



**CITY OF**  
**Tulsa**  
**Board of Adjustment**

**Case Number: BOA-23529**

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

**Case Report Prepared by:**

Austin Chapman

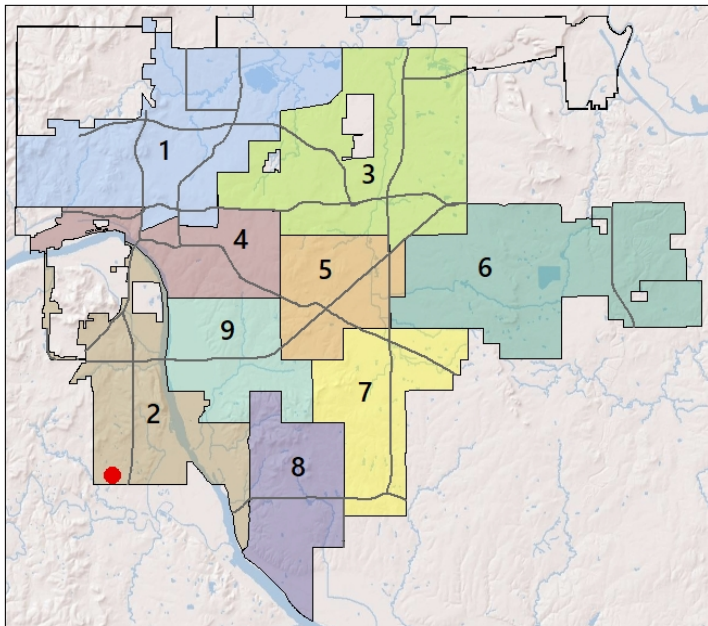
**Owner and Applicant Information:**

**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:**

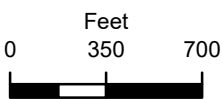
**Present Use: 1 single-family dwelling and agricultural**

**Tract Size: 27.89 acres**

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

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





Subject Tract

**BOA-23529**

18-12 15

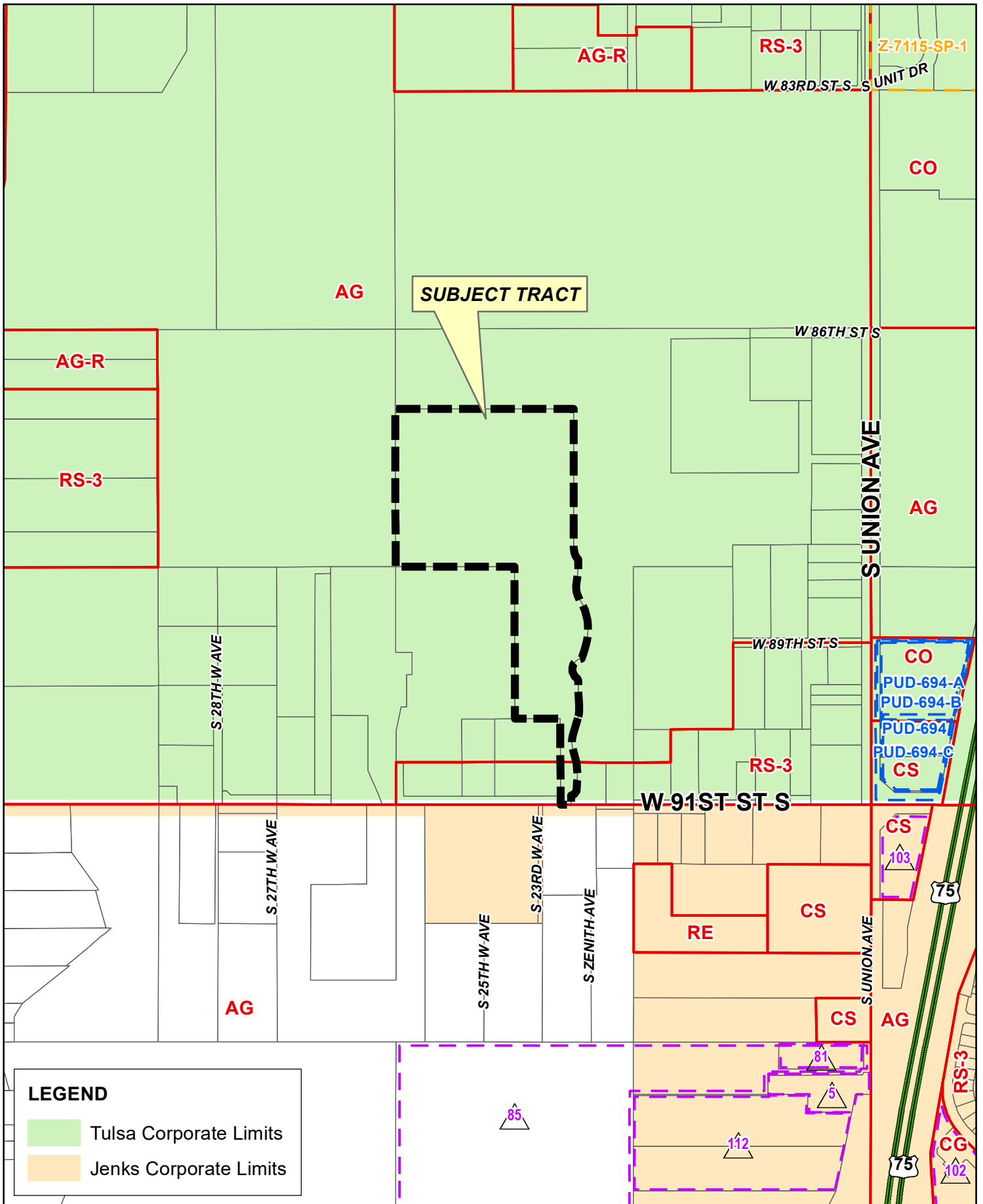
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2020/2021



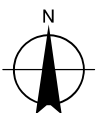
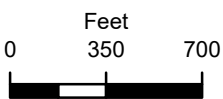
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**BOA-23529**

18-12 15



# 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.

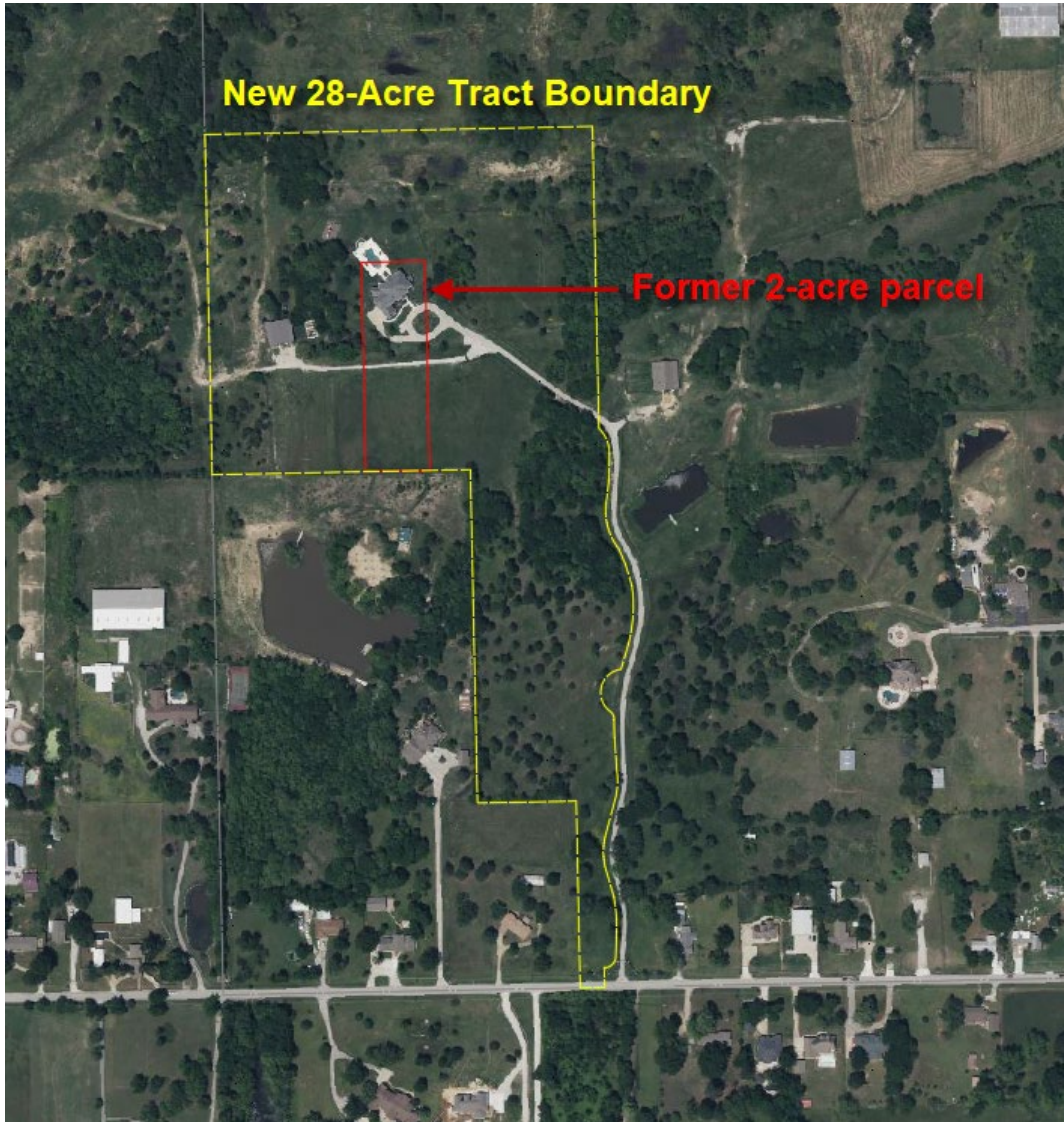
In granting the **Variance** the Board finds that the following facts, favorable to the property owner, have been established:

- 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."*

# 2123 West 91<sup>st</sup> Street South

Tulsa, Oklahoma

BOA-\_\_\_\_



April 2023

OWNER:  
**Michael Schiesel**  
2123 W. 91<sup>st</sup> St. S.  
Tulsa, OK 74132  
Phone: (918) 810-5868

CONSULTANT:  
**Tanner Consulting, L.L.C.**  
5323 South Lewis Avenue  
Tulsa, Oklahoma 74105  
Phone: (918)745-9929

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## I. PROPERTY DESCRIPTION

The subject property consists of 27.901 acres addressed 2123 W. 91<sup>st</sup> St. S., in the City of Tulsa, Oklahoma, and is more particularly described within the following statement:

A TRACT OF LAND THAT IS A PART OF THE SOUTHEAST QUARTER (SE/4) OF SECTION FIFTEEN (15), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SE/4; THENCE SOUTH 88°52'36" WEST AND ALONG THE SOUTH LINE OF SAID SE/4 FOR A DISTANCE OF 1653.58 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 88°52'36" WEST AND CONTINUING ALONG SAID SOUTH LINE FOR A DISTANCE OF 76.28 FEET; THENCE NORTH 1°11'43" WEST FOR A DISTANCE OF 477.40 FEET; THENCE SOUTH 88°53'58" WEST FOR A DISTANCE OF 252.45 FEET; THENCE NORTH 1°13'14" WEST FOR A DISTANCE OF 852.05 FEET; THENCE SOUTH 88°52'36" WEST FOR A DISTANCE OF 660.00 FEET TO A POINT ON THE WEST LINE OF SAID SE/4; THENCE NORTH 1°13'14" WEST AND ALONG SAID WEST LINE FOR A DISTANCE OF 869.39 FEET; THENCE NORTH 88°46'46" EAST FOR A DISTANCE OF 990.52 FEET; THENCE SOUTH 1°13'14" EAST FOR A DISTANCE OF 772.08 FEET TO A POINT ON AN EXISTING FENCE LINE; THENCE ALONG SAID EXISTING FENCE LINE FOR THE FOLLOWING EIGHTEEN (18) COURSES; ALONG A 88.41 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 45°50'23" EAST, A CENTRAL ANGLE OF 46°51'32", A CHORD BEARING AND DISTANCE OF SOUTH 22°24'37" EAST FOR 70.31 FEET, FOR AN ARC DISTANCE OF 72.31 FEET; THENCE SOUTH 1°01'11" WEST FOR A DISTANCE OF 67.24 FEET; THENCE SOUTH 6°46'19" WEST FOR A DISTANCE OF 59.88 FEET; THENCE ALONG A 157.61 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 7°00'58" WEST, A CENTRAL ANGLE OF 45°17'46", A CHORD BEARING AND DISTANCE OF SOUTH 15°37'55" EAST FOR 121.38 FEET, FOR AN ARC DISTANCE OF 124.60 FEET; THENCE SOUTH 23°16'25" EAST FOR A DISTANCE OF 42.88 FEET; THENCE SOUTH 16°28'36" EAST FOR A DISTANCE OF 57.14 FEET; THENCE SOUTH 6°39'39" EAST FOR A DISTANCE OF 28.87 FEET; THENCE ALONG A 411.51 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 2°31'31" EAST, A CENTRAL ANGLE OF 19°05'29", A CHORD BEARING AND DISTANCE OF SOUTH 7°01'14" WEST FOR 136.48 FEET, FOR AN ARC DISTANCE OF 137.12 FEET;

THENCE SOUTH 16°33'58" WEST FOR A DISTANCE OF 50.79 FEET; THENCE ALONG A 60.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 82°25'47" WEST, A CENTRAL ANGLE OF 135°57'50", A CHORD BEARING AND DISTANCE OF SOUTH 14°26'52" WEST FOR 111.25 FEET, FOR AN ARC DISTANCE OF 142.38 FEET; THENCE ALONG A 25.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 54°16'55", A CHORD BEARING AND DISTANCE OF SOUTH 26°23'35" EAST FOR 22.81 FEET, FOR AN ARC DISTANCE OF 23.69 FEET; THENCE ALONG A 592.13 FOOT RADIUS CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 4°30'35", A CHORD BEARING AND DISTANCE OF SOUTH 1°30'25" EAST FOR 46.59 FEET, FOR AN ARC DISTANCE OF 46.61 FEET; THENCE SOUTH 3°45'47" EAST FOR A DISTANCE OF 83.39 FEET; THENCE ALONG A 183.88 FOOT RADIUS CURVE NON-TANGENT CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 8°33'31" EAST, A CENTRAL ANGLE OF 23°38'24", A CHORD BEARING AND DISTANCE OF SOUTH 3°15'41" WEST FOR 75.33 FEET, FOR AN ARC DISTANCE OF 75.87 FEET; THENCE SOUTH 15°04'53" WEST FOR A DISTANCE OF 88.57 FEET; THENCE ALONG A 166.70 FOOT RADIUS NON-TANGENT CURVE TO THE



LEFT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 16°26'34" WEST, A CENTRAL ANGLE OF 32°35'10", A CHORD BEARING AND DISTANCE OF SOUTH 0°08'59" WEST FOR 93.54 FEET, FOR AN ARC DISTANCE OF 94.81 FEET; THENCE SOUTH 16°08'35" EAST FOR A DISTANCE OF 73.60 FEET; THENCE ALONG A 460.45 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 9°51'04" EAST, A CENTRAL ANGLE OF 12°46'42", A CHORD BEARING AND DISTANCE OF SOUTH 3°27'43" EAST FOR 102.48 FEET, FOR AN ARC DISTANCE OF 102.69 FEET; THENCE SOUTH 1°56'40" WEST FOR A DISTANCE OF 48.82 FEET; THENCE ALONG A 30.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 86°55'59", A CHORD BEARING AND DISTANCE OF SOUTH 45°24'39" WEST FOR 41.28 FEET, FOR AN ARC DISTANCE OF 45.52 FEET; THENCE SOUTH 1°07'24" EAST FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING;

SUBJECT TRACT CONTAINS 1,215,374 SQUARE FEET OR 27.901 ACRES.

THE BEARINGS SHOWN HEREON ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (3501), NORTH AMERICAN DATUM 1983 (NAD83).

The above described property will hereinafter be referred to as the "Site" or "Subject Property" and is depicted on the title page.

## II. SITE DESCRIPTION

The subject property is a 27.901-acre (“28-acre”) tract of land containing a single-family dwelling and agricultural and wooded land, along with buildings and structures accessory to the dwelling and agricultural buildings and structures. It is a “flag lot” which has a narrower strip of land extending to and fronting along West 91<sup>st</sup> Street South. The land was created by deed dated the 12<sup>th</sup> day of August, 2022 and filed of record September 01, 2022 as Document # 2022089791 in the records of the County Clerk, Tulsa County, Oklahoma. The land division creating the tract was too large to be subject to the requirement for Lot-Split approval, but it was reviewed and approved as an Exempt Land Division Application, case number ELD-39.

### III. VARIANCE REQUEST AND JUSTIFICATION

The 28-acre tract contained a former 2-acre tract which itself contained the single-family dwelling. The 2-acre tract was contained within and subsumed by the 28-acre tract due to the legal description used in the deed. The current owner desires to restore a 2-acre “residential” tract separate from the balance of the property, which is considered for various reasons to be “agricultural.” Having the entire 28-acre tract now considered “residential” has presented a substantial practical and financial hardship on the new owner, who had expected the 2-acre tract to carry through as a separate parcel. The former 2-acre tract did not have street frontage but had legal access via an access easement created and contained in conveyances, which roughly corresponded with the existing, long driveway connecting the dwelling to West 91<sup>st</sup> Street South. If and upon approval of this variance, the proposed 2-acre tract will have the same circumstances, albeit with a different configuration more appropriate and befitting the dwelling, its orientation, and pool and other accessory residential site features. The proposed configuration is shown below.

These conditions giving rise to the requested variance are unique to the subject property and not applicable, generally, to other properties within the same zoning classification and the practical difficulty and unnecessary hardship was not created or self-imposed by the current property owner.

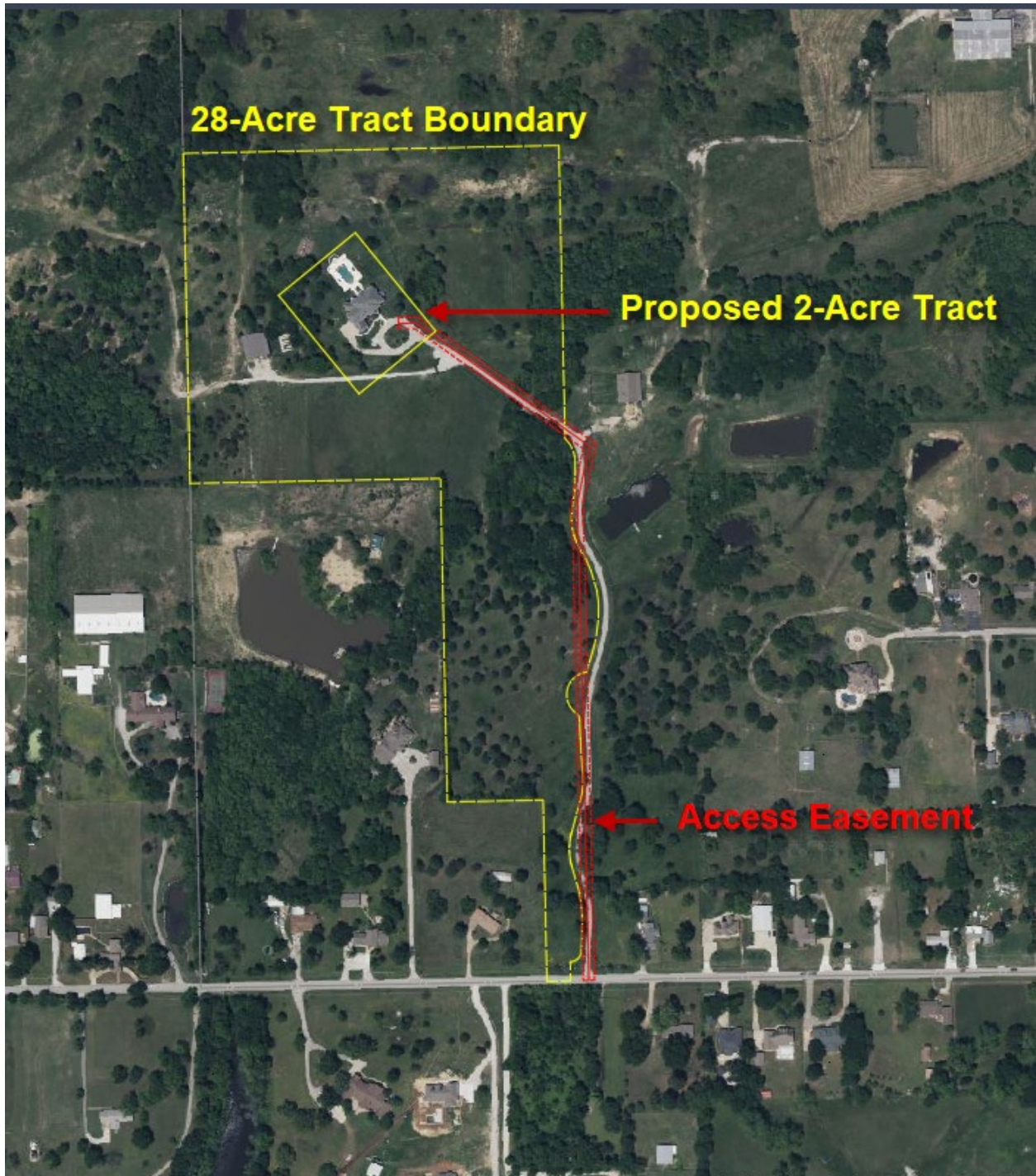
The street frontage requirement of the Zoning Code’s is intended to ensure all tracts of land have legal and convenient access. The subject property already has an existing driveway providing access to West 91<sup>st</sup> Street South, secured by an access easement, and further has a “panhandle” portion of the property in which a new driveway could be constructed if ever required.

The variance requested is the minimum necessary, allowing a 2-acre tract to replace the 2-acre tract which was subsumed by recent conveyance of the 28-acre tract.

Since there had been a 2-acre tract peaceably existing for some time, access is secured, and no physical changes to the site would result from the approval of the variance or Lot-Split, the variance to be granted will preserve the essential character of the neighborhood in which the subject property is located and will not substantially or permanently impair use or development of adjacent property, and will not cause substantial detriment to the public good or impair the purposes, spirit, or intent of the Zoning Code or the Comprehensive Plan.

For all the reasons above, we believe that the variance requested (1) if the strict letter of the regulations were carried out, the physical surroundings, shape, and other inherent physical conditions of the subject property would result in unnecessary hardship and/or practical difficulties for the property owner, as distinguished from a mere inconvenience, (2) that the literal enforcement of the subject Zoning Code provisions is not necessary to achieve the provisions’ intended purposes, (3) that the conditions giving rise to the requested variance are unique to the subject property and not applicable, generally, to other properties within the same zoning classification, (4) that the practical difficulty and unnecessary hardship was not created or self-imposed by the current property owner, (5) that the variance requested is the minimum variance that will afford relief, (6) that the variance to be granted will preserve the essential character of the neighborhood in which the subject property is located and will not substantially or permanently impair use or development of adjacent property, and (7) that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, or intent of the Zoning Code or the Comprehensive Plan.





**Proposed Lot-Split showing existing Access Easement**