



CITY OF Tulsa

Board of Adjustment

Case Number: BOA-23555

Hearing Date: 07/25/2023 1:00 PM

Case Report Prepared by:

Austin Chapman

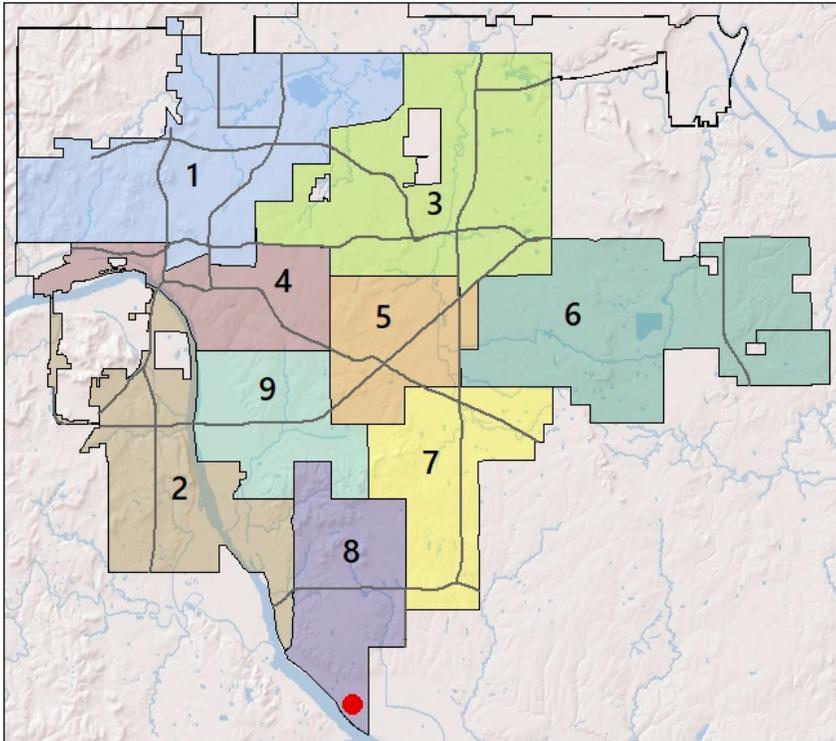
Owner and Applicant Information:

Applicant: Erik Enyart

Property Owner: EXECUTIVE HOMES LLC

Action Requested: Variance to reduce the minimum open space requirement from 4,000 square feet to 3,250 square feet in the RS-3 District (Sec. 5.030-A, Table 5-3)

Location Map:



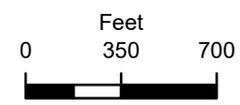
Additional Information:

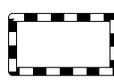
Present Use: Vacant platted lots

Tract Size: 0.84 acres

Location: 12654 S Irvington E. Ave.;
12658 S Irvington E. Ave. ; 12662 S
Irvington E. Ave.; 12666 S Irvington E.
Ave.; 12702 S Irvington E. Ave.

Present Zoning: RS-3



 Subject Tract

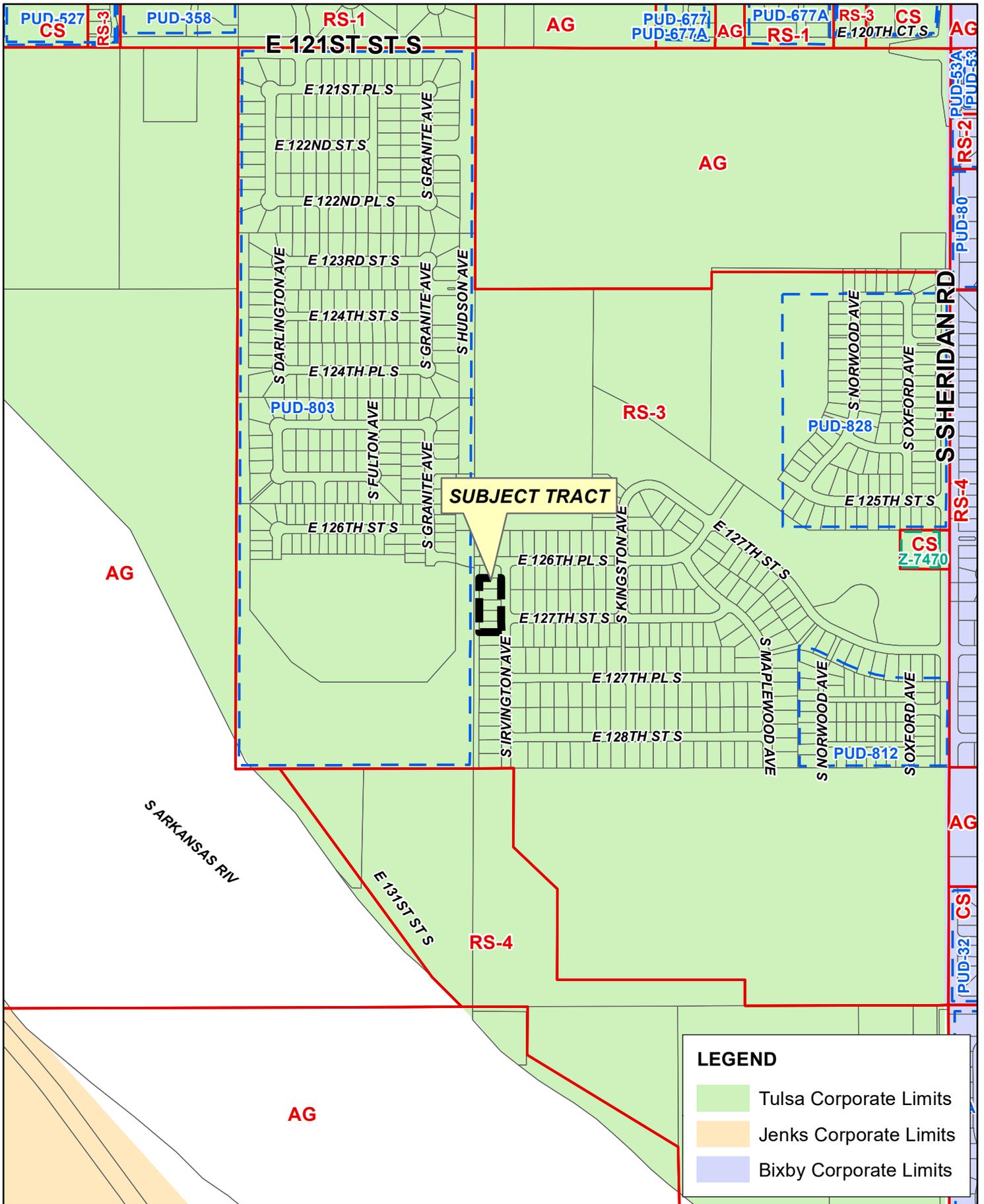
BOA-23555

17-13 03

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

Aerial Photo Date: 2021





SUBJECT TRACT

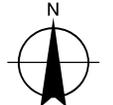
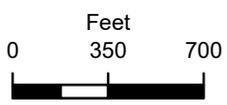


LEGEND

- Tulsa Corporate Limits
- Jenks Corporate Limits
- Bixby Corporate Limits

BOA-23555

17-13 03



**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 7303
CD: 8

Case Number: **BOA-23555**

HEARING DATE: 07/25/2023 1:00 PM

APPLICANT: Erik Enyart

ACTION REQUESTED: Variance to reduce the minimum open space requirement from 4,000 square feet to 3,250 square feet in the RS-3 District (Sec. 5.030-A, Table 5-3)

LOCATION: 12654 S Irvington E. Ave.; 12658 S Irvington E. Ave. ; 12662 S Irvington E. Ave.; 12666 S Irvington E. Ave.; 12702 S Irvington E. Ave. **ZONED:** RS-3

PRESENT USE: Vacant platted lots

TRACT SIZE: 36437.17 SQ FT

LEGAL DESCRIPTION: Lots 2-6 Block 15, Addison Creek Blocks 10-15 City of Tulsa, Tulsa County, State Of Oklahoma

RELEVANT PREVIOUS ACTIONS: None.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a “Neighborhood” Land Use Designation.

Neighborhoods are “Mostly Residential Uses” which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low-intensity uses that support residents’ daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off of an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access off of a lower-order street separated from the arterial, then it would be considered Neighborhood.

STATEMENT OF HARDSHIP: Please see attached exhibits provided by the applicant.

STAFF ANALYSIS: The applicant is requesting a Variance to reduce the minimum open space requirement from 4,000 square feet to 3,250 square feet in the RS-3 District (Sec. 5.030-A, Table 5-3) for 5 lots in the Addison Creek Subdivision. Individual site plans for said lots are available in your packet.

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
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

Facts staff finds favorable for variance request:

- The Reserve Area to the West of the subject properties is not developable and will remain open space.

Facts Staff find unfavorable for the variance request:

- None.

SAMPLE MOTION: Move to _____ (approve/deny) a Variance to reduce the minimum open space requirement from 4,000 square feet to 3,250 square feet in the RS-3 District (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 Properties

TABLE OF CONTENTS

I. PROPERTY DESCRIPTION 2

II. SITE DESCRIPTION..... 4

III. VARIANCE REQUEST AND JUSTIFICATION 5

I. PROPERTY DESCRIPTION

The subject property consists of five (5) vacant, platted lots addressed 12654, 12658, 12662, 12668, and 12702 S. Irvington Ave. in the City of Tulsa, Oklahoma, and is more particularly described within the following statement:

LOTS TWO (2) THROUGH SIX (6), INCLUSIVE, BLOCK FIFTEEN (15), "ADDISON CREEK BLOCKS 10-15", A SUBDIVISION WITHIN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT (PLAT NO. 7069) THEREOF.

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 five (5) vacant, platted lots are located within the “Villas” neighborhood of “Addison Creek”, a master-planned community of over 193 acres along Sheridan Road south of 121st Street South. “The Villas” neighborhood shares similar lot sizes and house sizes with “The Enclave” and “Addison Creek Crossing” subdivisions.

III. VARIANCE REQUEST AND JUSTIFICATION

The five (5) lots in question were originally planned to extend to the west line of the property, but the west thirty (30) feet was carved off as Reserve Areas “I” and “J” to contain and protect a ONEOK Gas Transportation, L.L.C. high-pressure gasline, which Reserve Areas now contribute to the open space for the neighborhood. While the typical “Villas” lots were 60’ wide by 135’ deep, these lots ended up being 60’ wide by 121’ deep (on average). As a result of being smaller than the other lots in the same neighborhood and zoning district, the house plans result in a deficit of open space required by the Zoning Code, and so could not be permitted without cutting out areas and design features. These lots are thus at a competitive disadvantage (a hardship) with respect to the other lots not burdened by reduced lot areas due to the removal of lot areas for the Reserves.

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, who purchased the lots from the original developer.

Relatedly, the first phase of “The Enclave” neighborhood was within a PUD, and a PUD Minor Amendment was approved in 2020 allowing for common open spaces within the boundaries of that PUD to be distributed to the lots within that first phase, thus allowing them larger homes and more flexible floor plans. On June 14, 2023, the Tulsa City Council approved a rezoning to RS-4 of the second phase of “The Enclave” and all of “Addison Creek Crossing” for the purpose of relaxing open space requirements. The rezoning was approved with an Optional Development Plan essentially maintaining all RS-3 zoning bulk and area standards with the exception of reducing the open space from 4,000 square feet per lot to 3,250 square feet. Across Hudson Avenue to the west, the 4th and 5th phases of The Estates at the River, 44.820 acres, were approved for a PUD Minor Amendment in 2020, effectively rezoning those phases to RS-4, with 50’ lot widths and a minimum of 1,575 square feet of livability space per lot (again drawing on common open spaces within the PUD to be credited to individual lots).

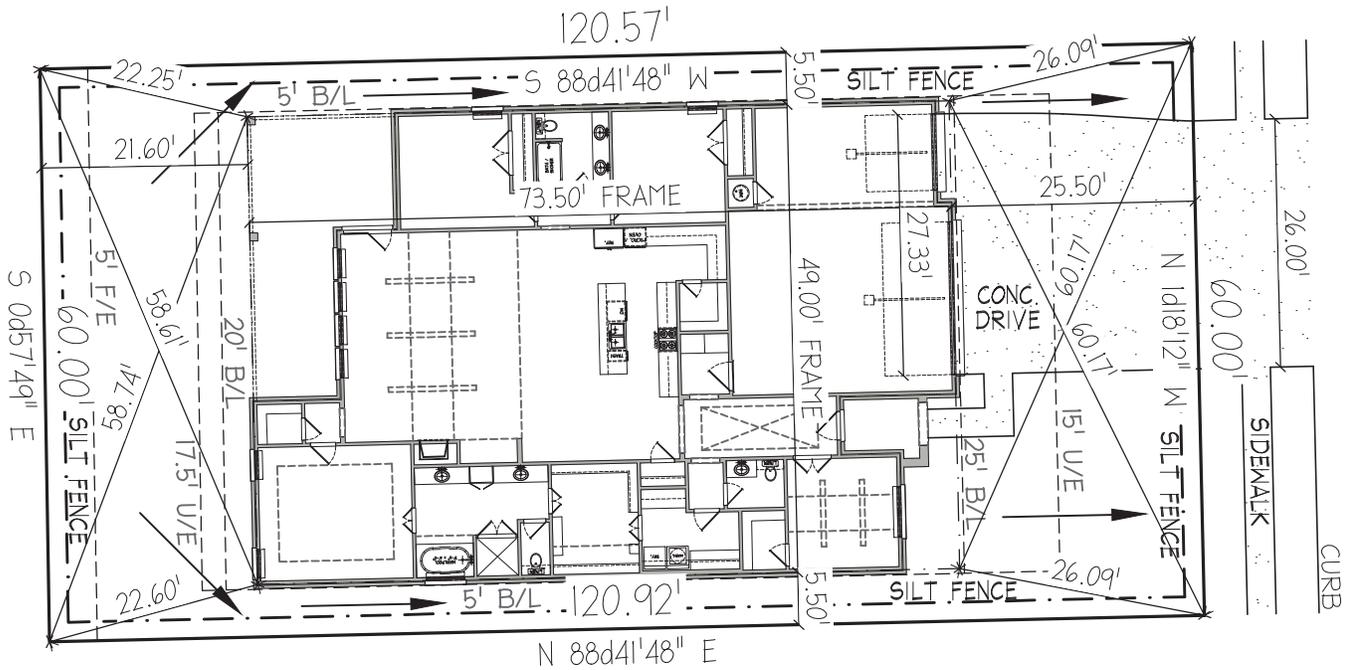
The City of Tulsa Zoning Code effective in January, 2016 removed new PUDs but did not replace the mechanism whereby common open spaces within a subdivision could be credited to individual lots, allowing for similarly sized homes to be constructed. This effectively reduces the sizes of new houses compared to those developed within PUDs.

The Addison Creek neighborhoods west of Sheridan Road contain over 30 acres of common area open space, featuring expansive central Reserve Areas with large wet-design ponds, parks, pool, clubhouse, walking trails, and other amenities. All Addison Creek residents have access to these generous amenities through the Homeowners Association.

The variance requested, from 4,000 square feet to 3,250 square feet, is the minimum necessary to alleviate the unnecessary hardship.

Since the variance would allow the same sized homes as are permitted in the previously-named subdivisions, 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.



CENTERLINE OF S. IRVINGTON AVE.

LEGEND

(FD) FRENCH DRAIN FROM DOWNSPOUT TO CURB OR DAYLIGHT

(DS) DOWNSPOUT

← INDICATES DRAINAGE FLOW (SWALE AS NEC.)

OPEN SPACE CALCULATIONS

LOT AREA	7244		
MAIN LEVEL	2414	DRIVEWAY	698
GARAGE	637	COV'D PORCH	411
OPEN SPACE	3084		

NOTE!
 THIS PLOT PLAN IS NOT TO BE CONSIDERED AN OFFICIAL SURVEY OF THE PROPERTY, AND MAY NOT ACCURATELY REPRESENT THE LOCATION AND MEASUREMENTS OF THE STRUCTURE, EASEMENTS, PROPERTY LINES, OR ANY OTHER INFORMATION REFLECTED HEREIN. EXECUTIVE HAS NOT INDEPENDENTLY VERIFIED ANY OF THE MEASUREMENTS OR INFORMATION REFLECTED ON THIS PLOT PLAN, AND IS NOT RESPONSIBLE FOR ANY INACCURACIES. NO PERSON OR ENTITY SHALL RELY ON ANY OF THE MEASUREMENTS REFLECTED ON THIS DOCUMENT, AND SHALL INSTEAD BE RESPONSIBLE FOR CONDUCTING THEIR OWN SURVEYING, IF DESIRED.

Bainbridge Design Group
 2723 E. 15th St., Tulsa, OK 74104 918.499.1497

TRUE NORTH

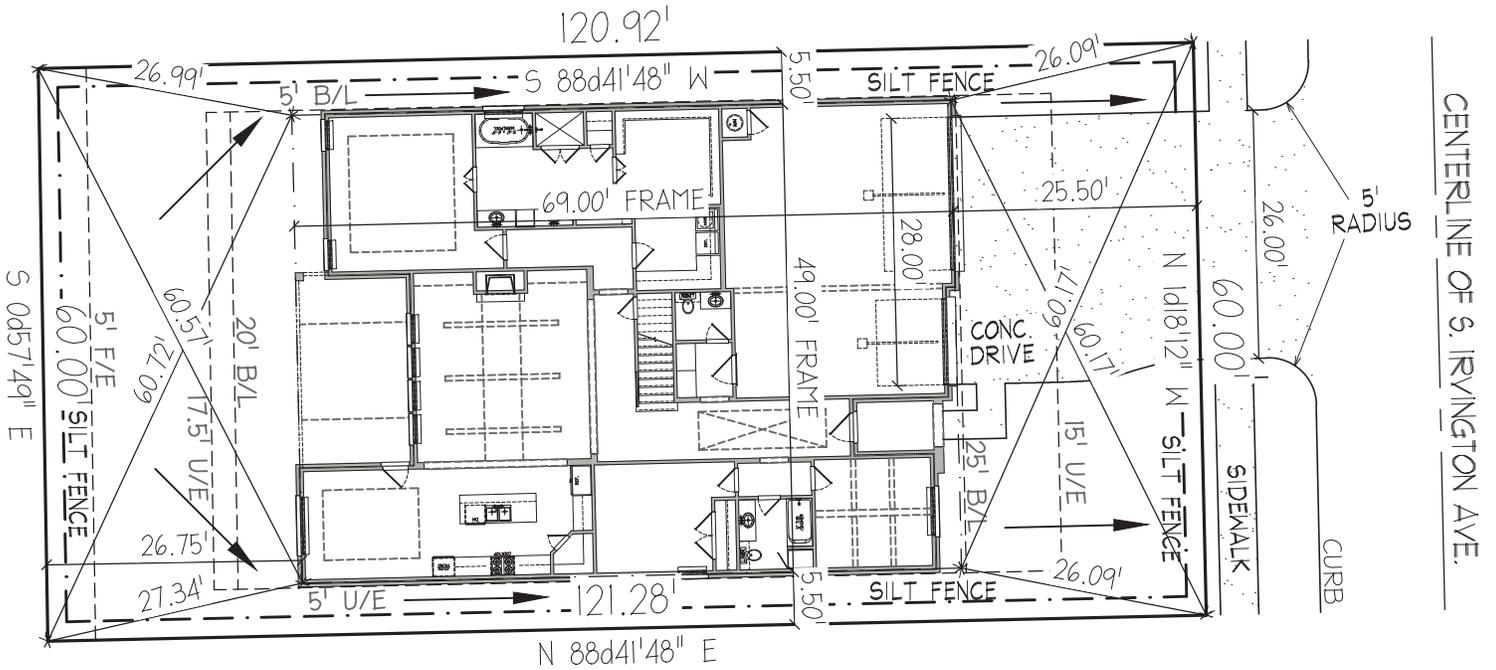
SCALE = 1"=20'

FIELD VERIFY LOCATION OF HOUSE

Client: **Executive Homes**

Project: **2414 (22.01.49) - Plot & Erosion Control Plan**

Legal Description:
 LOT 2, BLOCK 15, ADDISON CREEK II,
 A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA
 12654 S. IRVINGTON AVE.



LEGEND	
	FRENCH DRAIN FROM DOWNSPOUT TO CURB OR DAYLIGHT
	DOWNSPOUT
	INDICATES DRAINAGE FLOW (SWALE AS NEC.)

OPEN SPACE CALCULATIONS			
LOT AREA	7266		
MAIN LEVEL	2156	DRIVEWAY	710
GARAGE	737	COV'D PORCH	259
OPEN SPACE	3404		

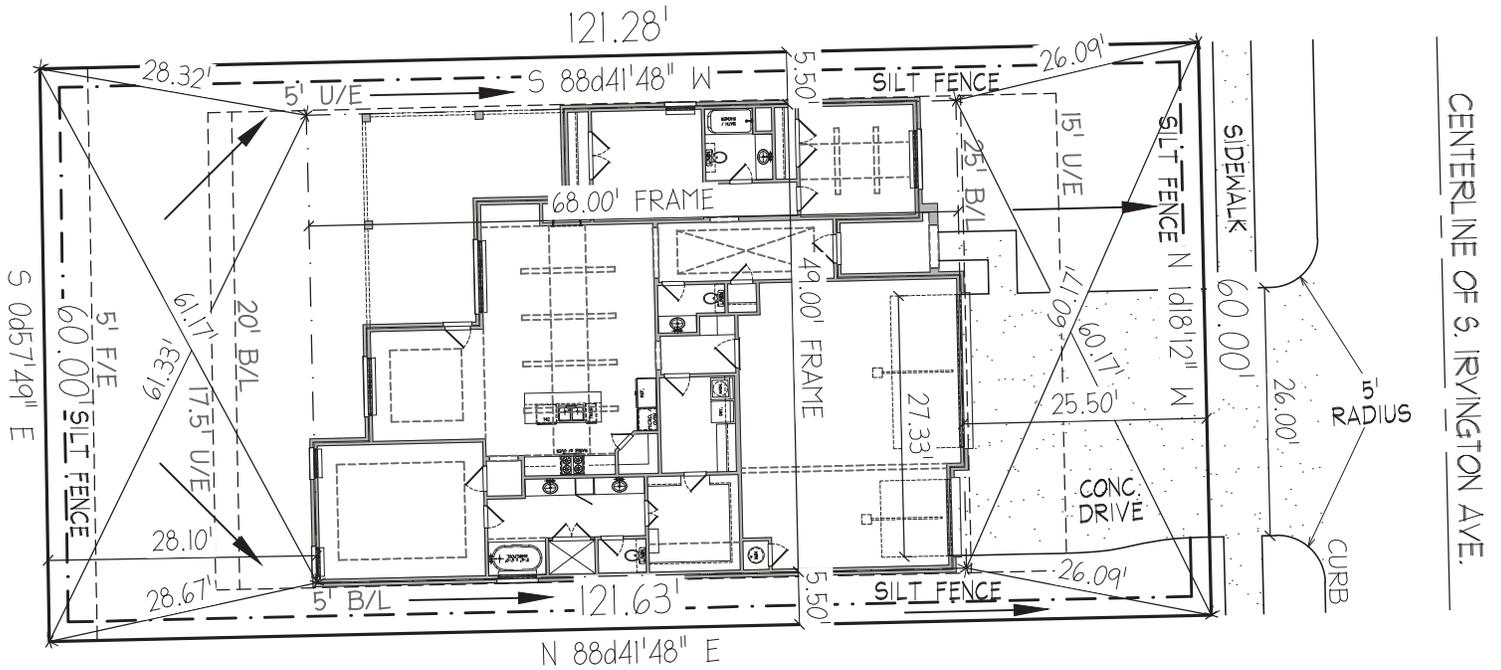
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 2723 E. 15th St., Tulsa, OK 74104
 918.499.1497

TRUE NORTH
 SCALE = 1"=20'
 FIELD VERIFY LOCATION OF HOUSE

Client: **Executive Homes**
 Project: 3025 (22.0125) - Plot & Erosion Control Plan
 Legal Description: LOT 3, BLOCK 15, ADDISON CREEK II, A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA 12658 S. IRVINGTON AVE.



LEGEND	
	FRENCH DRAIN FROM DOWNSPOUT TO CURB OR DAYLIGHT
	DOWNSPOUT
	INDICATES DRAINAGE FLOW (SWALE AS NEC.)

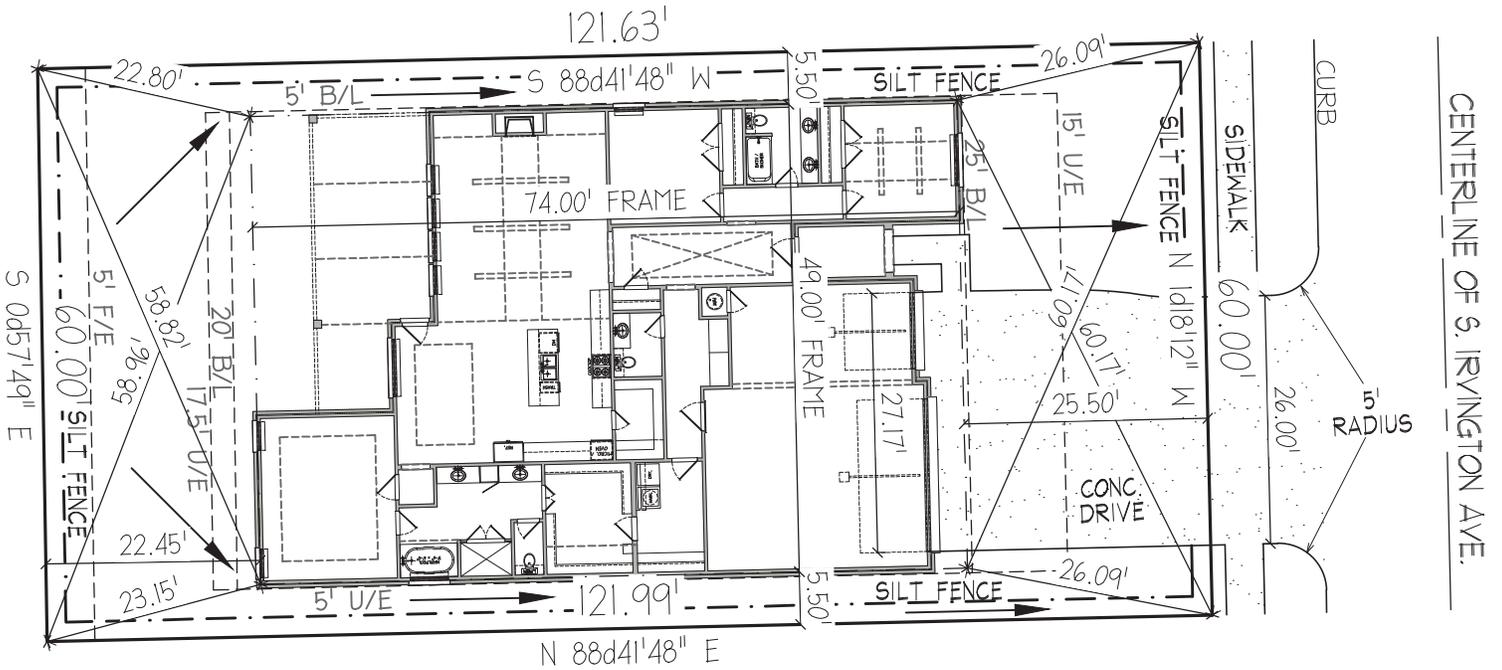
OPEN SPACE CALCULATIONS			
LOT AREA	7287		
MAIN LEVEL	1943	DRIVEWAY	701
GARAGE	688	COV'D PORCH	424
OPEN SPACE	3531		

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Bainbridge Design Group
 2723 E. 15th St., Tulsa, OK 74104
 918.499.1497

TRUE NORTH
 SCALE = 1"=20'
 FIELD VERIFY LOCATION OF HOUSE

Client: **Executive Homes**
 Project: 1943 (22.01.47) - Plot & Erosion Control Plan
 Legal Description: LOT 4, BLOCK 15, ADDISON CREEK II, A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA 12662 S. IRVINGTON AVE.



LEGEND	
	FRENCH DRAIN FROM DOWNSPOUT TO CURB OR DAYLIGHT
	DOWNSPOUT
	INDICATES DRAINAGE FLOW (SWALE AS NEC.)

OPEN SPACE CALCULATIONS			
LOT AREA	7309		
MAIN LEVEL	2173	DRIVEWAY	797
GARAGE	669	COV'D PORCH	419
OPEN SPACE	3251		

NOTE!

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TRUE NORTH

SCALE = 1"=20'

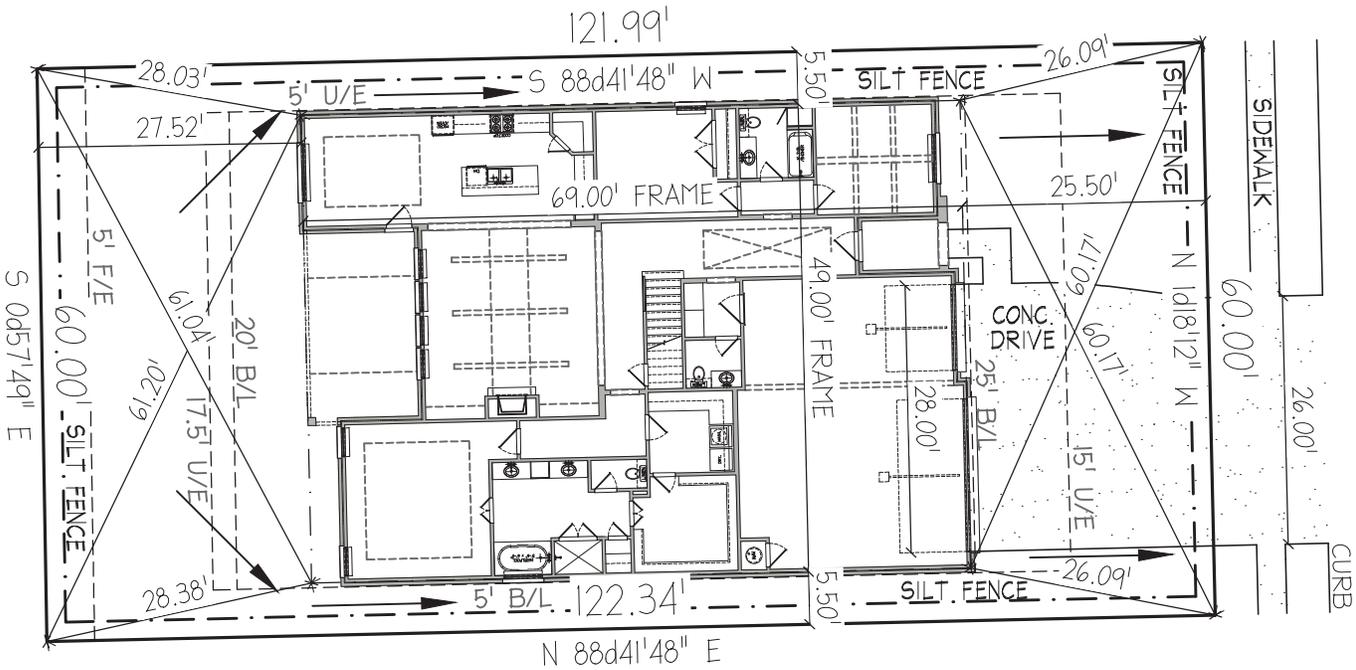
FIELD VERIFY LOCATION OF HOUSE

Client: **Executive Homes**

Project: 2173 (22.0148) - Plot & Erosion Control Plan

Legal Description: LOT 5, BLOCK 15, ADDISON CREEK II, A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA 12668 S. IRVINGTON AVE.

CENTERLINE OF S. IRVINGTON AVE.



LEGEND	
	FRENCH DRAIN FROM DOWNSPOUT TO CURB OR DAYLIGHT
	DOWNSPOUT
	INDICATES DRAINAGE FLOW (SWALE AS NEC.)

OPEN SPACE CALCULATIONS			
LOT AREA	7330		
MAIN LEVEL	2215	DRIVEWAY	708
GARAGE	755	COV'D PORCH	302
OPEN SPACE	3350		

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 2723 E. 15th St., Tulsa, OK 74104
 918.499.1497

TRUE NORTH
 SCALE = 1"=20'
 FIELD VERIFY LOCATION OF HOUSE

Client: **Executive Homes**
 Project: 3025 (22.0125) - Plot & Erosion Control Plan
 Legal Description: LOT 6, BLOCK 15, ADDISON CREEK II, A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA 12702 S. IRVINGTON AVE.

ADDISON CREEK



- 23 ACRES OF PARKS AND OPEN SPACE
- ACCESS TO MILES OF TRAILS
- CLUBHOUSE WITH POOLS AND GYM
- 5 UNIQUE NEIGHBORHOODS

* PLAN IS FOR CONCEPTUAL DESIGN ONLY