



Board of Adjustment

**Staff Report
Variance Case BOA-23628**

Hearing Date: January 23, 2024
Prepared by: Dylan Siers
dsiers@cityoftulsa.org
918-596-7584

Owner and Applicant Information

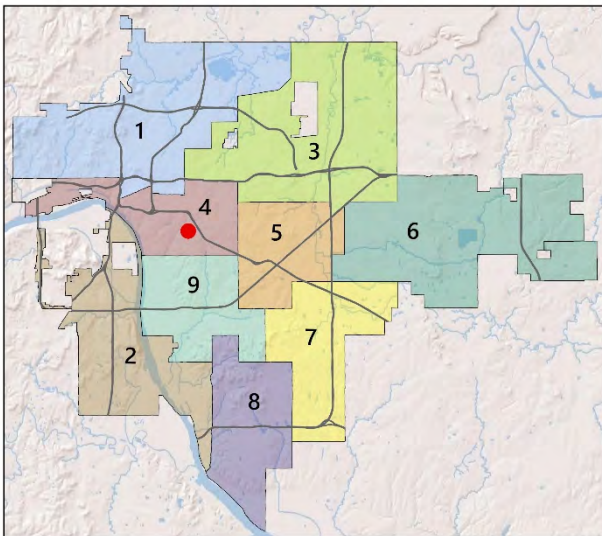
Applicant: Richard Rohde
Property Owner: Richard Rohde

Property Location

3145 E. 26th St. S.
Tract Size: ±0.87 acres

Location within the City of Tulsa

(shown with City Council districts)



Elected Representatives

City Council: District 4, Laura Bellis
County Commission: District 2, Karen Keith

Public Notice Required

Newspaper Notice – min. 10 days in advance
Mailed Notice to 300’ radius – min. 10 days in advance

Request Summary

Variance to reduce the required lot area and lot area per unit to permit a lot line adjustment in the RS-2 District (Sec. 5.030, Table 5-3)

Zoning

Zoning District: RS-2
Zoning Overlays: None

Comprehensive Plan Considerations

Land Use

Land Use Plan: Neighborhood
Small Area Plans: None
Development Era: Early Automobile

Transportation

Major Street & Highway Plan: Residential Collector
planitulsa Street Type: None
Transit: N/A
Existing Bike/Ped Facilities: N/A
Planned Bike/Ped Facilities: N/A

Environment

Flood Area: None.
Tree Canopy Coverage: 10-20%
Parks & Open Space: N/A

Staff Analysis

The applicant is proposing a Variance to reduce the required lot area and lot area per unit to permit a lot line adjustment in the RS-2 District (Sec. 5.030, Table 5-3)

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
Minimum Lot Area (sq. ft.)													
Detached house	22,500	13,500	9,000	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	5,500
Patio house	-	-	-	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	-
Townhouse	-	-	-	4,500	4,500	2,200	2,750	1,600	1,600	1,600	1,600	1,600	-
Cottage house development	-	-	-	-	-	10,000	10,000	10,000	10,000	10,000	10,000	10,000	-
Duplex	-	-	-	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	-
Multi-unit house	-	-	-	-	-	3,300	6,900	5,500	5,500	5,500	5,500	5,500	-
Apartment/Condo	-	-	-	-	-	-	-	-	10,000	10,000	6,000	24,000	-
Mobile home park	-	-	-	-	-	-	-	-	-	-	-	-	[1]
Other allowed buildings/uses													
Permitted by right	22,500	13,500	9,000	6,900	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500
Special exceptions	22,500	13,500	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000

The deficient tract will be 8,865 square feet in total.

Relevant Case History

- None

Statement of Hardship

None provided. Hardship will need to be articulated by the applicant at the hearing.

Comprehensive Plan Considerations

Land Use Plan

The subject property is designated as Neighborhood. 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.

Surrounding Properties:

<u>Location</u>	<u>Existing Zoning/Overlay</u>	<u>Existing Land Use Designation</u>	<u>Existing Use</u>
North	RS-3	None	Highway
East	RS-2	Neighborhood	Single Family Home
South	RS-2	Neighborhood	Single Family Home
West	RS-2	Neighborhood	Single Family Home

Small Area Plans

The subject properties are not within a small area plan.

Development Era

The subject property is located in an area developed during the Early Automobile Era. The Early Automobile Era area includes those parts of the city that developed prior to and after World War II but prior to the major annexations of the 1960s. These neighborhoods developed during the rise of the automobile, but generally maintain a rectilinear street grid with homes on smaller lots.

Transportation

Major Street & Highway Plan: Residential Collector

Comprehensive Plan Street Designation: None

Transit: None

Existing Bike/Ped Facilities: None

Planned Bike/Ped Facilities: None

Arterial Traffic per Lane: N/A

Environmental Considerations

Flood Area: The subject property is not within a flood area.

Tree Canopy Coverage: Tree canopy in the area is between 10 and 20%. For areas with this range of tree canopy, preserving the limited existing canopy should be encouraged, as well as measures to increase the canopy through landscaping. Street-lining trees in particular should be encouraged to spread the benefit of the tree canopy to the pedestrian realm.

Parks & Open Space: N/A

Sample Motion

I move to approve or deny a Variance to reduce the required lot area and lot area per unit to permit a lot line adjustment in the RS-2 District (Sec. 5.030, Table 5-3).

- per the conceptual plan(s) shown on page(s) _____ of the agenda packet.
- subject to the following conditions (including time limitation, if any): _____.

The board finds the hardship to be _____.

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.

Property Description

LEGAL DESCRIPTION OVERALL TRACT:

PARCEL NO. 37700-93-17-07660 (GENERAL WARRANTY DEED BOOK 7091 PAGE 1559)

LOT SIX (6), BLOCK TWO (2), SHEILA TERRACE, AN ADDITION TO THE CITY OF TULSA, TULSA COUN"TY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

LESS AND EXCEPT THAT PORTION OF THE SUBJECT PROPERTY CONTAINED IN THE REPORT OF COMMISSIONERS FILED IN BOOK 3255 AT PAGE 1 OF THE RECORDS OF THE TULSA COUNTY CLERK, AND LESS AND EXCEPT THAT PORTION OF THE SUBJECT PROPERTY CONTAINED IN THE REPORT OF COMMISSIONERS FILED IN BOOK 3254 AT PAGE 672 OF THE RECORDS OF THE TULSA COUNTY CLERK

AND

PARCEL NO. 37700-93-17-07670 (GENERAL WARRANTY DEED BOOK 6402 PAGE 0367)

LOT SEVEN (7), BLOCK TWO (2), LESS AND EXCEPT A TRACT BEGINNING AT THE NORTHEAST CORNER OF SAID LOT SEVEN (7), THENCE SOUTH ALONG THE EAST LINE A DISTANCE OF FOUR AND SEVEN TENTHS (4.7) FEET; THENCE NORTH 61°06' WEST A DISTANCE OF SIXTY-TWO (62) FEET TO A POINT ON THE NORTH LINE OF SAID LOT SEVEN (7); THENCE EAST ALONG SAID NORTH LINE A DISTANCE OF SIXTY-ONE AND NINE THENTHS (61.9) FEET TO THE POINT OF BEGINNING, SHEILA TERRACE, AN ADDITION TO THE CITY OF TULSA, TULSA COUN"TY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 1406.

AND

ALL OF LOT EIGHT (8), BLOCK TWO (2), SHEILA TERRACE ADDITION TO THE CITY OF TULSA, ACCORDING TO THE RECORDED PLAT THEREOF, LESS AND EXCEPT A TRACT BEGINNING AT THE SOUTHWEST CORNER OF LOT EIGHT (8), THENCE NORTH ONE

HUNDRED SIXTY-SIX AND FOUR TENTHS (166.4) FEET; THENCE EAST SEVENTY-FIVE (75) FEET; THENCE SOUTH TO THE PROPERTY LINE EIGHTY-FIVE (85) FEET EAST OF SOUTHWEST CORNER OF LOT EIGHT (8), THENCE WEST EIGHTY-FIVE (85) FEET TO POINT OF BEGINNING.

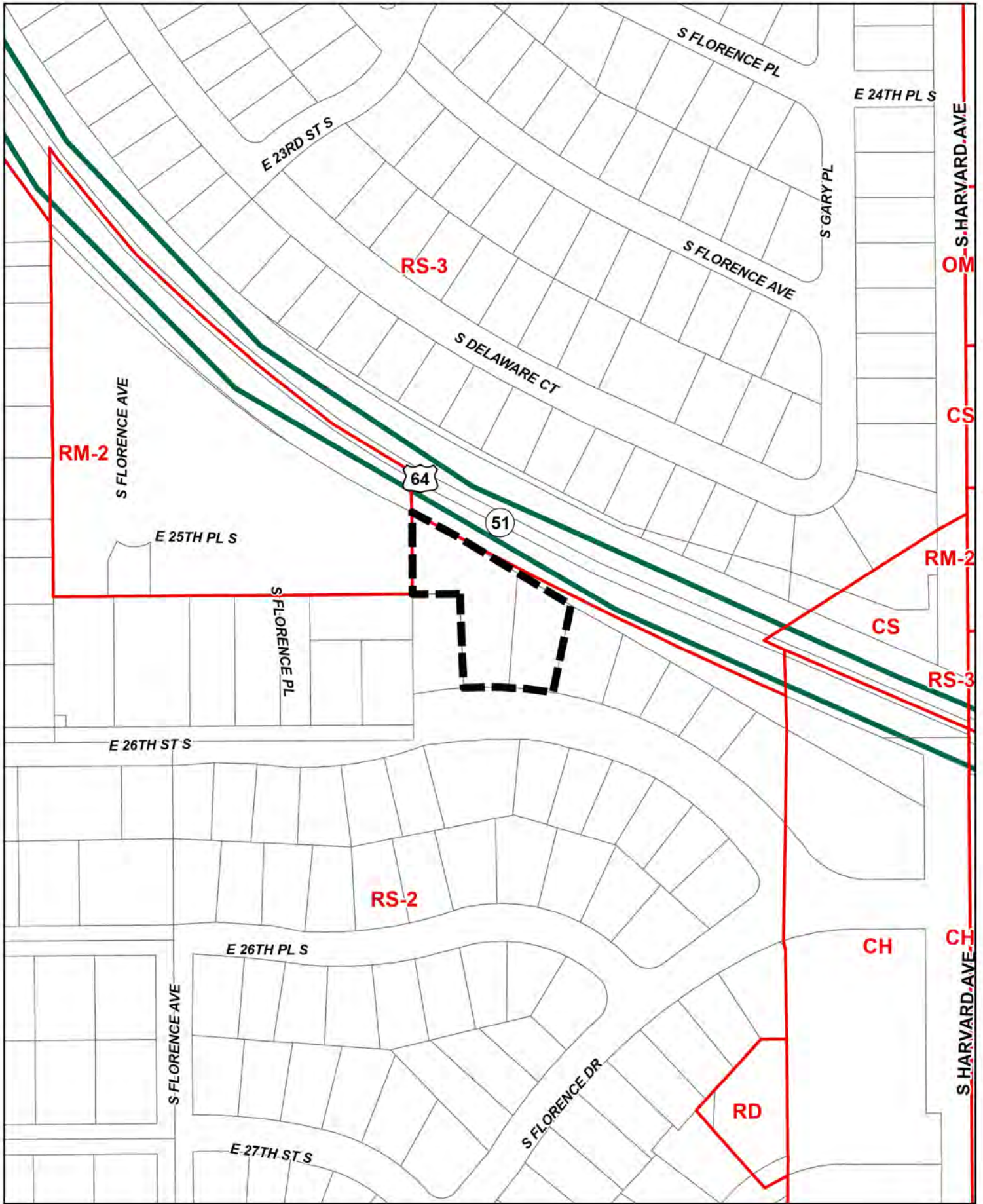
Photos



Subject Property

Exhibits

- Case map
- Aerial (small scale)
- Aerial (large scale)
- Photos
- Tulsa Comprehensive Plan Land Use Map
- Applicant Exhibits



BOA-23628

7.6



Subject Tract

Feet

0

200

400

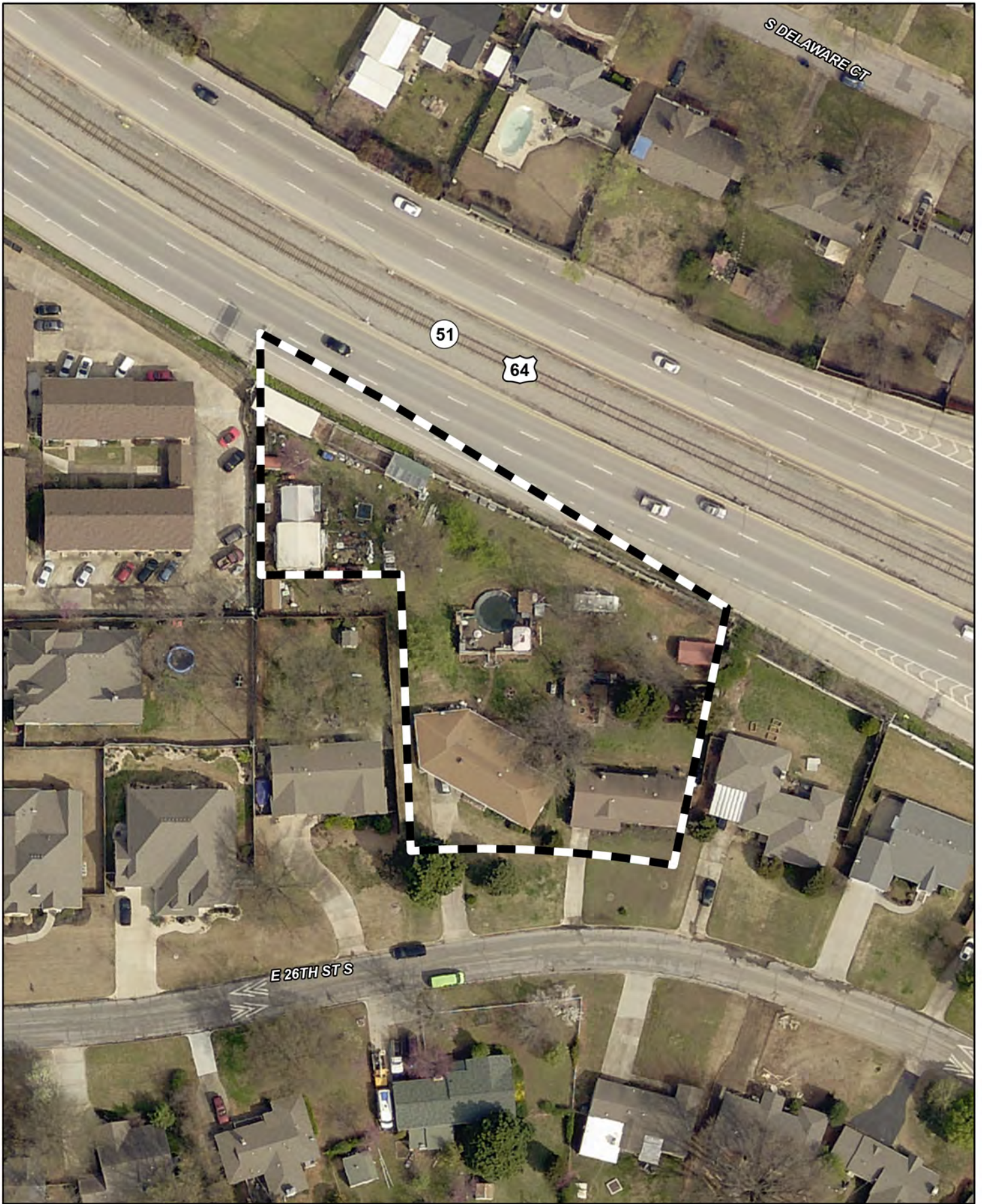
BOA-23628

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



Aerial Photo Date: 2021

7.7

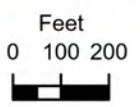


S DELAWARE CT

51

64

E 26TH ST S



Subject Tract

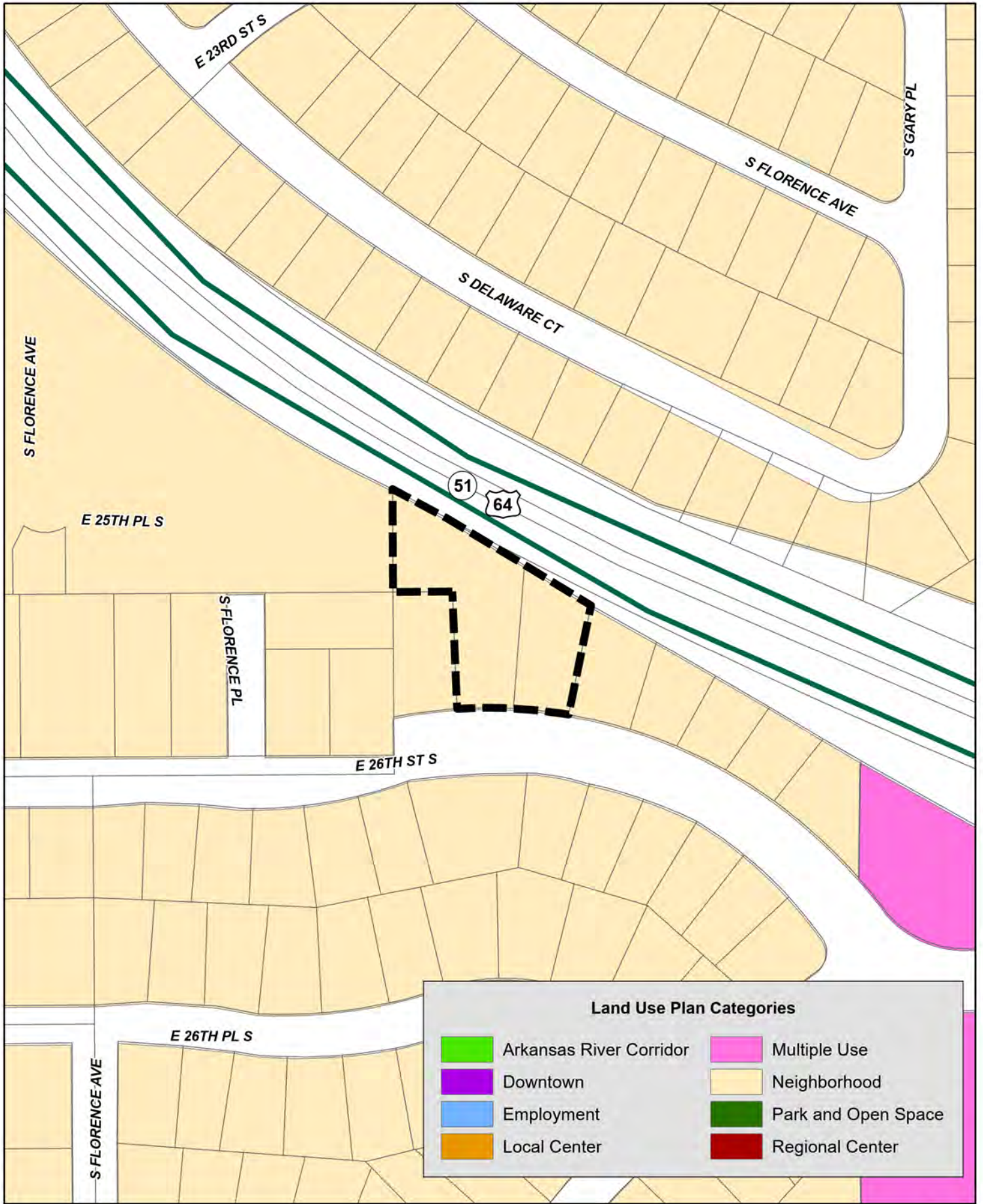
BOA-23628

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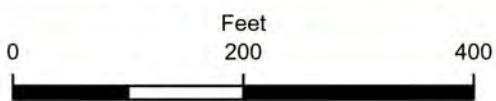
Aerial Photo Date: 2021



7.8

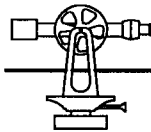
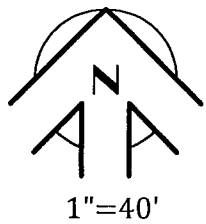


Land Use Plan Categories	
 Arkansas River Corridor	 Multiple Use
 Downtown	 Neighborhood
 Employment	 Park and Open Space
 Local Center	 Regional Center



BOA-23628





WHITE SURVEYING COMPANY

providing land surveying services since 1940

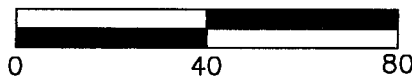
9936 E. 55th Place • Tulsa, OK 74146 • 918.663.6924 • 918.664.8366 fax



BEFORE YOU DIG,
CALL OKIE FOR
LOCATION OF
UNDERGROUND UTILITIES.
DIAL 811

LOT LINE ADJUSTMENT

1"=40'



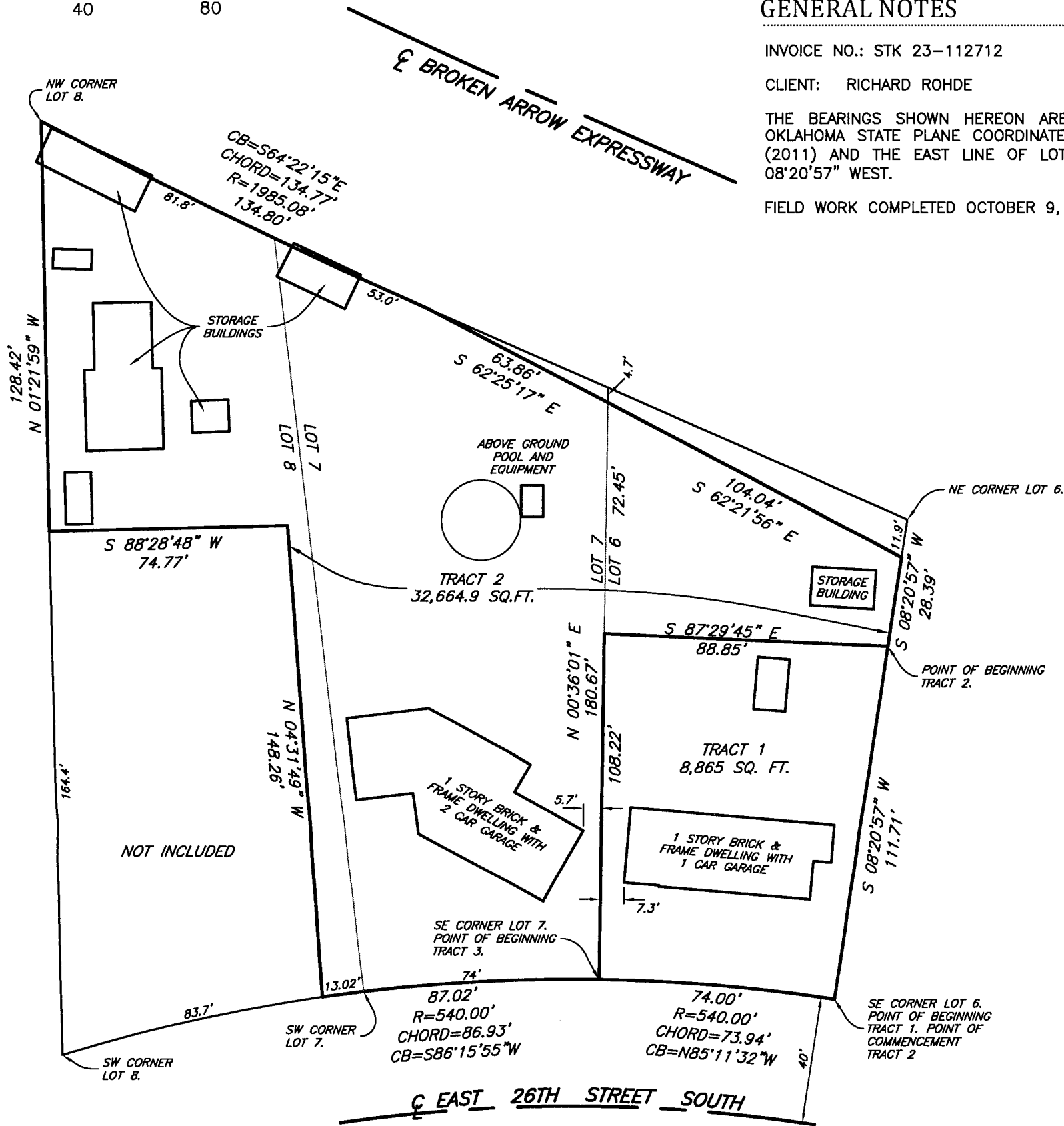
GENERAL NOTES

INVOICE NO.: STK 23-112712

CLIENT: RICHARD ROHDE

THE BEARINGS SHOWN HEREON ARE BASED ON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM NAD 83 (2011) AND THE EAST LINE OF LOT 6 BEING SOUTH 08°20'57" WEST.

FIELD WORK COMPLETED OCTOBER 9, 2023.



LEGAL DESCRIPTION OVERALL TRACT:

PARCEL NO. 37700-93-17-07660 (GENERAL WARRANTY DEED BOOK 7091 PAGE 1559)
LOT SIX (6), BLOCK TWO (2), SHEILA TERRACE, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.
LESS AND EXCEPT THAT PORTION OF THE SUBJECT PROPERTY CONTAINED IN THE REPORT OF COMMISSIONERS FILED IN BOOK 3255 AT PAGE 1 OF THE RECORDS OF THE TULSA COUNTY CLERK, AND LESS AND EXCEPT THAT PORTION OF THE SUBJECT PROPERTY CONTAINED IN THE REPORT OF COMMISSIONERS FILED IN BOOK 3254 AT PAGE 672 OF THE RECORDS OF THE TULSA COUNTY CLERK

AND

PARCEL NO. 37700-93-17-07670 (GENERAL WARRANTY DEED BOOK 6402 PAGE 0367)

LOT SEVEN (7), BLOCK TWO (2), LESS AND EXCEPT A TRACT BEGINNING AT THE NORTHEAST CORNER OF SAID LOT SEVEN (7), THENCE SOUTH ALONG THE EAST LINE A DISTANCE OF FOUR AND SEVEN TENTHS (4.7) FEET; THENCE NORTH 61° 06' WEST A DISTANCE OF SIXTY-TWO (62) FEET TO A POINT ON THE NORTH LINE OF SAID LOT SEVEN (7); THENCE EAST ALONG SAID NORTH LINE A DISTANCE OF SIXTY-ONE AND NINE TENTHS (61.9) FEET TO THE POINT OF BEGINNING, SHEILA TERRACE, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 1406.

AND

ALL OF LOT EIGHT (8), BLOCK TWO (2), SHEILA TERRACE ADDITION TO THE CITY OF TULSA, ACCORDING TO THE RECORDED PLAT THEREOF, LESS AND EXCEPT A TRACT BEGINNING AT THE SOUTHWEST CORNER OF LOT EIGHT (8), THENCE NORTH ONE HUNDRED SIXTY-SIX AND FOUR TENTHS (166.4) FEET; THENCE EAST SEVENTY-FIVE (75) FEET; THENCE SOUTH TO THE PROPERTY LINE EIGHTY-FIVE (85) FEET EAST OF SOUTHWEST CORNER OF LOT EIGHT (8), THENCE WEST EIGHTY-FIVE (85) FEET TO POINT OF BEGINNING.

LEGAL DESCRIPTION TRACT 1:

A TRACT OF LAND BEING A PART OF LOT SIX (6), BLOCK TWO (2), SHEILA TERRACE, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, SAID TRACT BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 6; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT 6 AND ALONG A CURVE TO THE LEFT WITH A RADIUS OF 540.00 FEET, A CHORD BEARING OF NORTH 85°11'32" WEST, A CHORD DISTANCE OF 73.94 FEET, AND AN ARC LENGTH OF 74.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 6; THENCE NORTH 00°01' EAST ALONG THE WEST LINE OF SAID LOT 6 FOR 108.22 FEET; THENCE SOUTH 87°29'45" EAST FOR 88.85 FEET TO A POINT ON THE EAST LINE OF SAID LOT 6; THENCE SOUTH 08°20'57" WEST ALONG THE EAST LINE OF SAID LOT 6 FOR 111.71 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION TRACT 2:

A TRACT OF LAND BEING ALL OF LOT SEVEN (7) AND PART OF LOTS SIX (6) AND EIGHT (8), BLOCK TWO (2), SHEILA TERRACE, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, SAID TRACT BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 7; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT 6 AND ALONG A CURVE TO THE LEFT WITH A RADIUS OF 540.00 FEET, A CHORD BEARING OF SOUTH 86°15'55" WEST, A CHORD DISTANCE OF 86.93 FEET, AND AN ARC LENGTH OF 87.02 FEET TO A POINT BEING 13.02 FEET WEST OF THE SOUTHWEST CORNER OF SAID LOT 8; THENCE NORTH 04°31'49" WEST FOR 148.26 FEET; THENCE SOUTH 88°28'48" WEST FOR 74.77 FEET, AND AN ARC LENGTH OF 134.80 FEET; THENCE SOUTH 62°25'17" EAST FOR 63.86 FEET TO A POINT ON THE EAST LINE OF SAID LOT 7 BEING 4.7 FEET SOUTH OF THE COMMON NORTH CORNER OF SAID LOTS 6 AND 7; THENCE SOUTH 62°21'56" EAST FOR 104.04 FEET TO A POINT ON THE EAST LINE OF SAID LOT 6 BEING 11.9 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT 6; THENCE SOUTH 08°20'57" WEST ALONG THE EAST LINE OF SAID LOT 6 FOR 28.39 FEET; THENCE NORTH 87°29'45" WEST FOR 88.85 FEET TO A POINT ON THE COMMON LINE OF SAID LOTS 6 AND 7; THENCE SOUTH 00°36'01" WEST ALONG SAID COMMON LINE FOR 108.22 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTIONS PREPARED BY JOHN L. LIBBY, JR., PLS 1806 ON 11/10/2023.

WHITE SURVEYING COMPANY
CERTIFICATE OF
AUTHORIZATION NO. CA1098



BY:
REGISTERED PROFESSIONAL LAND
SURVEYOR OKLAHOMA NO. 1806

DATE: 11/10/2023