



CITY OF  
**Tulsa**  
Board of Adjustment

**Case Number:** BOA-23529

**Hearing Date:** 05/23/2023 1:00 PM

**Case Report Prepared by:**

Austin Chapman

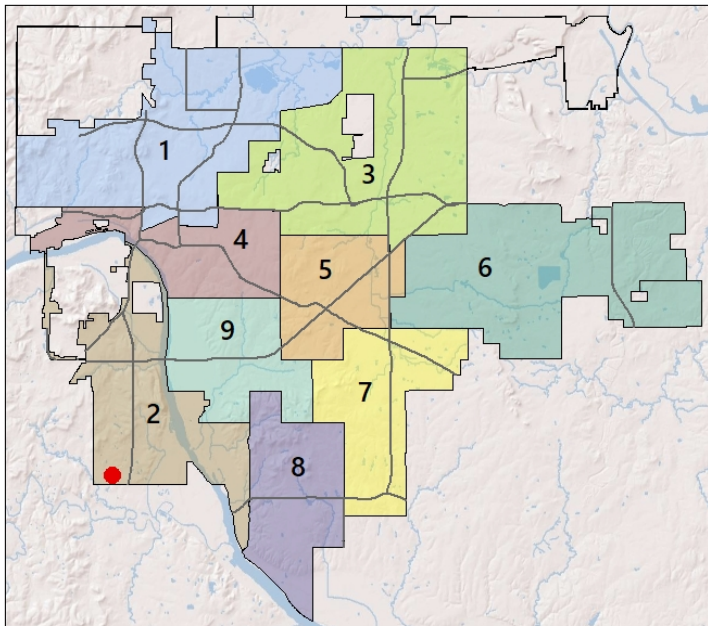
**Owner and Applicant Information:**

**Applicant:** Erik Enyart

**Property Owner:** SCHIESEL 2020 TRUST

**Action Requested:** Variance to reduce the required street frontage in the AG district from 30-feet to 0-feet to permit a lot split (Sec. 25.020-D, Table 25-2)

**Location Map:**



**Additional Information:**

**Present Use:** 1 single-family dwelling and agricultural

**Tract Size:** 27.89 acres

**Location:** 2123 W. 91 St. S.

**Present Zoning:** RS-3,AG

# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 8215

**Case Number:** BOA-23529

**CD:** 2

**HEARING DATE:** 05/23/2023 1:00 PM

**APPLICANT:** Erik Enyart

**ACTION REQUESTED:** Variance to reduce the required street frontage in the AG district from 30-feet to 0-feet to permit a lot split (Sec. 25.020-D, Table 25-2)

**LOCATION:** 2123 W 91 ST S

**ZONED:** RS-3,AG

**PRESENT USE:** 1 single-family dwelling and agricultural

**TRACT SIZE:** 1214680.98 SQ FT

**LEGAL DESCRIPTION:** See attached.

**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.

**STATEMENT OF HARDSHIP:** The applicant has provided an exhibit in your packet detailing their stated hardship.

**STAFF ANALYSIS:** The applicant is requesting **Variance** to reduce the required street frontage in the AG district from 30-feet to 0-feet to permit a lot split (Sec. 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. Street Frontage (feet)	30	30
Min. Building Setbacks (feet)		
Street	25	25
Side (one side/other side)	10/5	15
Rear	40	25
Max. Building Height (feet)	-	35

**Facts staff finds favorable for variance request:**

- None.

**Facts Staff find unfavorable for the variance request:**

- The deed presented that created the 'Former 2-acre " described by the applicant was an illegal lot split not approved by the Tulsa Metropolitan Area Planning Commission. To staff's knowledge that 2-acre tract never served as its own tract for purposes of Zoning or Land Use and was always titled to the same owner as the larger parcel.
- The applicant has not stated what hardship the current lot configuration presents to the property owner. For the purposes of Zoning the use allowances will not change and the zoning will remain AG.

**SAMPLE MOTION:** Move to \_\_\_\_\_ (approve/deny) a Variance to reduce the required street frontage in the AG district from 30-feet to 0-feet to permit a lot split (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 \_\_\_\_\_.
- **Suggested Condition:** The approved variance does not endorse any additional relief related to other City of Tulsa Subdivision and Development Regulations or City of Tulsa Ordinances.

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."*