TRUST DATED NOVEMBER 1, 1995, DATED NOVEMBER 20, 1995, FILED NOVEMBER 28, 1995 AS DOCUMENT NO. 104219 AND RECORDED IN BOOK 889, PAGE 597. (SAID EASEMENT DOES NOT AFFECT THE PROPERTY DESCRIBED HEREON.)
- EASEMENTS CONTAINED WITHIN GENERAL WARRANTY DEED IN FAVOR OF DEWEY F. BARTLETT, JR., TRUSTEE OF THE DEWEY F. BARTLETT, JR. REVOCABLE TRUST DATED 5/20/97 (UNDIVIDED 2/3 INTEREST) AND SUSAN F. BARTLETT, TRUSTEE OF THE SUSAN F. BARTLETT REVOCABLE TRUST DATED 5/20/97 (UNDIVIDED 1/3 INTEREST), DATED JUNE 26, 1996, FILED JULY 14, 1996 AS DOCUMENT NO. 96-150732 AND RECORDED IN BOOK 999, PAGE 330. (DOES NOT AFFECT THE PROPERTY DESCRIBED HEREON.)

Miscellaneous Notes

- ALL EASEMENTS AND RIGHTS OF WAY CALLED OUT IN FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT NUMBER 15-1417, WITH EFFECTIVE DATE OF JULY 11, 2019, ARE SHOWN OR NOTED HEREON.
- THE BEARINGS SHOWN HEREON ARE BASED ON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM NORTH ZONE, NAD 83.
- THE PROPERTY DESCRIBED HEREON CONTAINS 5,830,755 SQUARE FEET OR 133.8557 ACRES.
- ALL CORNERS WERE SET USING A 3/8"x18" IRON PIN WITH A YELLOW CAP STAMPED "SACK LS 1139" OR "SACK CA 1783", UNLESS OTHERWISE NOTED.
- WE HAVE EXAMINED A MAP BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP, OSAGE COUNTY, OKLAHOMA AND INCORPORATED AREAS, MAP NUMBER 40113C124-1-K WITH AN EFFECTIVE DATE OF APRIL 2, 2008, WHICH SHOWS THE PROPERTY DESCRIBED HEREON IS LOCATED IN ZONE X (NOT SHADED) WHICH IS CLASSIFIED AS AN AREA THAT IS OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD. WE FURTHER CERTIFY THAT WE HAVE EXAMINED THE CITY OF TULSA REGULATORY FLOODPLAIN MAP ATLAS WITH EFFECTIVE DATE OF APRIL 2017, AND THE PROPERTY DESCRIBED HEREON IS AFFECTED.
- THERE ARE NO STRIPED PARKING SPACES.
- THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK OR RECENT BUILDING CONSTRUCTION.
- THERE IS NO OBSERVABLE EVIDENCE THAT THE SITE HAS BEEN USED FOR A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.
- LIMITS OF CITY OF TULSA REGULATORY FLOODPLAIN AS SCANNED FROM MAP ATLAS DATED APRIL 2017.
- WE HAVE NO OPINION AS TO THE OWNERSHIP OF FENCES SHOWN HEREON.

Utility Statement

THE UNDERGROUND UTILITIES SHOWN ON THIS PLAT HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ON THIS PLAT ARE IN THE EXACT LOCATION INDICATED; ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. CALL OKIE BEFORE DIGGING (800) 522-6543.

Certificate

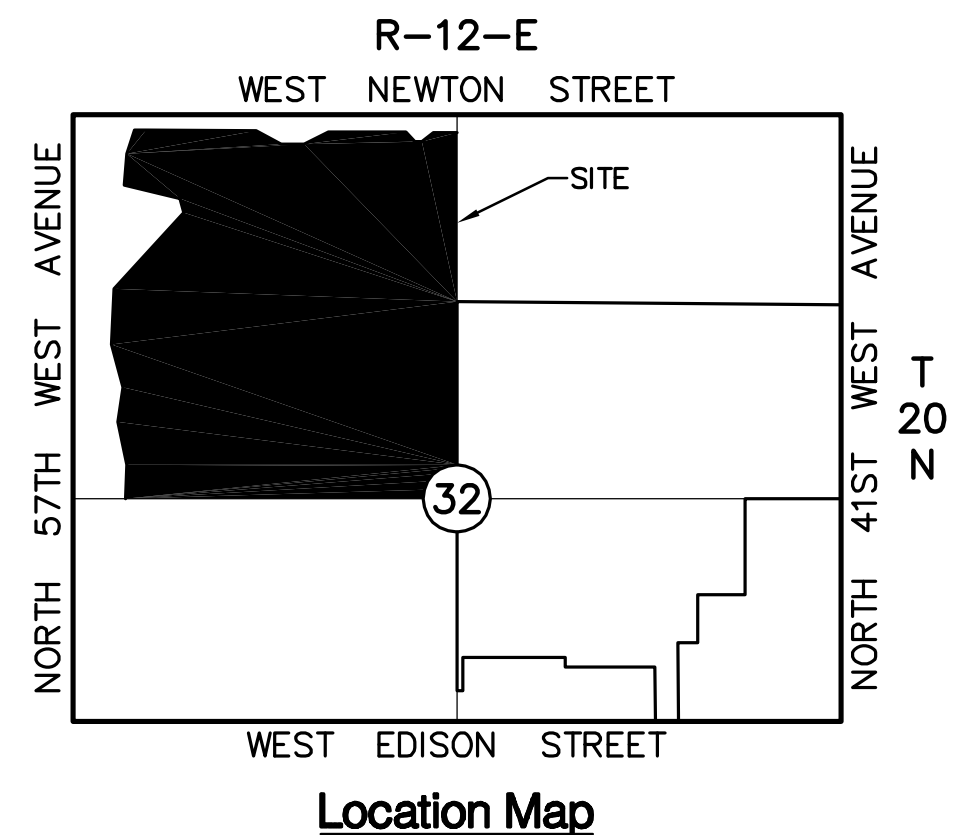
WE, SACK AND ASSOCIATES, INC., DO HEREBY CERTIFY TO:
 PARDEE CONSTRUCTION, LLC
 FIRST AMERICAN TITLE INSURANCE COMPANY
 TITAN TITLE & CLOSING, LLC

THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 7(a), (b), (c), 8, 9, 11, 16, 17 AND 18 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON OCTOBER 14, 2019.

THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

CERTIFIED THIS 13TH DAY OF NOVEMBER, 2019.

SACK AND ASSOCIATES, INC.
 THEODORE A. SACK
 LICENSED PROFESSIONAL LAND SURVEYOR, OKLAHOMA NO. 1139
 DATE SIGNED: 11-13-19



Legend

E	OVERHEAD ELECTRIC LINE
UE	UNDERGROUND ELECTRIC CABLE
SL	STORM DRAIN LINE
ES	ELECTRIC SERVICE LINE
ESL	SANITARY SEWER LINE
TL	UNDERGROUND TELEPHONE LINE
UT	UNDERGROUND TELEPHONE CABLE
W	OVERHEAD CABLE T.V.
WL	WATER LINE
M	MANHOLE
EM	ELECTRIC MANHOLE
GM	GAS MANHOLE
SM	STORM DRAIN MANHOLE
SSM	SANITARY SEWER MANHOLE
TM	TELEPHONE MANHOLE
AC	AIR CONDENSER
CC	SANITARY SEWER CLEANOUT
CB	CABLE T.V. RISER
EB	ELECTRIC BOX
ED	ELECTRIC METER
ER	ELECTRIC RISER
FR	FIRE HYDRANT
FP	FLAG POLE
GL	GAS METER
GP	GAS METER
GR	GAS RISER
GRB	GAS VALVE
ICB	IRRIGATION CONTROL BOX
ICV	IRRIGATION CONTROL VALVE
IS	IRIGATION SIGNAL
LS	LIGHT FIXTURE WITH BASE
LP	LIGHT POLE
LPB	UTILITY POLE
RS	ROSE SHAW
SH	SPRINKLER HEAD
TR	TELEPHONE RISER
TRC	TRAFIC SIGNAL
TRB	TRAFIC SIGNAL CONTROL BOX
WR	WATER VALVE
WM	WATER METER
WRP	REINFORCED CONCRETE PIPE
WRB	REINFORCED CONCRETE BOX
WRJ	WATER JUNCTION BOX
WRD	DOUBLE GRADE DROP INLET
FL	FLOORING
S	SITTER
P	PAINT
PL	PLANTER
RBC	REINFORCED CONCRETE BOX
ROP	REINFORCED CONCRETE PIPE
SUB	STORM DRAIN JUNCTION BOX
SDI	SINGLE GRADE DROP INLET
T	ELECTRIC TRANSFORMER
1	PARKING SPACES
TR	TREE
1	REFERS TO NOTE NUMBER
1	CITY OF TULSA REGULATORY FLOODPLAIN

ALTA/NSPS LAND TITLE SURVEY
 OF PART OF THE
NW/4 OF SECTION 32
T-20-N, R-12-E
OSAGE COUNTY, OKLAHOMA



SACK AND ASSOCIATES, INC.
 ENGINEERING • SURVEYING • PLANNING
 3530 East 31st Street South, Suite A, Tulsa, Oklahoma 74135-1519
 PH: 918.992.4111 FAX: 918.992.4222 E-mail: info@sackandassociates.com
 CA Number 1783 (PE/LS)

SURVEY	KG	BOOKS	SCALE	1"=100'	DATE	11/2019	
DRAWN	CDH	CHECKED	RLM	ORDER	G493A	FILE	2012.32
PROJECT NAME	EDISON AND 49TH W AVE-A			DRAWING NAME	ALTA01B		
PLOTTED	NOVEMBER 13, 2019 AT 4:17 PM			DRAWER			
XPDS	COPYRITE S-3042 SEAL-TAS-T-SAIL			SHEET	1 of 1		












20.5



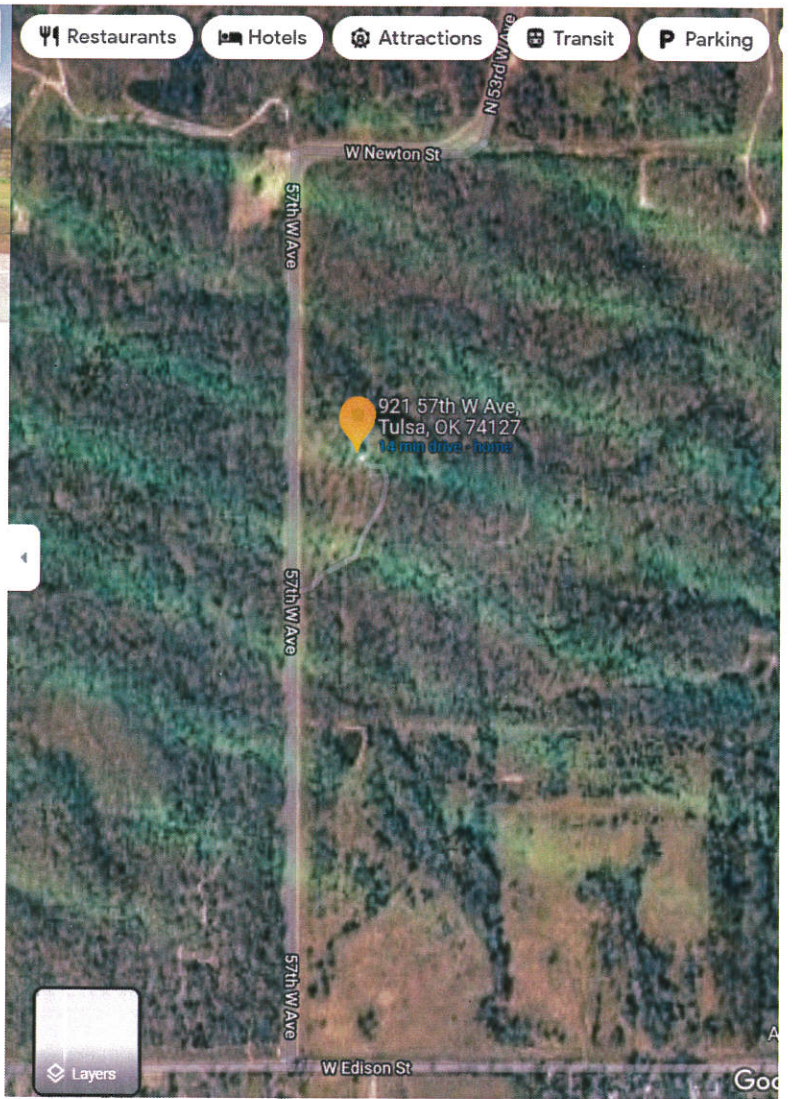
921 57th W Ave

Tulsa, OK 74127
Building

-  Directions
-  Save
-  Nearby
-  Send to your phone
-  Share

-  Suggest an edit on 921 57th W Ave
-  Add a missing place
-  Add your business
-  Add a label

Photos

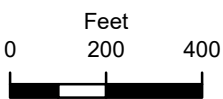




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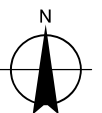
Subject Tract

BOA-23312

20-12 32

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

Aerial Photo Date: 2020/2021



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