



**Board of Adjustment**

**Staff Report  
BOA-23670**

**Hearing Date:** April 23, 2024

**Prepared by:** Dylan Siers  
dsiers@cityoftulsa.org  
918-596-7584

**Owner and Applicant Information**

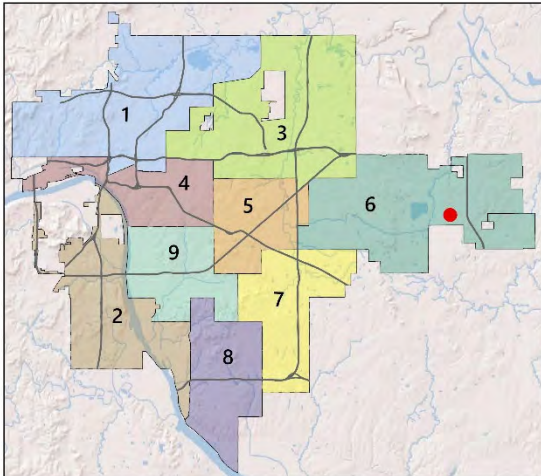
Applicant: Enrique Ruiz  
Property Owner: Enrique Ruiz

**Property Location**

4326 S 193<sup>rd</sup> E Ave  
Tract Size: ±5.00 acres

**Location within the City of Tulsa**

*(shown with City Council districts)*



**Elected Representatives**

City Council: District 6, Christian Bengel  
County Commission: District 1, Stan Sallee

**Public Notice Required**

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

**Case History:**

04/09/2024: First appearance on the agenda, item continued, applicant was not present

**Request Summary**

Variance of the dustless, all-weather surfacing requirement to permit a gravel driveway in the AG district (Section 55.090-F);

**Zoning**

Zoning District: AG  
Zoning Overlays: None

**Comprehensive Plan Considerations**

**Land Use**

Land Use Plan: Neighborhood  
Small Area Plans: None  
Development Era: Future Growth

**Transportation**

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

**Environment**

Flood Area: Regulatory Floodplain  
Tree Canopy Coverage: 0-10%  
Parks & Open Space: None

## **Staff Analysis**

The applicant is proposing a Variance of the dustless, all-weather surfacing requirement to permit a gravel driveway in the AG district (Section 55.090-F); an all-weather surface is defined as follows.

### **All-Weather Surface (or Material)**

A hard surface, dustless material capable, during ordinary use, of withstanding without substantial deterioration, normal weather conditions. Gravel, rock or screenings alone, without use of a road surface binder, does not meet the definition of an all-weather surface.

The applicant will be required to get a Right-of-way permit for the portion of the driveway inside the Right-of-way which will need to meet City Standards.

### **Relevant Case History**

- BOA-23375, 6/28/22, Variance to reduce the 200-foot minimum lot width in the AG district (Sec 25.020-D, Table 25-2)

## **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 an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access from 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	AG	Neighborhood	Vacant
East	A-1 (Wagoner County)	N/A	Residential
South	AG	Neighborhood	Residential
West	AG	Neighborhood	Residential

### **Small Area Plans**

The subject properties are not within a small area plan.

### **Development Era**

These areas of the city have yet to be developed beyond agricultural uses, and they present opportunities to ensure the pattern of development is efficient and fiscally responsible. These areas typically do not have subdivision streets or connectivity beyond the mile-by-mile grid, have poor public service distribution (fire, police, transit, etc.) and lack utility infrastructure (water, sewer, broadband, etc.) Some areas also include exposed bedrock and/or extreme slopes. Priorities in these areas include ensuring the ability to provide adequate public services, the implementation of planned streets in the Major Street and Highway Plan, land use planning to establish frameworks for decision making, and conservation of natural areas.

### **Transportation**

Major Street & Highway Plan: Secondary Arterial

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 within the regulatory floodplain.

Tree Canopy Coverage: Tree canopy in the area is 0-10% The area would benefit from additional trees, which also capture and treat runoff before it enters the river.

Parks & Open Space: N/A

**Sample Motion**

I move to approve or deny a Variance of the dustless, all-weather surfacing requirement to permit a gravel driveway in the AG district (Section 55.090-F);

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

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.

**Property Description**

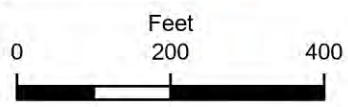
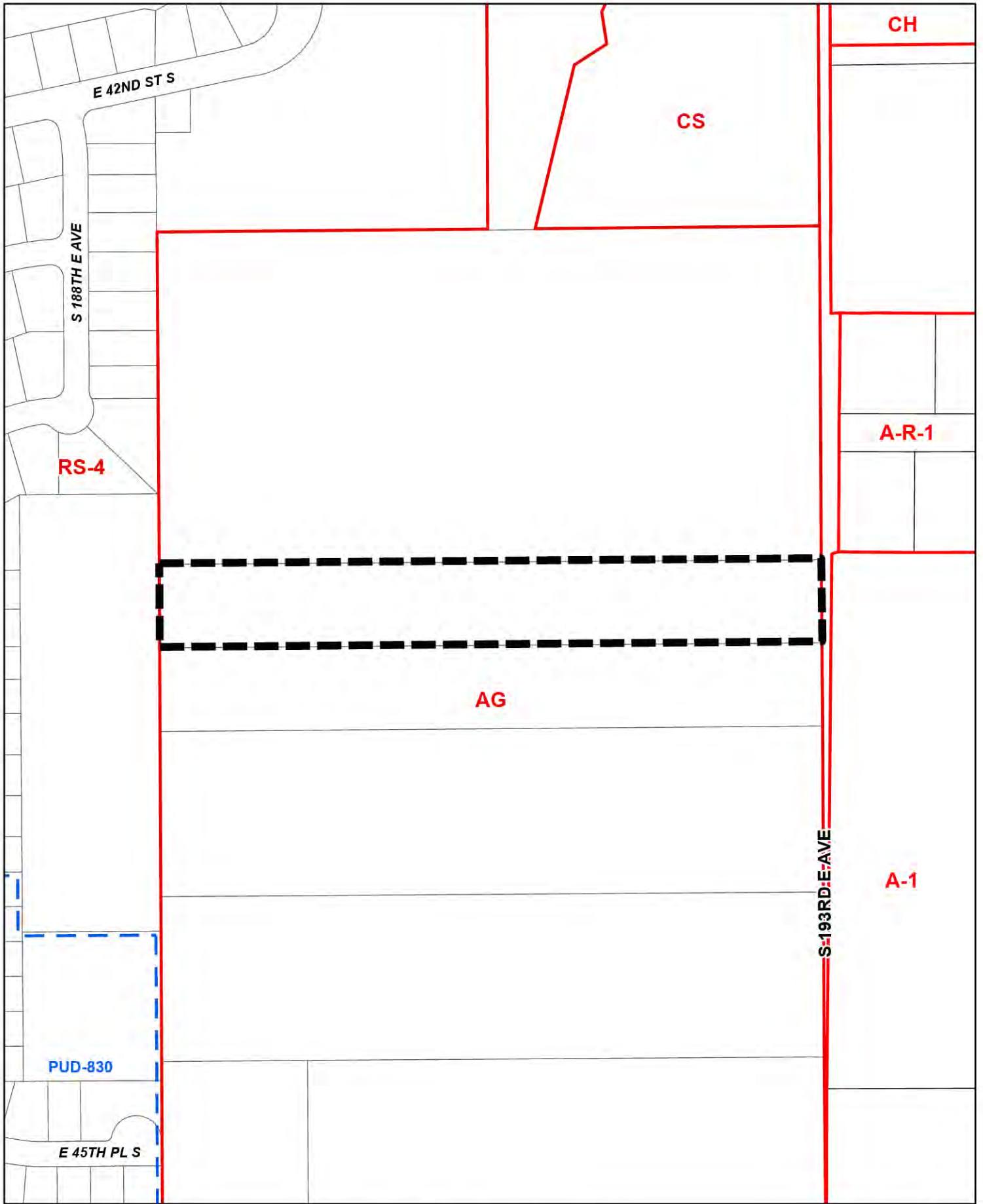
The North Half of the North Half of the North Half of the Southeast Quarter of the Northeast Quarter (N/2 N/2 N/2 SE/4 NE/4) of Section Twenty-five (25), Township Nineteen (19) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma,



***Subject property in BOA-23670 (Image used from Google Street view)***

**Exhibits**

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



**BOA-23670**



6.5



E 42ND ST S

S 188TH E AVE

E 43RD ST S

S 193RD E AVE

E 45TH PL S



Subject Tract

Feet

0

200

400

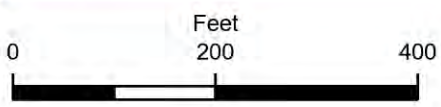
**BOA-23670**

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

Aerial Photo Date: 2021



6.6



**BOA-23670**



6.7

# Summary of Comments on Site Plan\_v1 (1).pdf

Page: 1

Number: 1 Author: royjordan Subject: WSD Comment Date: 8/16/2023 2:35:44 PM

Construction Documents Site Plan: ICC Building Code: 2018 Edition. City of Tulsa Ordinance 23396: 10 November 2018 (Title 51, Chapter 4, Sec 401, 107.3.5) The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of construction, site data, area of disturbance & impervious surface impact calculations and existing structures on the site, property boundaries, distance from lot lines, the established grades and the proposed finished grades, easements, rights-of-way, utilities, ADA sidewalks, driveway entries, erosion control plans and as applicable, flood hazard areas, floodways, design flood elevation and finished floor elevations, and it shall be drawn in accordance with an accurate boundary line survey. In case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on site or plot. The building official is authorized to waive or modify the requirement for a site plan where the application for permit is for alteration or repair or where otherwise warranted.

1. Required Revision: Please revise existing civil site plans & drawing and resubmit along with City of Tulsa revised-additional plans/drawing routing form. Please identify design plan and feature for each issue called for in above Building Code and City of Tulsa ordinance and title listed above.

Floodplain On Property/Parcel:

1.Required Revision: Please add note on plans/drawings "FEMA and TULSA REGULATORY FLOOD PLAIN ON PROPERTY. NO FILL OR SPOILS TO BE PLACED IN THE FLOOD PLAIN. FLOOD PLAIN MUST BE STAKED OUT PRIOR TO CONSTRUCTION". TULSA REGULATORY FLOOD PLAIN ON THE PROPERTY.

2.Required Revision: Your proposed construction project is located within the FEMA; City of Tulsa Regulatory Floodplain. Please obtain a Flood Zone Determination letter from the City of Tulsa by contacting the Mayor's Action Line 918 596-2100, they will provide you with the regulatory flood elevation determination letter. Logging onto The City of Tulsa home page and using the customer care center 311 link to begin process. Additional information for flood zone determinations letter requests may be googled at Tulsa311.com. A current FEMA FIRM Map. A current FEMA Flood Profile. A current Parcel Screenshot. Based upon the information submitted your existing construction or structure may be required to be elevated or flood proofed one foot (1ft) above the regulatory flood elevation. Please identify flood fringe outline on revised drawings and plans. If your construction is deemed a substantial improvement and the existing structures finished floor area is not elevated or flood proofed one foot above the regulatory flood elevation; your structure shall be required to be brought into compliance. Please submit to our office the existing structure finished floor area elevation, the lowest adjacent grade, along with the Flood Zone Determination letter.

NOTE: Please Notify Plans Examiner By Email royjordan@cityoftulsa.org When You Have Submitted A Revision.

Number: 2 Author: danabox Subject: Note Date: 8/10/2023 9:41:32 AM

Sec. 25.020-D Table 25-2 AG District Lot and Building Regulations Minimum Lot Width (feet) AG = 200 feet

Review Comment: Your lot does not meet the minimum requirement of 200 feet in width. You may wish to seek a variance of the Lot Regulations for width. Contact the Tulsa Planning Office at 918-596-7526 for further instruction and next steps.

Number: 3 Author: GEORGE GOZA Subject: Note Date: 8/28/2023 3:31:28 PM

Section 1804.4 Site grading. Please indicate a minimum 5-percent slope for a minimum distance of 10-feet away from the building on all sides.

Number: 4 Author: danabox Subject: Note Date: 8/10/2023 9:39:36 AM

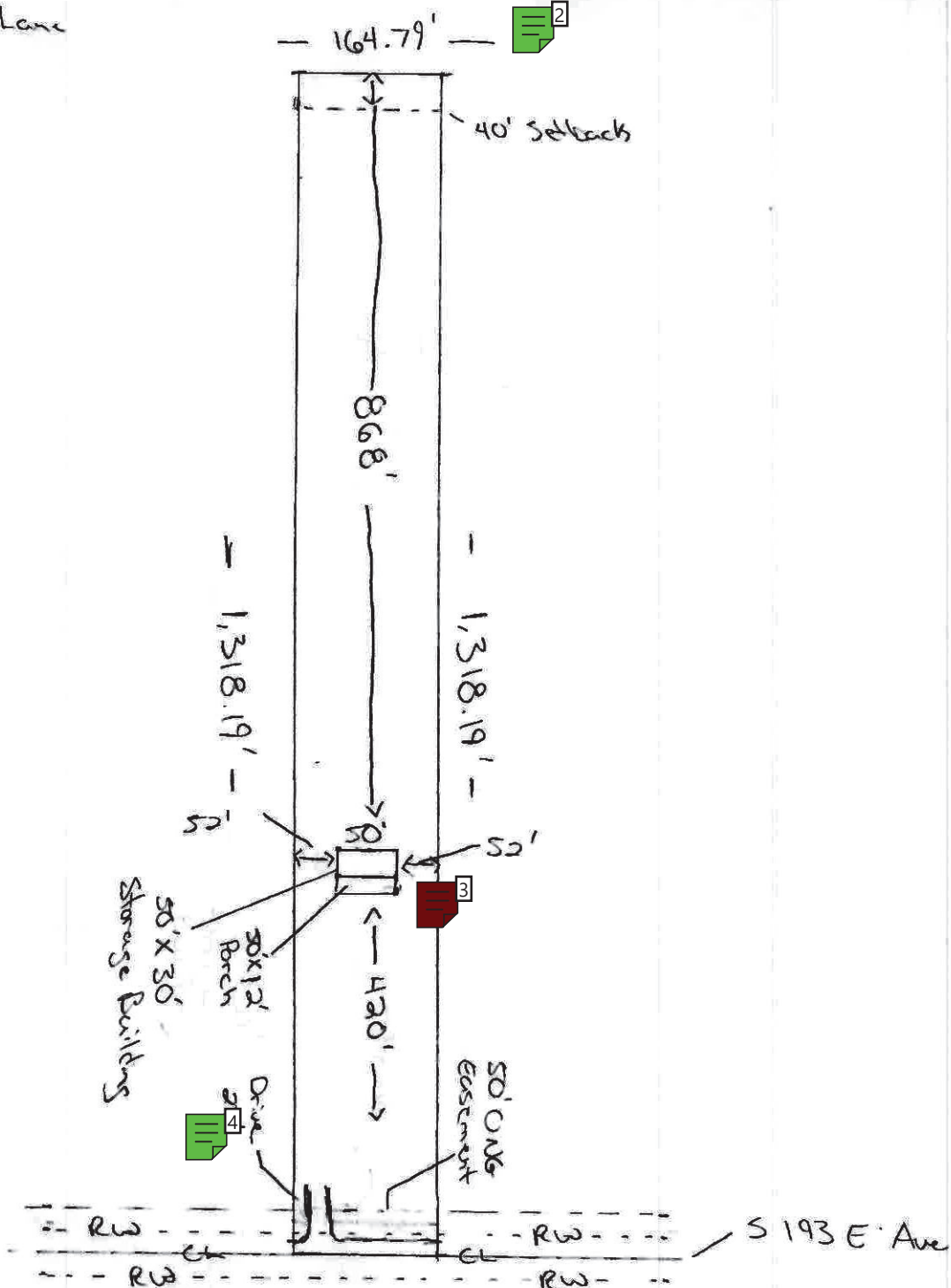
Sec. 55.090-F Surfacing

1. All off-street parking areas must be surfaced with a dustless, all-weather surface unless otherwise expressly stated in this zoning code. Pervious pavement or pervious pavement systems are allowed subject to the supplemental regulations of §55.090-F.4. Parking area surfacing must be completed prior to initiation of the use to be served by the parking.

Review Comment: Your drive and parking areas must be comprised of a dustless all-weather surface. Indicate type of materials for drive and parking area on the face of your plans.



Lynn Lane



E 41st St.

4326 S 193<sup>rd</sup> Ave  
 Broken Arrow, OK  
 74014

N/2 N/2 N/2 SE NE SEC 25 19 14 SACS  
 Section: 25 Township: 19 Range: 14

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Scale  
 1" = 125'

