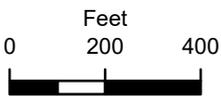


BOA-23359



19-13 06



BOARD OF ADJUSTMENT CASE REPORT

STR: 9306

Case Number: **BOA-23359**

CZM: 37

CD: 1

HEARING DATE: 06/14/2022 1:00 PM

APPLICANT: John L. Shafer III

ACTION REQUESTED: Variance of the minimum 5,500 square foot lot area and lot area per unit in the RM-2 District to permit a lot split (Sec. 5.030-A, Table 5-3); Variance of the minimum 10-foot street setback, and 10-foot rear setback in the RM-2 District to permit a lot split (Sec. 5.030-A, Table 5-3)

LOCATION: SE/c of S. Yorktown Ave. and E. 1st St. S.

ZONED: RM-2

PRESENT USE: Residential

TRACT SIZE: 8398.4 SQ FT

LEGAL DESCRIPTION: LOT-6-BLK-3, WAKEFIELD,

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 at the SE/c of E. 1st St. S. and S. Yorktown Ave. the property currently contains two dwelling units on one lot of record. Per the County Assessor the two structures were built in 1935.

STATEMENT OF HARDSHIP: The improvements to the property have separately existed since 1935, with two separate dwelling units.

STAFF COMMENTS: The applicant is requesting **Variance** of the minimum 5,500 square foot lot area and lot area per unit in the RM-2 District to permit a lot split (Sec. 5.030-A, Table 5-3); **Variance** of the minimum 10-foot street setback, and 10-foot rear setback in the RM-2 District to permit a lot split (Sec. 5.030-A, Table 5-3)

Table 5-3: R District Lot and Building Regulations

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
Minimum Lot Area (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	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	-	-	-	-	-	10,000	10,000	10,000	10,000	10,000	10,000	10,000	-
Duplex	-	-	-	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	-
Multi-unit house	-	-	-	-	-	3,300	6,900	5,500	5,500	5,500	5,500	5,500	-

Chapter 5 | Residential Districts
Section 5.030 | Lot and Building Regulations

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
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	-	-	-	-	-	2,500	2,500	2,500	2,500	2,500	2,500	2,500	-
Duplex	-	-	-	3,450	2,750	1,650	2,750	2,750	2,750	2,750	2,750	2,750	-
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	-
Patio house	-	-	-	60	50	30	50	50	50	50	50	50	-
Townhouse	-	-	-	30	25	20	25	20	20	20	20	20	-
Cottage house dev't	-	-	-	-	-	75	75	75	75	75	75	75	-
Duplex	-	-	-	60	50	30	50	50	50	50	50	50	-
Multi-unit house	-	-	-	-	-	30	50	50	50	50	50	50	-
Apartment/condo	-	-	-	-	-	-	-	-	100	100	50	100	-
Other allowed buildings/uses													
Permitted by right	150	100	75	60	50	50	50	50	50	50	50	50	50
Special exceptions	150	100	100	100	100	100	100	100	100	100	100	100	100
Minimum Street Frontage													
Residential bldgs/uses [2]	30	30	30	30	30	30	30	30	30	30	30	30	30
Min. Building Setbacks (ft.)													
Street [3]													
Arterial or fwy service rd.	35	35	35	35	35	35	35	35	10	10	10	10	35
Other streets	35	35	30	25	20	20	25	10	10	10	10	10	25
Side (interior) [4]	15	5	5	5	5	5	5	5[5]	5[6]	5[6]	5[6]	5[7]	10
Rear [4]	25	25	25	20	20	20	20	20	20	20	10	20	15
Min. Open Sp./Unit (sq. ft.)	12,000	7,000	5,000	4,000[8]	2,500	600	2,000	1,200	1,200	600	200	-	2,500
Max. Building Height (feet)	35	35	35	35	35	35	35	35	35	35	35	-	35

The applicant is requesting variances to allow lots that are 5,040 square feet and 3,360 square feet. The minimum lot size is 5,500 square feet. In creating the second lot the newly created street setback on the Southern lot would be 4-feet and the rear setback would be 2.5-feet. These setbacks currently exist, but the defined street and rear setback are changing for the Southern lot and necessitate the variance.

SAMPLE MOTION: Move to _____ (approve/deny) a **Variance** of the minimum 5,500 square foot lot area and lot area per unit in the RM-2 District to permit a lot split (Sec. 5.030-A, Table 5-3); **Variance** of the minimum 10-foot street setback, and 10-foot rear setback in the RM-2 District to permit a lot split (Sec. 5.030-A, 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:

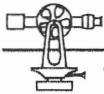
- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*
- b. That literal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



Subject Property



WHITE SURVEYING COMPANY

9936 EAST 55TH PLACE TULSA, OKLAHOMA 74146 • (918) 689-6924

LEGEND

- X— FENCE
- U/E UTILITY EASEMENT
- D/E DRAINAGE EASEMENT
- M/P METERING POINT
- B/E BURIED ELECTRIC & TELEPHONE CABLE EASEMENT (APPROXIMATE LOCATION)
- B.L. BUILDING LINE
- O.B.L. OUTBUILDING LINE



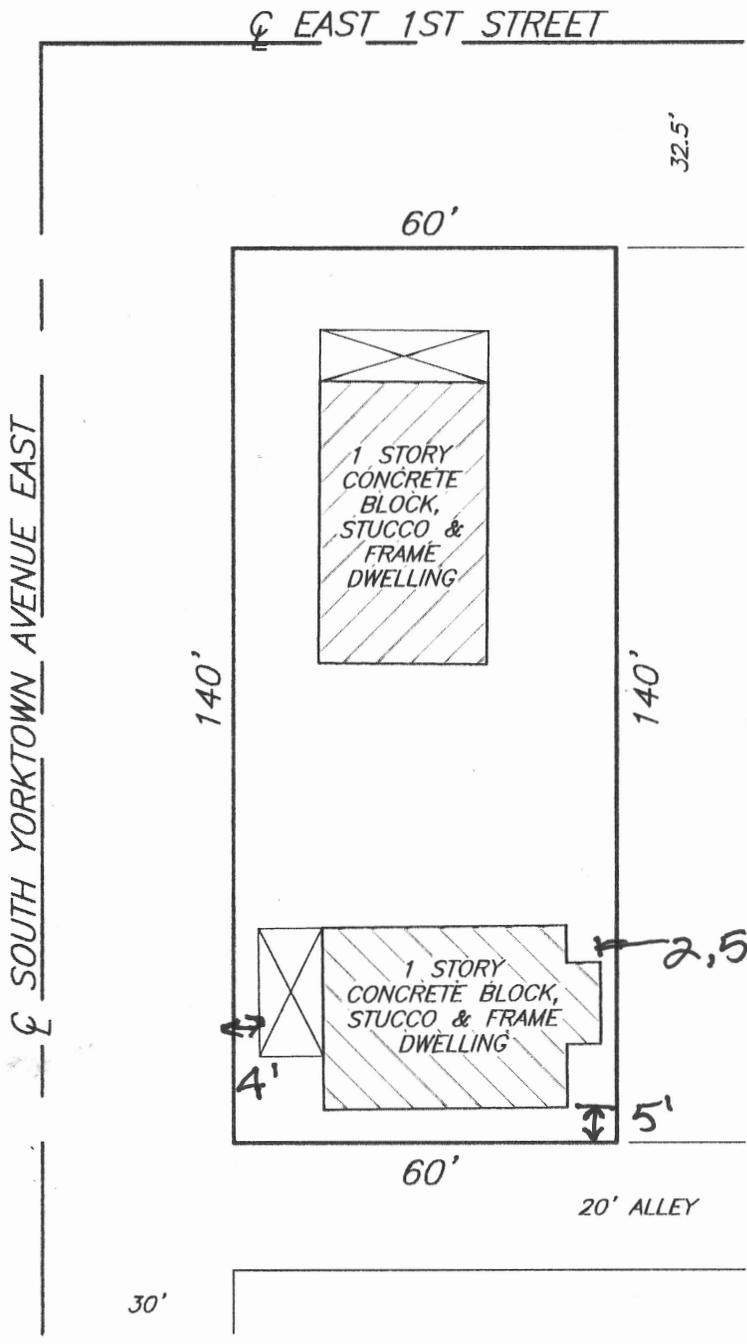
1"=30'

INVOICE NO.: STK 18-95216
CLIENT: JOHN L. SHAFER, III



BEFORE YOU DIG,
CALL OKIE
1-800-522-6543

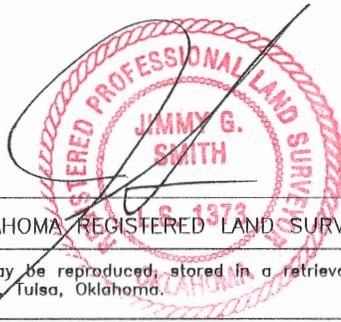
SITE PLAN



PLAT NO. 184

LEGAL DESCRIPTION:

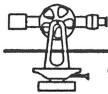
LOT SIX (6), BLOCK THREE (3), WAKEFIELD, AN ADDITION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND KNOWN AS 111 SOUTH YORKTOWN AVENUE EAST.



DATE: OCTOBER 25, 2018

OKLAHOMA REGISTERED LAND SURVEYOR NO. 1373

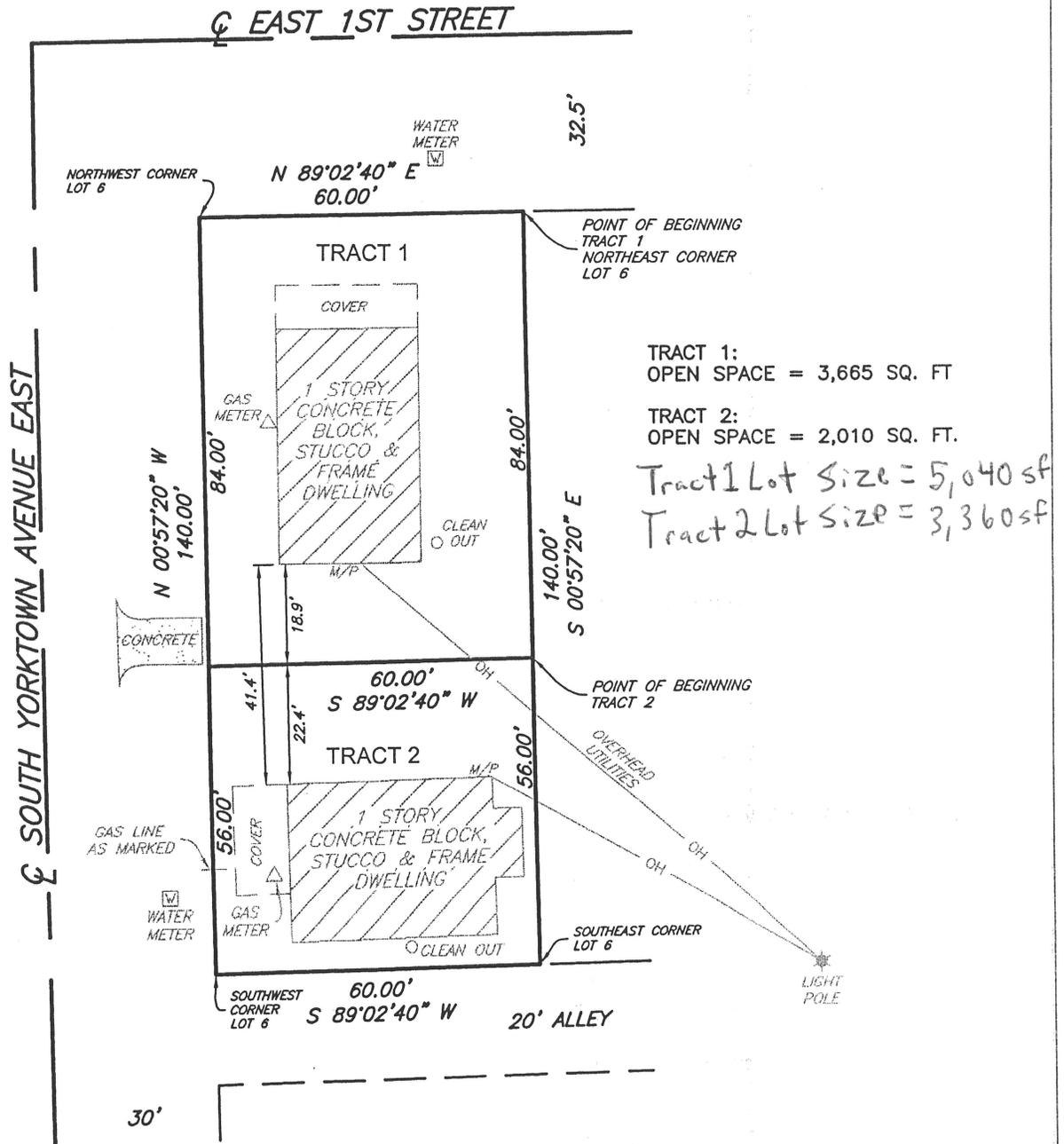
Copyright 2017 by White Surveying Company. All Rights reserved. No part of this plat may be reproduced, stored in a retrieval system, or transmitted in any form without prior written permission of White Surveying Company, P.O. Box 471675, Tulsa, Oklahoma.

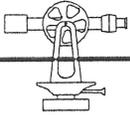


1"=30'

LOT-SPLIT EXHIBIT

LOT 6, BLOCK 3,
WAKEFIELD ADDITION,
CITY OF TULSA, TULSA COUNTY, STATE
OF OKLAHOMA





WHITE SURVEYING COMPANY

9936 East 55th Place • Tulsa, Oklahoma 74146 • (918) 663-6924 fax (918) 664-8366
mailing address: P.O. Box 471675 Tulsa, Oklahoma 74147-1675

LEGAL DESCRIPTION

UNDIVIDED LEGAL:

LOT SIX (6), BLOCK THREE (3), WAKEFIELD, AN ADDITION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

TRACT1:

A PART OF LOT SIX (6), BLOCK THREE (3), WAKEFIELD, AN ADDITION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:
BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 6, THENCE S 00°57'20" E ALONG SAID EAST LINE A DISTANCE OF 84.00 FEET; THENCE S 89°02'40" W A DISTANCE OF 60.00 FEET; THENCE N 00°57'20" W A DISTANCE OF 84.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 6; THENCE N 89°02'40" E A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

TRACT 2:

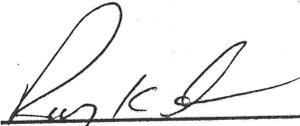
A PART OF LOT SIX (6), BLOCK THREE (3), WAKEFIELD, AN ADDITION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:
BEGINNING AT A POINT ON THE EAST LINE OF SAID LOT 6 A DISTANCE 84.00 FEET SOUTH OF THE NORTHEAST CORNER THEREOF, THENCE S 00°57'20" E A DISTANCE OF 56.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 6; THENCE S 89°02'40" W A DISTANCE OF 60.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 6; THENCE N 00°57'20" W A DISTANCE OF 56.00 FEET; THENCE N 89°02'40" E A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

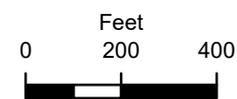
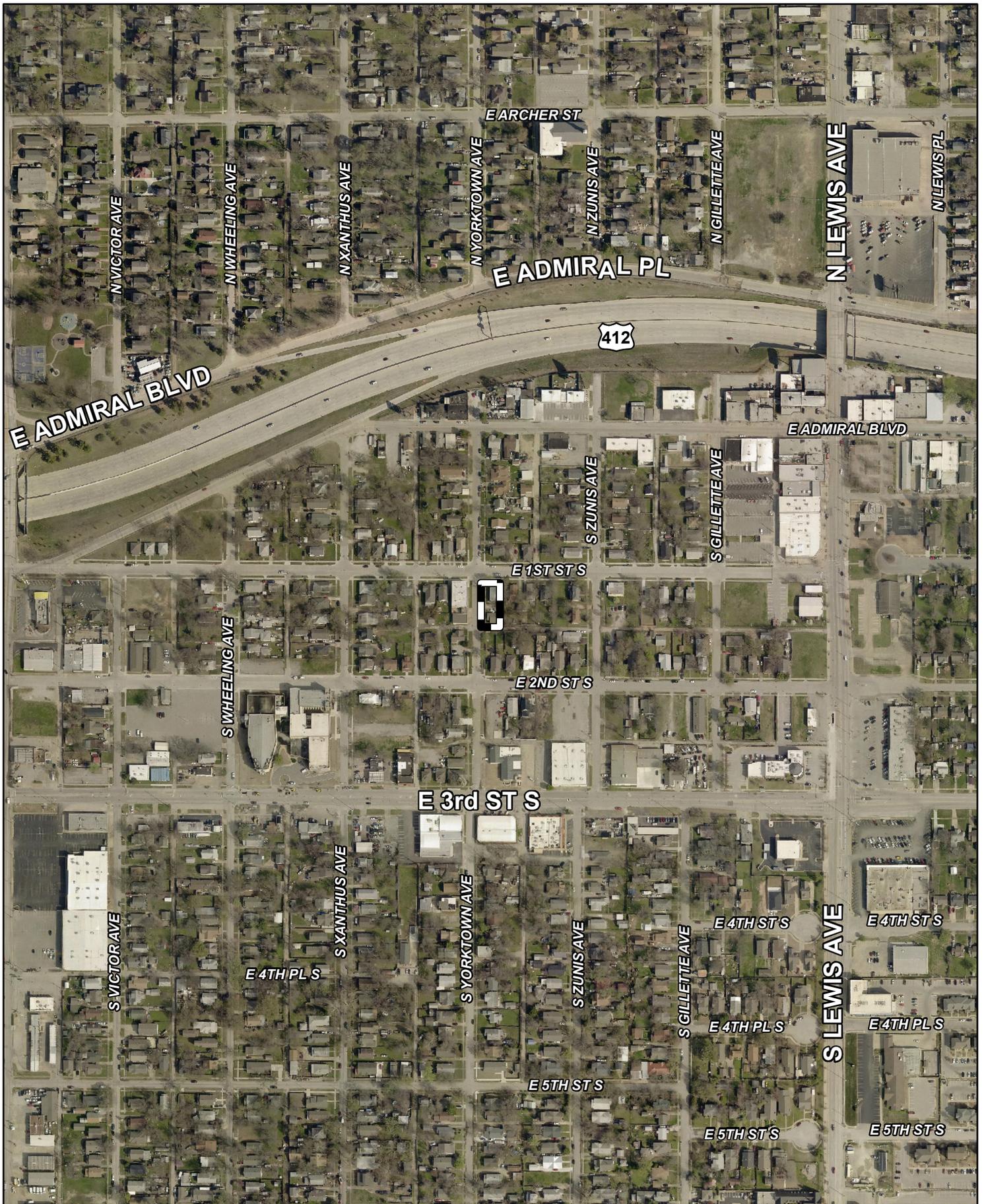
REAL PROPERTY CERTIFICATION

I, Randy K. Shoefstall of White Surveying Company, a Registered Professional Land Surveyor in the State of Oklahoma, certify that the attached legal description is based upon the Oklahoma State Plane Coordinate System, closes in accord with existing records, that the attached drawing is a true representation of the real property as described and meets the minimum technical standards for land surveying of the state of Oklahoma.

5/17/2019
Date




Randy K. Shoefstall
RPLS No. 1676
White Surveying Company
C.A. No. 1098 Expires
6/30/19



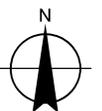
Subject
Tract

BOA-23359

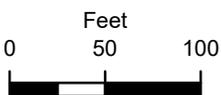
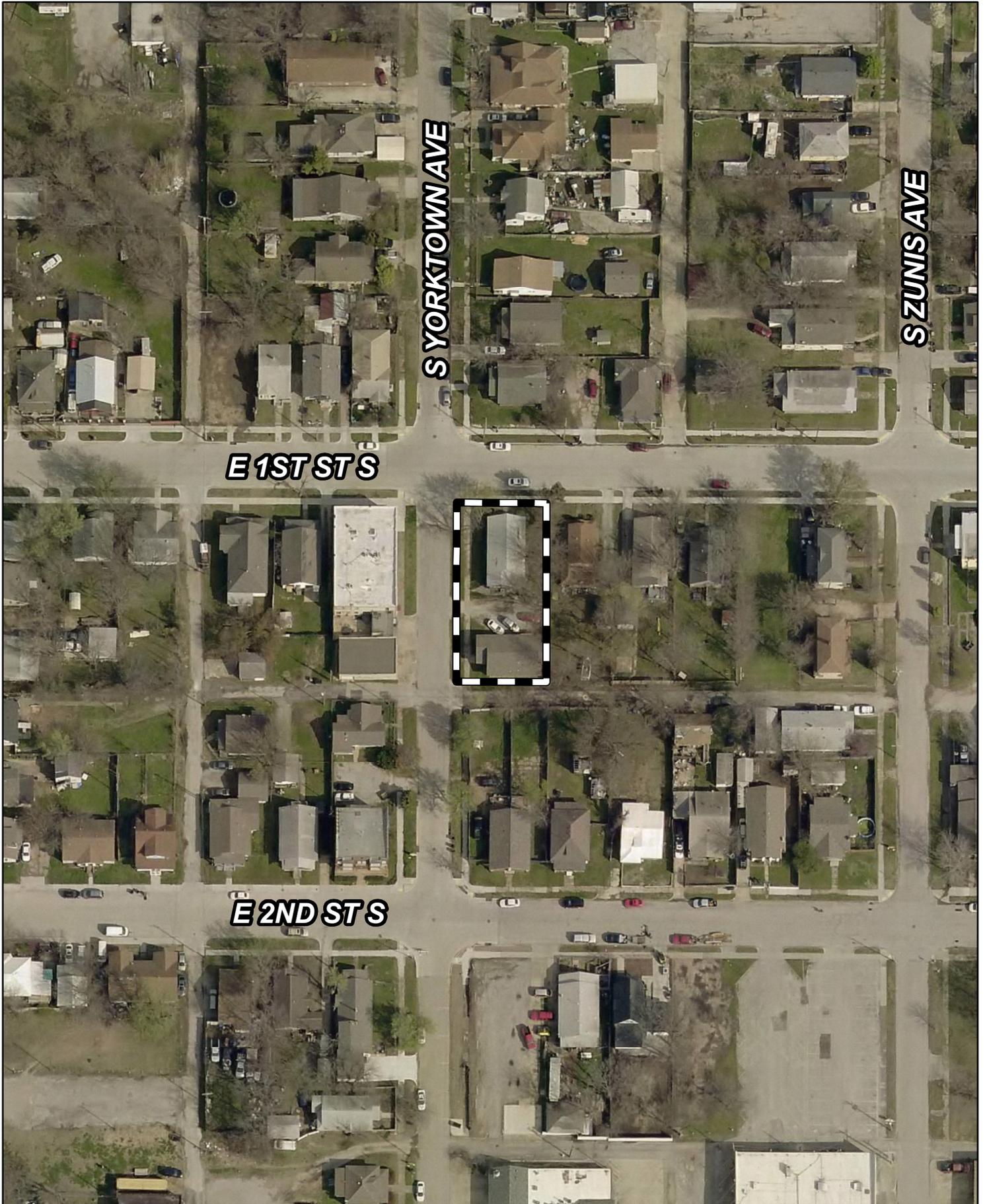
19-13 06

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

Aerial Photo Date: 2020/2021



10.9



BOA-23359

19-13 06

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

Aerial Photo Date: 2020/2021



10.10