

BOARD OF ADJUSTMENT CASE REPORT

STR: 9425

Case Number: **BOA-23375**

CZM: 50

CD: 6

HEARING DATE: 06/28/2022 1:00 PM

APPLICANT: Nathalie Cornett

ACTION REQUESTED: Variance to reduce the 200-foot minimum lot width in the AG district (Sec 25.020-D, Table 25-2)

LOCATION: 4402 S 193 AV E

ZONED: AG

PRESENT USE: Residential

TRACT SIZE: 435601.78 SQ FT

LEGAL DESCRIPTION: N/2 N/2 SE NE SEC 25 19 14 ,

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 South of the SW/c of S. 193rd E. ave. and E. 41st St. S. S. 193rd serves as the corporate limits boundary between the City of Tulsa and the City of Broken Arrow.

STATEMENT OF HARDSHIP: Please see exhibit provided by the applicant in the agenda packet.

STAFF COMMENTS: The applicant is requesting Variance to reduce the 200-foot minimum lot width in the AG district (Sec 25.020-D, Table 25-2)

Applicant is seeking variance in order to permit a lot-split that would result in two lots, both with a lot width of 164.92-feet.

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

TULSA ZONING CODE | December 24, 2021
page 25-3

Chapter 25 | Special Districts
Section 25.030 | PK, Parking District

Regulations	AG	AG-R
Side (one side/other side)	10/5	15
Rear	40	25
Max. Building Height (feet)	-	35

SAMPLE MOTION: Move to _____ (approve/deny) a Variance to reduce the 200-foot minimum lot width in the AG district (Sec 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;*
- That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*
- That the variance to be granted is the minimum variance that will afford relief;*
- 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*
- 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 from 193rd (Image taken from Google Street View. Image capture date: April 2021.)

Exhibit "A"

Legal Descriptions

Undivided Tract

The North Half of the North Half of the Southeast Quarter of the Northeast Quarter (N/2 N/2 SE/4 NE/4) of Section 25, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, containing 9.98 acres.

North Tract

The North Half of the North Half of the North Half of the Southeast Quarter of the Northeast Quarter (N/2 N/2 N/2 SE/4 NE/4) of Section 25, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, containing 4.99 acres.

South Tract

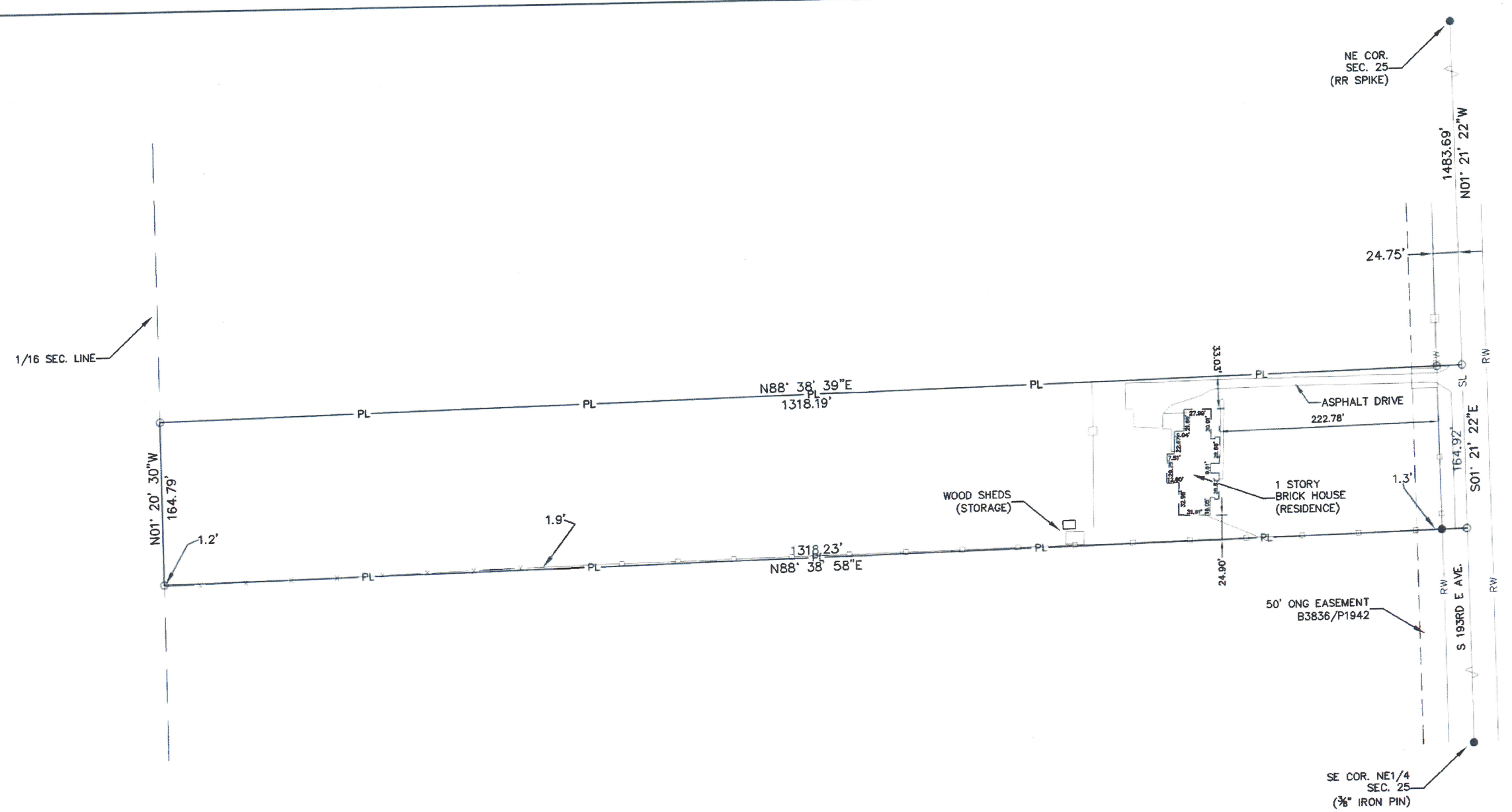
The South Half of the North Half of the North Half of the Southeast Quarter of the Northeast Quarter (S/2 N/2 N/2 SE/4 NE/4) of Section 25, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, containing 4.99 acres.

Exhibit "B"

The Applicant requests a Variance of Table 25-2 of the Tulsa Zoning Code (the "Code") to permit a lot split of a 10 acre tract into two, 5 acre tracts each with a lot width of 165 feet for property located in an AG District at 4402 S. 193rd East Avenue (the "Property").

The Property is located on the west side of 193rd E. Ave., between E. 41st Street and E. 51st Street. South 193rd is both the county line between Tulsa and Wagoner counties and city limit between Tulsa and Broken Arrow. This properties along the west side of 193rd are developed primarily as a rural, residential area. However, to the east, south and west of the Property are dense residential subdivisions zoned RS-3 and RS-4.

The proposed lot split will result in two, 5 acre tracts, one with an existing home and the other vacant. Each tract will be over 1300 feet deep, have 165 feet of frontage on 193rd, and will otherwise comply with the bulk and area requirements of the AG district. Given the exceptional depth of the Property, the literal enforcement of the Code results in unnecessary hardship to the owner. Further, due the density of surrounding development and the comprehensive plan designation of New Neighborhood, the variance does not impair the spirit and intent of the Code and will not alter the character of the neighborhood or otherwise be detrimental to the public good.



1/16 SEC. LINE

NE COR.
SEC. 25
(RR SPIKE)

1483.69'
N01° 21' 22"W

24.75'

N88° 38' 39"E
1318.19'

ASPHALT DRIVE
222.78'

1 STORY
BRICK HOUSE
(RESIDENCE)

WOOD SHEDS
(STORAGE)

1318.23'
N88° 38' 58"E

50' ONG EASEMENT
B3836/P1942

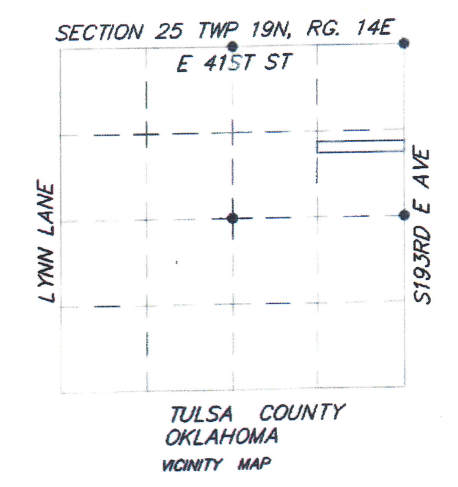
164.92'
S01° 21' 22"E

S 193RD E AVE.

SE COR. NE1/4
SEC. 25
(3/8" IRON PIN)

LEGEND

- PROPERTY LINE
- ROAD RIGHT OF WAY LINE
- BARBED WIRE FENCE
- PVC FENCE
- CHAINLINK FENCE
- EXISTING CORNER PIN FOUND
- IRON PIN W/CAP SET
- UTILITY POLE
- STREET LIGHT POLE
- ELEVATION BENCH MARK
- EXISTING WATER METER
- EXISTING SANITARY SEWER MANHOLE
- EXISTING ELECTRIC METER



LEGAL DESCRIPTION

The South Half of the North Half of the North Half of the Southeast Quarter of the Northeast Quarter (S/2 N/2 N/2 SE/4 NE/4) of Section 25, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa county, State of Oklahoma, according to the US Government Survey thereof ; Containing 4.99 acres

SURVEYOR CERTIFICATION

I, CHARLES WARREN CHASTAIN, CERTIFY THAT THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING, AND THAT THE ABOVE DESCRIBED TRACT WAS SURVEYED UNDER MY DIRECT SUPERVISION

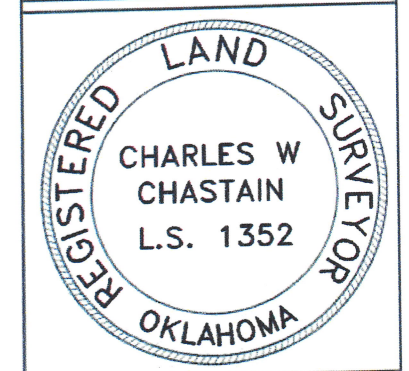
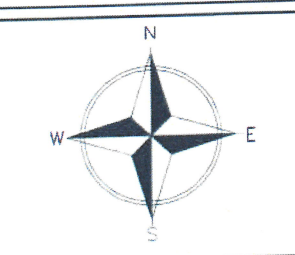
CHARLES W. CHASTAIN PLS 1352 DATE- 4/27/22

HOLLOWAY UPDIKE AND BELLEN
ENGINEERS
818 E. S. BLVD
MUSKOGEE OKLAHOMA 74402
OKLAHOMA C.A. NO. 219 EX-06/2023
PH 918 682 7811

BOUNDARY SURVEY

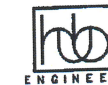
FOR TONY LENARD
ADDRESS: 3075 N 41ST W AVE.
TULSA OK. 74127

BASIS OF BEARINGS
NAD 83 OK STATE PLANE
COORDINATE SYSTEM-
NORTH ZONE



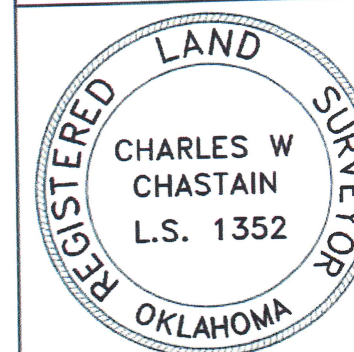
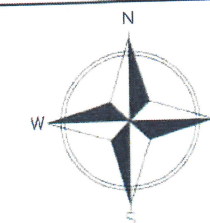
DRAWING INFO

DRAWN BY:	SCALE 1" = 125'
REVISION DATE- added res. ties	
DATE OF FIELD SURVEY 3/14/2022	

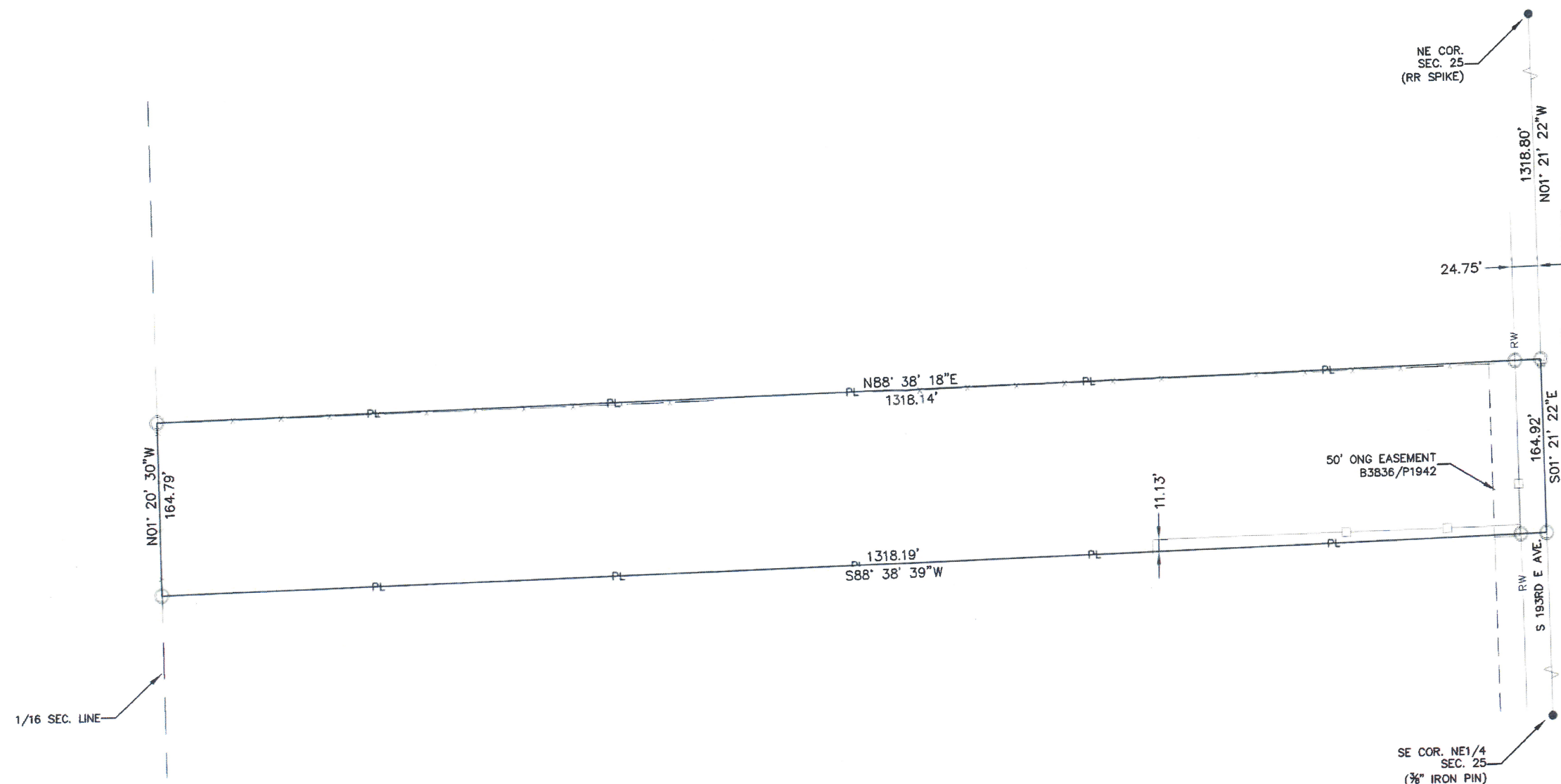
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BOUNDARY SURVEY

FOR TONY LENARD

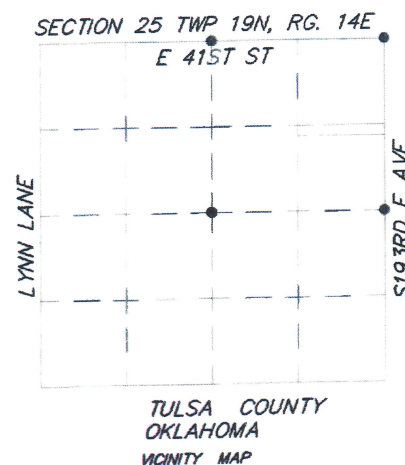
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REVISION DATE-
DATE OF FIELD SURVEY 3/14/2022

LEGEND

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- RW — ROAD RIGHT OF WAY LINE
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CHARLES W. CHASTAIN PLS 1352 DATE 4/27/22



0 200 400
Feet



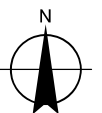
Subject
Tract

BOA-23375

19-14 25

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

Aerial Photo Date: 2020/2021



10.9