



CITY OF
Tulsa
Board of Adjustment

Case Number: B0A-23519-Wagoner

Hearing Date: 04/25/2023 1:00 PM

Case Report Prepared by:

Austin Chapman

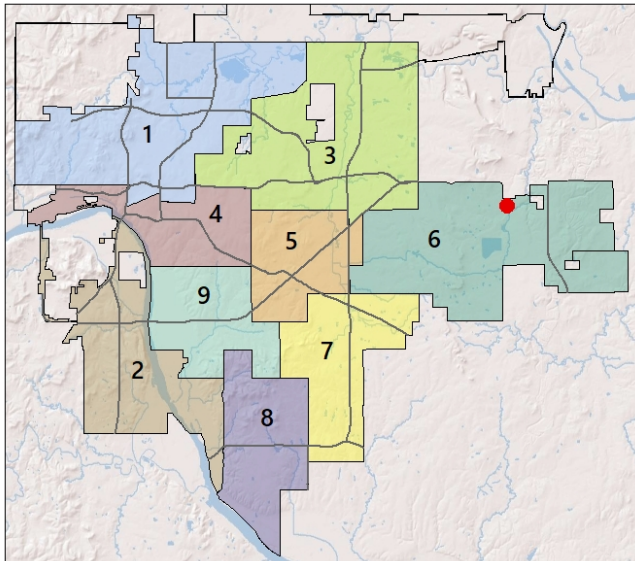
Owner and Applicant Information:

Applicant: Grady Whitaker

Property Owner: D & B Holdings

Action Requested: Variance to reduce the required 75-foot setback in the IM zoning district from abutting AG Zoning Districts (Sec. 15.020, Table 15-2)

Location Map:



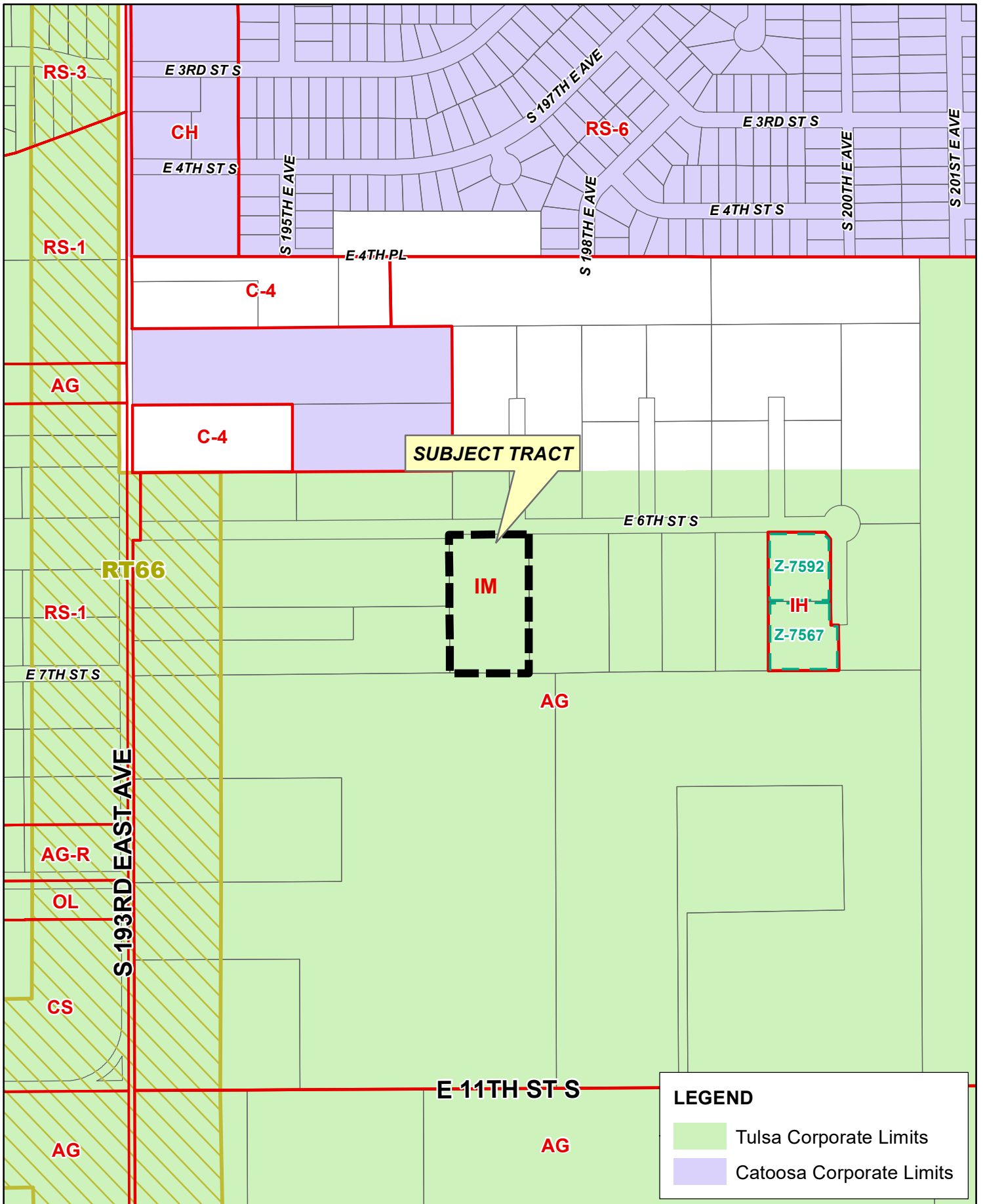
Additional Information:

Present Use: Industrial- Metal Processing

Tract Size: +/- 111,320 square feet

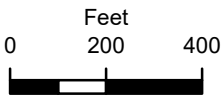
Location: 19504 E. 6th St.

Present Zoning: IM



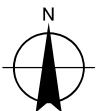
LEGEND

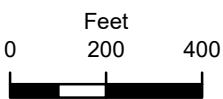
- Tulsa Corporate Limits
- Catoosa Corporate Limits



BOA-23519-Wagoner

19-15 06





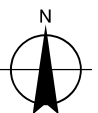
 Subject Tract

BOA-23519 Wagoner

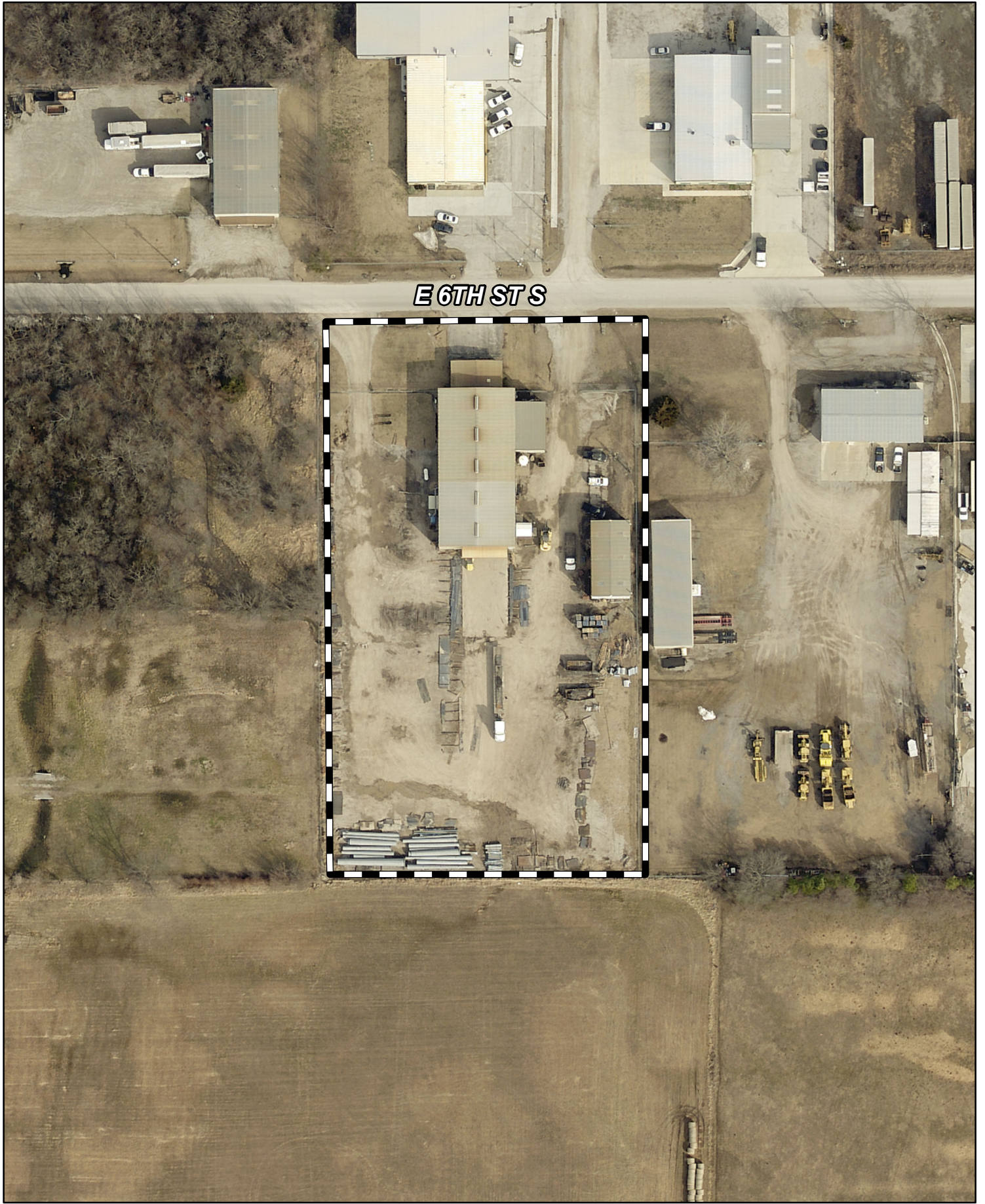
19-15 06

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

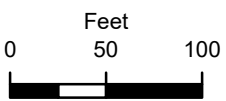
Aerial Photo Date: 2020/2021



5.3



E 6TH ST S



 **Subject Tract**

BOA-23519
Wagoner

19-15 06

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

Aerial Photo Date: 2020/2021



5.4

BOARD OF ADJUSTMENT CASE REPORT

STR: 9506

Case Number: BOA-23519-WAGONER

CD: 6

HEARING DATE: 04/25/2023 1:00 PM

APPLICANT: Grady Whitaker

ACTION REQUESTED: Variance to reduce the required 75-foot setback in the IM zoning district from abutting AG Zoning Districts (Sec. 15.020, Table 15-2)

LOCATION: 19504 E. 6th St.

ZONED: IM

PRESENT USE: Industrial- Metal Processing

TRACT SIZE: +/- 111,320 square feet

LEGAL DESCRIPTION: The West 253.25 Feet of Lot thirteen (13) Port Area Industrial Park a subdivision of Part of Lot Ten (10) and part of the northeast quarter of the southwest quarter (NE/4 SW/4) of Section Six (6) Township Nineteen (19) North, Range Fifteen (15) East of the Indian Meridian, Wagoner County, State of Oklahoma, according to the recorded plat thereof.

RELEVANT PREVIOUS ACTIONS:

Subject property:

Z-7691; On 03.08.23 the Tulsa City Council *approved* a rezoning from AG to IM on the subject property. IM zoning is in effect 04.25.23.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an "Employment" Land Use Designation and an "Area of Growth".

Employment areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity. Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

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.

STATEMENT OF HARDSHIP:

Current property is existing non-conforming industrial use which appears to have been developed / constructed, by previous Owner(s), prior to annexation by the City of Tulsa. Adjacent property to east and surrounding neighbors are all industrial type use. Application to rezone property to Industrial zoning to align with current use and to allow for expansion of current facilities submitted to Planning Commission (TMAPC). Current requirement of 75' set back from AG District would render current property practically useless.

STAFF ANALYSIS: The applicant is requesting a **Variance** to reduce the required 75-foot setback in the IM zoning district from abutting AG Zoning Districts (Sec. 15.020, Table 15-2)

Table 15-3: O, C and I District Lot and Building Regulations

Regulations	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH
Minimum Lot Area (sq. ft.)	-	-	-	10,000	-	-	-	-	-	-	-
Minimum Street Frontage (feet)	50	50	50	-	50	50	-	-	50	50	50
Maximum Floor Area Ratio (FAR)	0.40	0.50	2.00	8.00	0.50	0.75	-	-	-	-	-
Minimum Lot Area per Unit (sq. ft.)	[1]	[2]	[2]	[3]	[2]	[2]	-	-	[2]	[2]	[2]
Min. Open Space per Unit (sq. ft.)	[1]	[2]	[2]	[3]	[2]	[2]	-	-	[2]	[2]	[2]
Building Setbacks (feet)											
Street [4]	10	10	10	10	10	10	-	-	10	10	10
From AG, AG-R, or R district	10	10[5]	10[5]	10	10[5]	10[5]	-	-	75[6]	75[6]	75[6]
From O district	-	-	-	-	-	-	-	-	75[6]	75[6]	75[6]
Max. Building Coverage (% of lot)	-	-	-	-	-	-	-	-	-	-	-
Maximum Building Height (feet)	35	-	-	-	-	-	-	-	-	-	-

Facts staff finds favorable for variance request:

- Staff is agreement that the current setback requirement limit development on the site and the use of the abutting AG property to the East and West is for Industrial purposes.

Facts Staff find unfavorable for the variance request:

- None.

SAMPLE MOTION: Move to _____ (approve/deny) a **Variance** to reduce the required 75-foot setback in the IM zoning district from abutting AG Zoning Districts (Sec. 15.020, Table 15-2):

- 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;*

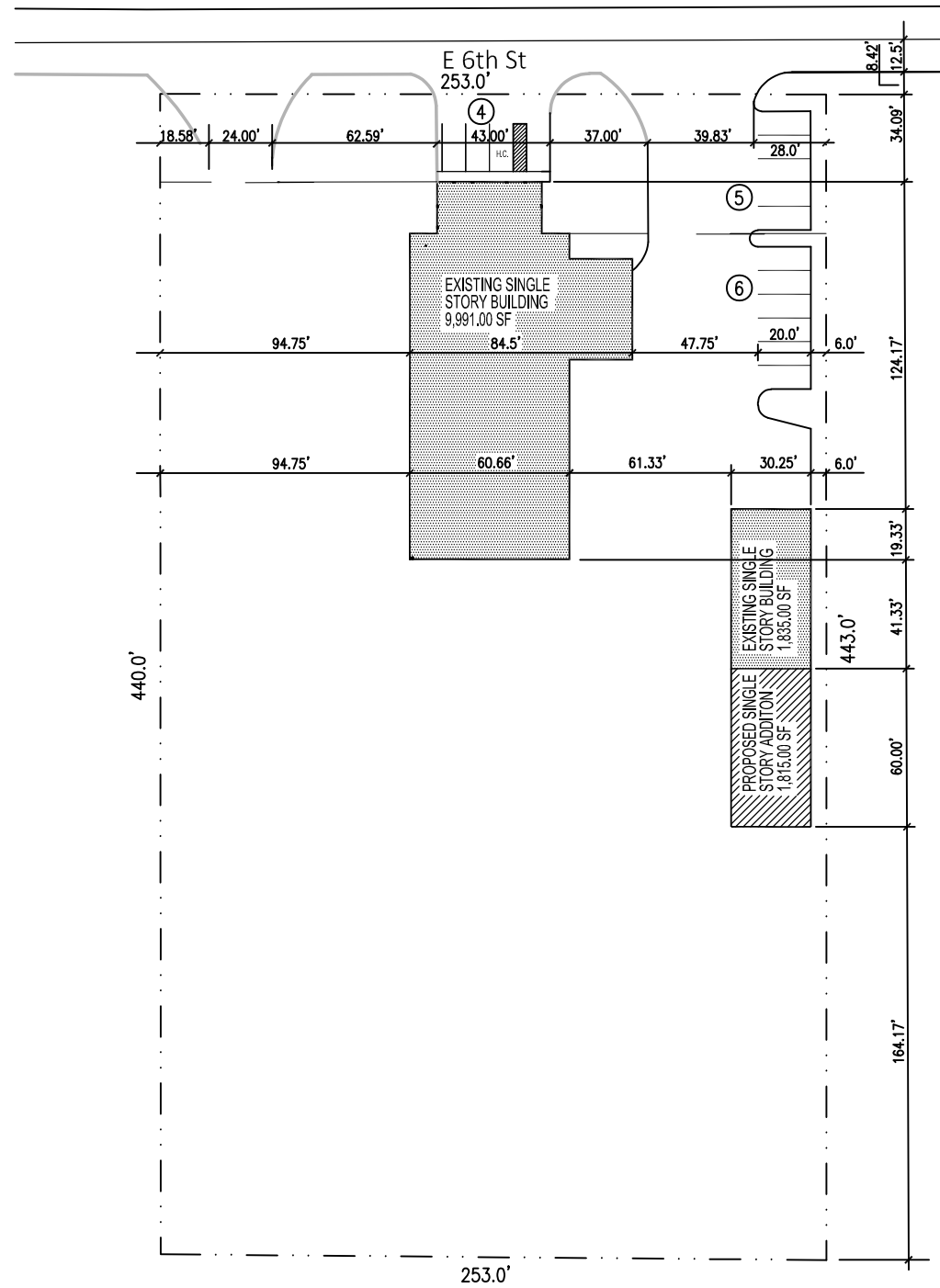
e. That the variance to be granted is the minimum variance that will afford relief;

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



A SITE PLAN
SCALE: 1" = 30'-0"



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Sixteen West Second Street Sand Springs, Oklahoma 74063
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PROJECT NAME:

**D & B Metal Processing
PLANT III EXPANSION**

19504 East 6th Street Tulsa, Oklahoma

DRAWING TITLE:

SITE PLAN

ISSUE DATE: DECEMBER 20, 2022

REVISIONS:

SEAL:

**PRELIMINARY
NOT FOR
CONSTRUCTION**

PROJECT NUMBER: 2207

DRAWN BY: GWW

CHECKED BY: GWW

REVIEWED BY: GWW

SCALE: AS INDICATED

SHEET NUMBER:

C301

SHEET 1 of 1