



Board of Adjustment

Staff Report
Variance BOA-23686

Hearing Date: April 23, 2024
Prepared by: Sean Wallace
swallace@cityoftulsa.org
918-596-7585

Owner and Applicant Information

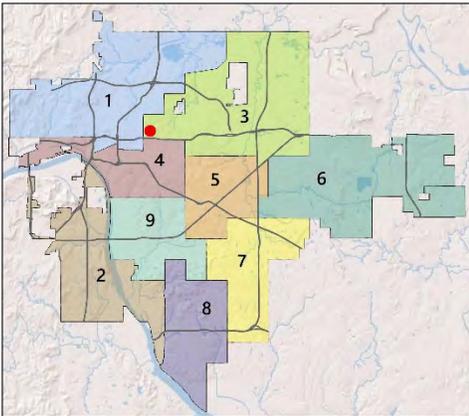
Applicant: Karyn Weitl
Property Owner: Habitat for Humanity Inc

Property Location

513 N. Atlanta Pl.
Tract Size: ±.2 acres

Location within the City of Tulsa

(shown with City Council districts)



Elected Representatives

City Council: District 3, Crista Patrick.
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 5,500 square feet of lot area and lot area per unit in the RM-1 District to permit a lot split (Sec. 5.030, Table 5-3).

Zoning

Zoning District: RM-1
Zoning Overlays: N/A

Comprehensive Plan Considerations

Land Use

Land Use Plan: Neighborhood
Small Area Plans: Kendall-Whittier
Development Era: Early Automobile

Transportation

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

Environment

Flood Area: N/A
Tree Canopy Coverage: 10-20%
Parks & Open Space: Sequoyah Elementary is nearby.

Staff Analysis

The applicant is requesting a Variance to reduce the required 5,500 square feet of lot area and lot area per unit in the RM-1 District to permit a lot split (Sec. 5.030, Table 5-3).

Applicant is seeking to reduce the minimum of lot area and lot area per unit from 5,500 square feet to 5,430 square feet which would permit a detached house on proposed lot.

Statement of Hardship:

1. That the physical surroundings, shape, or topographic 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; This property was donated to Tulsa Habitat for Humanity for the construction of affordable homes to be made available for homeownership to low-income Tulsans. Some of Habitat's funding sources require that we build or rehabilitate a certain number of homes on donated land each year. Granting this variance is critical for us to meet this requirement.
2. That the literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose; This variance is in keeping with the spirit of the zoning code provision, and the resulting lots will be similar in size to the existing neighboring lots.
3. 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; This variance is unique to the subject property as it creates two new lots consistent in size and purpose with neighboring lots.
4. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner; When Tulsa Habitat for Humanity accepted this parcel in donation, both the donor and Habitat believed the property to already include two buildable lots. The shortfall in lot size was discovered when the property was surveyed prior to an application for lot split. It appears that, at some point in the past, a sliver across the back lot line was carved off, resulting in the lot size discrepancy.
5. That the variance to be granted is the minimum variance that will afford relief; Granting the variance to create two lots is the minimum variance that will afford relief and resolves the issue entirely.
6. 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; This variance will not alter the essential character of the neighborhood; indeed, it will provide for two additional single family homes to be made available for homeownership to low income Tulsans, and the resulting lots will be similar in size to the existing neighboring lots.
7. 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. This variance will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan. It is in keeping with the existing neighborhood character, and allows for high quality affordable housing to be built on a vacant lot that has been an eyesore and a dumping spot.

Relevant Case History

- None

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	RM-1	Neighborhood	Residential
East	RM-1	Neighborhood	Residential
South	RM-1	Neighborhood	Residential
West	RM-1	Neighborhood	Residential

Small Area Plans

The subject properties are within the Kendall-Whittier Small Area Plan.

Development Era

The subject properties are in an area developed during the Early Automobile Era (1930s-50s), which retained a high degree of the connectivity from neighborhood streets to the arterial network, with mostly commercial, office, industrial, and other active uses along major streets and a mix of housing options and neighborhood-based uses like schools, churches, and libraries in the interior sections. Priorities in these areas include walkability, bikeability, access to public transit, historic preservation, housing type variety, mixed-use development, commercial revitalization, compatibility of scale for neighborhood development, and transitions between commercial corridors and residential areas.

Transportation

Major Street & Highway Plan: N/A

Comprehensive Plan Street Designation: N/A

Transit: N/A

Existing Bike/Ped Facilities: None

Planned Bike/Ped Facilities: None

Arterial Traffic per Lane: 4,562 vehicles per lane per day on Admiral Blvd.

Environmental Considerations

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

Tree Canopy Coverage: Tree canopy in the area is 11%. 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: Sequoyah Elementary has a playground and open space nearby.

Sample Motion

I move to *approve or deny* a Variance to reduce the required 5,500 square feet of lot area and lot area per unit in the RM-1 District to permit a lot split (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

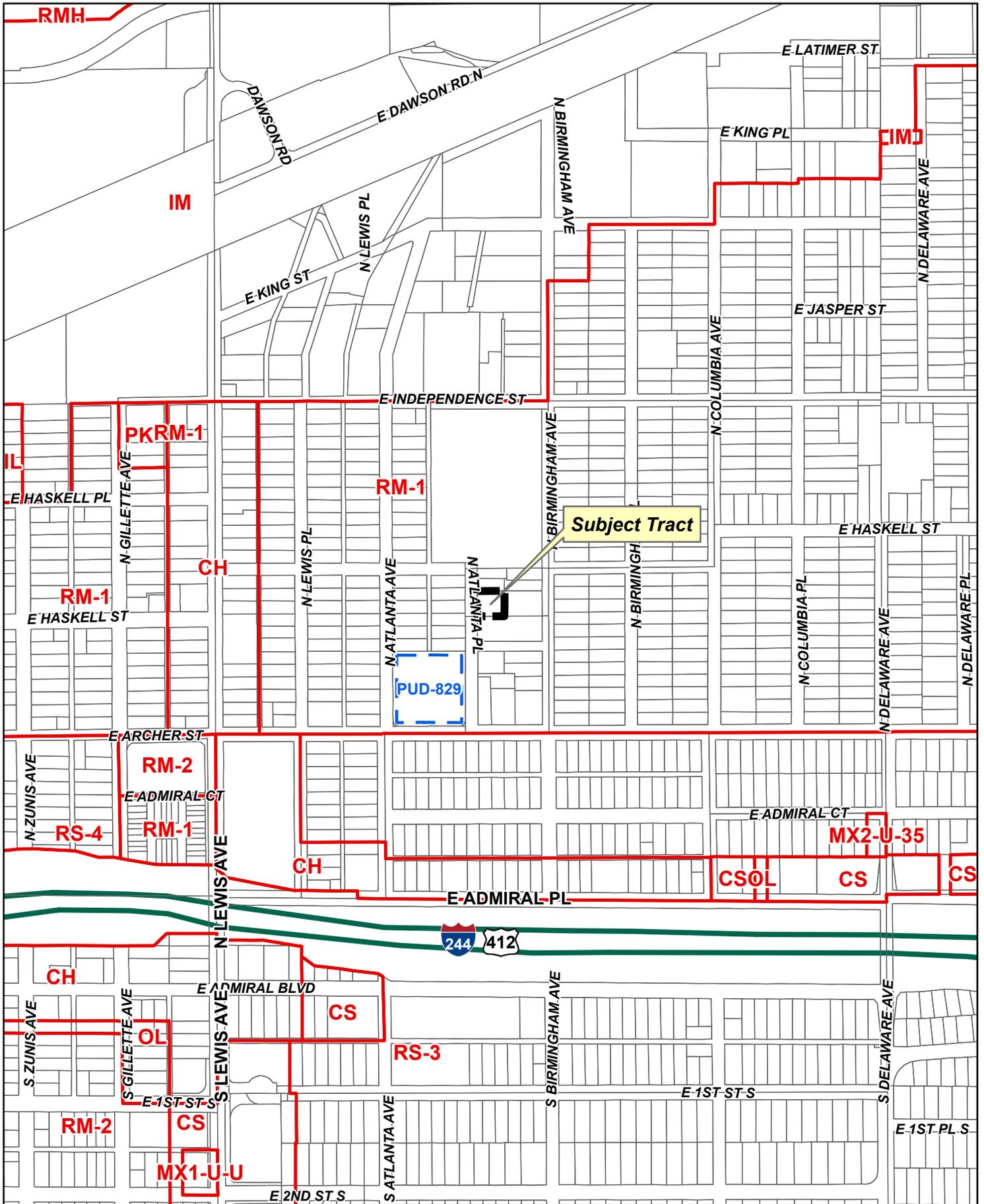
West 108.6 feet of Lots Three (3) and Four (4), Block One (1), Baile’s Subdivision of the North 193.6 feet of Block 1, Cherokee Heights Second Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Exhibits

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

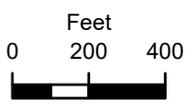


Subject property looking north on N. Atlanta Pl. (Image used from Google Street view)



Subject Tract

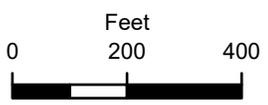
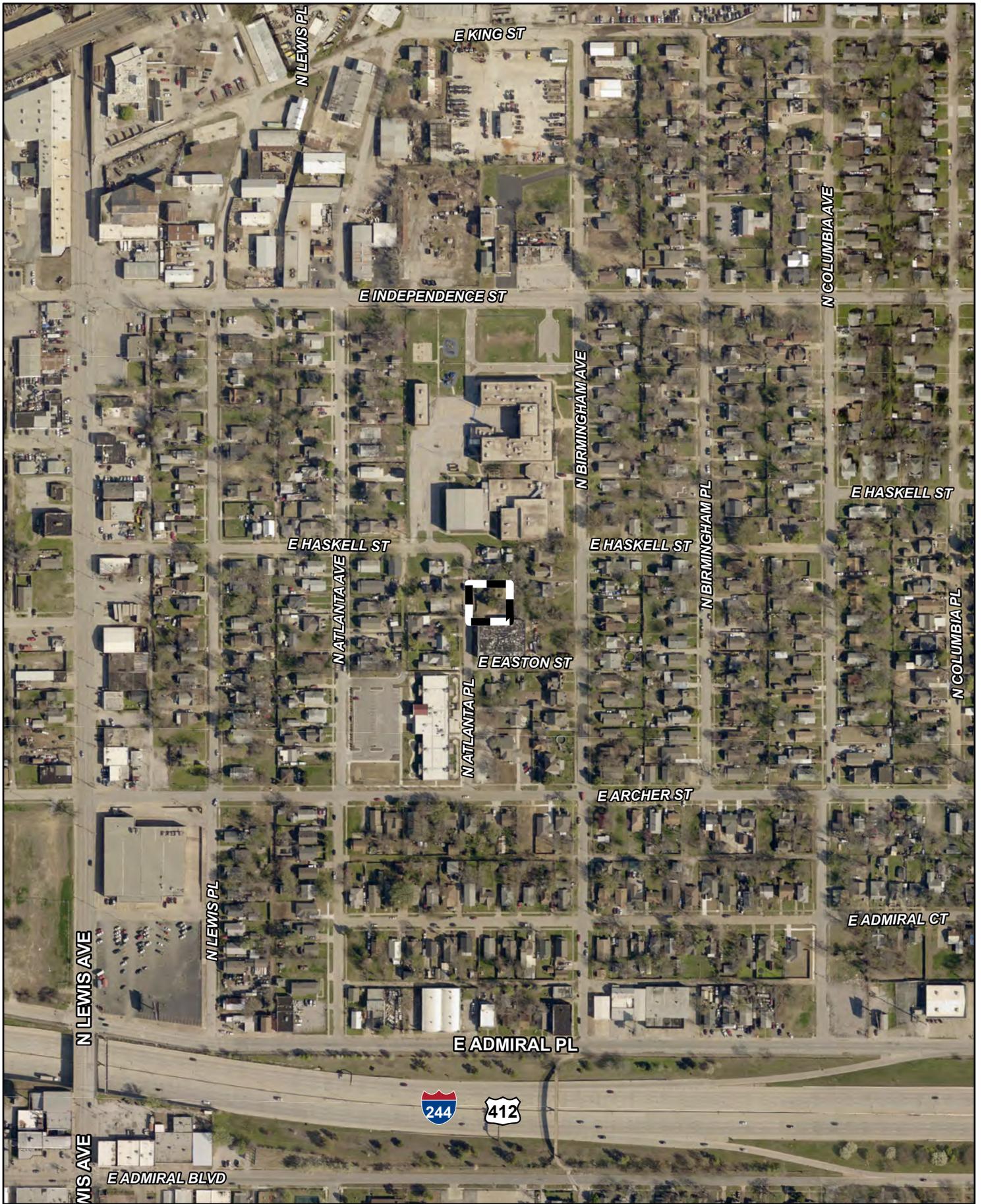
PUD-829



BOA-23686



16.6



 Subject Tract

BOA-23686

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

Aerial Photo Date: 2021



16.7



E HASKELL ST

N ATLANTA PL

E EASTON ST



Subject Tract



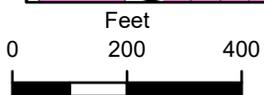
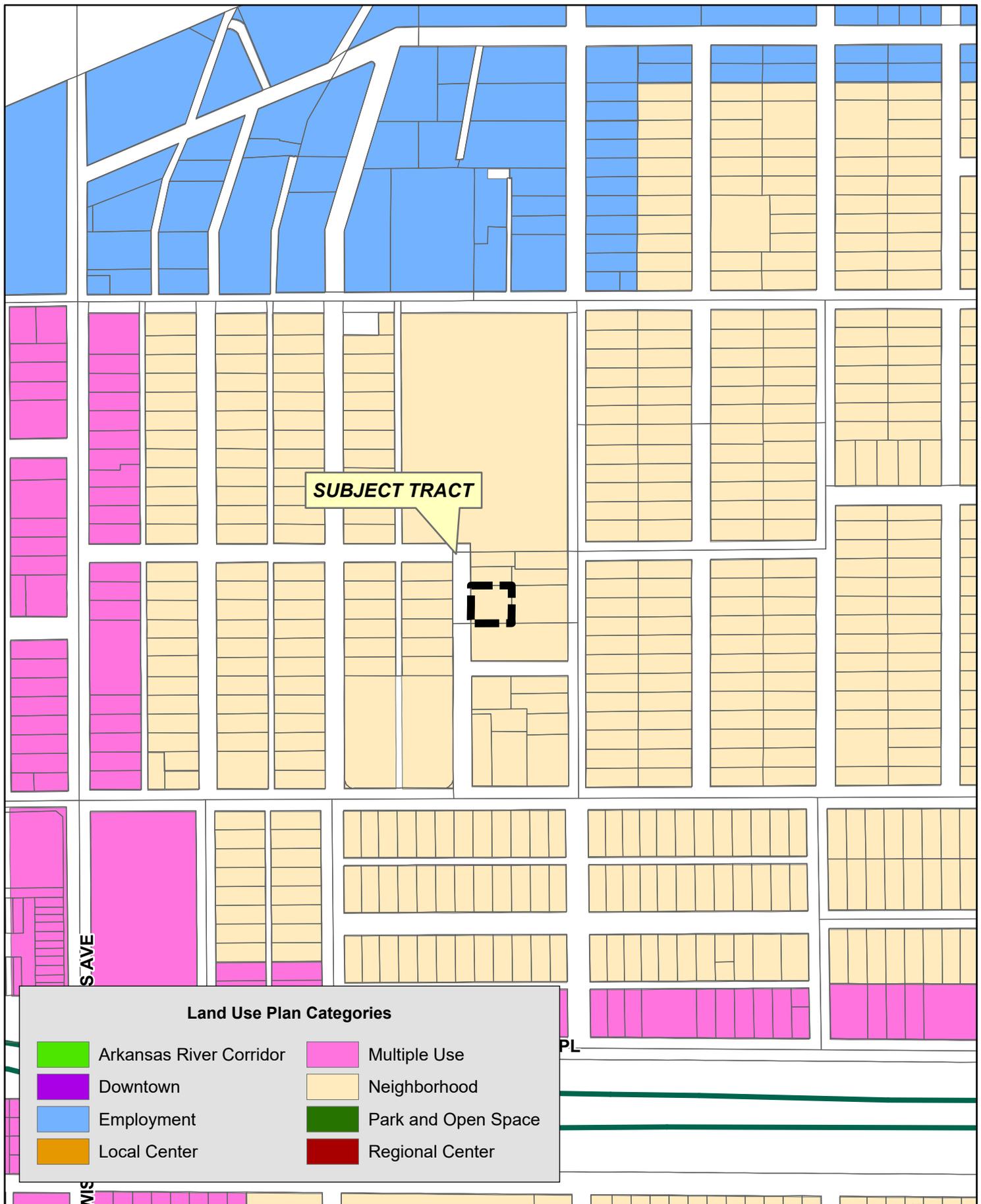
BOA-23686

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

Aerial Photo Date: 2021

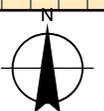


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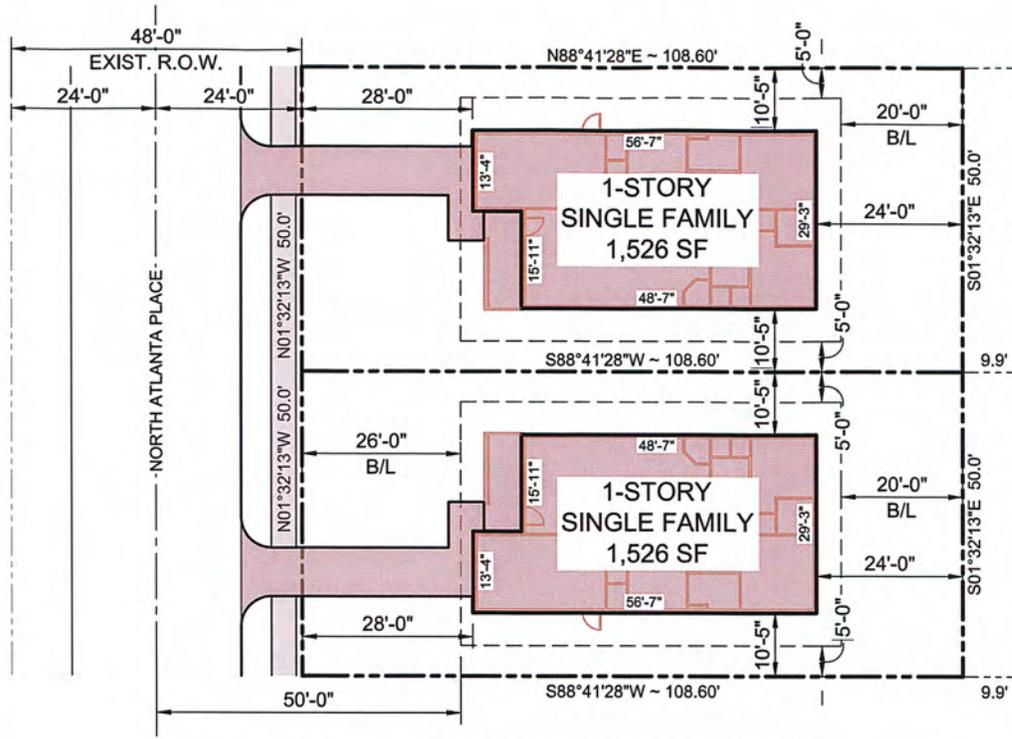


BOA-23686

19-14 04



16.9



1 PROPOSED SITE PLAN
SCALE: 1"=30'-0"



2 PERSPECTIVE
SCALE: NOT TO SCALE



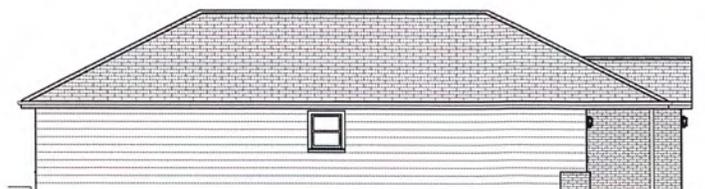
3 FRONT ELEVATION
SCALE: NOT TO SCALE



4 REAR ELEVATION
SCALE: NOT TO SCALE

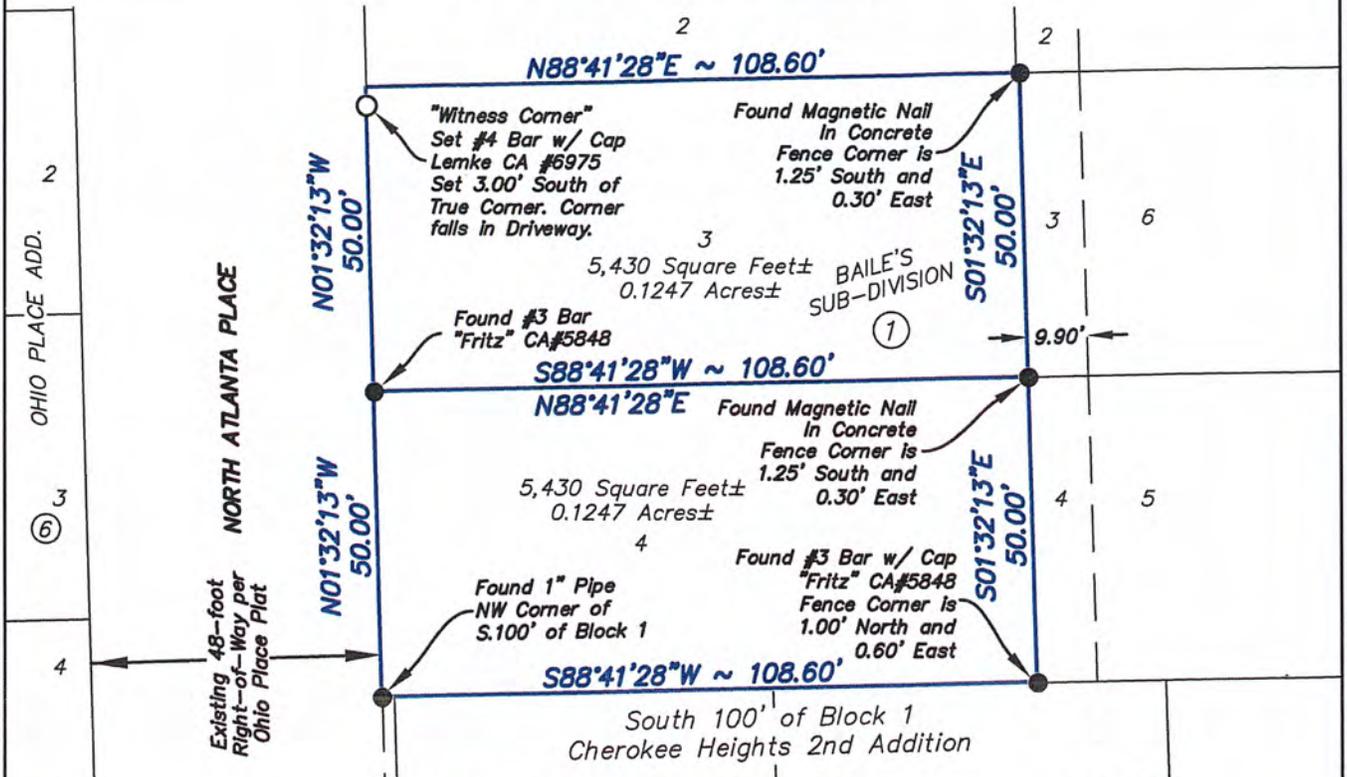


5 GARAGE SIDE ELEVATION
SCALE: NOT TO SCALE



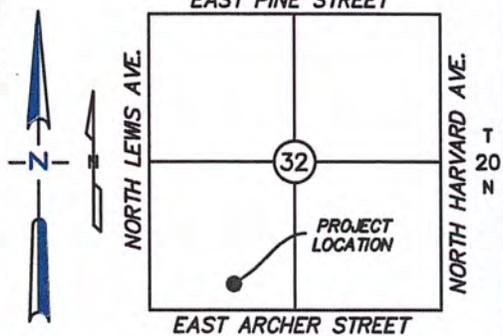
6 PORCH SIDE ELEVATION
SCALE: NOT TO SCALE

PLAT OF SURVEY



SURVEYOR'S CERTIFICATION:

I, Charles D. Cahill, Professional Land Surveyor No. 1470 in and for the State of Oklahoma, do hereby certify that the attached Exhibit is a true representation of the Property as described, and that this Exhibit meets or exceeds the Oklahoma Minimum Standards for Land Surveying as adopted by the Oklahoma State Board of Registration for Engineers and Land Surveyors.



If the surveyor's signature is not red-colored, the plan is a copy that should be assumed to contain unauthorized alterations. The certification contained on this document shall not apply to any copies.

Charles D. Cahill
 CHARLES D. CAHILL, P.L.S. NO. 1470

DATED: 2/20/2024

- INDEX**
- SHEET 1: PLAT OF SURVEY
 - SHEET 2: LEGAL DESCRIPTION LOT 3
 - SHEET 3: LEGAL DESCRIPTION LOT 4
 - SHEET 4: CLOSURE REPORTS LOTS 3 & 4

Basis of Bearings is Oklahoma State Plane North, NAD83(2011) Date of Last Visit: 3/2/2022

	8022 SOUTH PONDIA AVE. TULSA, OK 74132 OK 4975 EX. 06/20/2022 http://www.lemke-us.com	Surveyed By: JL-ER Drawn By: CDC Approved By: CDC Date: 3/2/2022 Scale: 1" = 30' Project No: 01412422.00	Project: PLAT OF SURVEY Project Location: WEST 108.6' OF LOTS 3 & 4, BLOCK 1 BAILE'S SUB-DIVISION Client: GREEN COUNTRY HABITAT FOR HUMANITY 6235 E. 13TH ST., TULSA, OK 74112	Sheet Number 1 Sheet 1 of 4

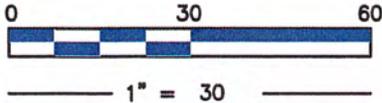
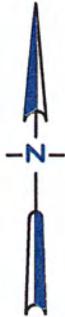
H:\01413522.00 Green Country Habitat (Atlanta PJ)\Final\Final\LS-Windler Bailes Lots Exhibit.dwg 2/20/2024 4:29:12 PM

LOT 3 - LEGAL DESCRIPTION

Legal Description:

The West 108.60 Feet of Lot Three (3), Block One (1), Baile's Sub-division of the North 193.6 feet of Block One (1), Cherokee Heights Second Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma according to the recorded Plats thereof.

(Legal Description taken from Personal Representative's Deed recorded in Document No. 2020111769)



Date of Last Visit: 3/2/2022

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8632 SOUTH PIEDRA AVE.
TULSA, OK 74132
OJ 8975 BX 06/20/2025
http://www.lemke-LS.com

Surveyed By: JL-ER
 Drawn By: CDC
 Approved By: CDC
 Date: 3/2/2022
 Scale: 1" = 30'
 Project No: 01412422.00

Project: **LOT 3 LEGAL DESCRIPTION**
 Project Location: THE WEST 108.6 FEET OF LOT 3, BLOCK 1, BAILE'S SUB-DMSION
 Client: GREEN COUNTRY HABITAT FOR HUMANITY 6235 E. 13TH ST., TULSA, OK 74112

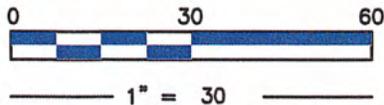
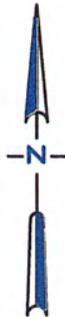
Sheet Number
2
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LOT 4 - LEGAL DESCRIPTION

Legal Description:

The West 108.60 Feet of Lot Four (4), Block One (1), Baile's Sub-division of the North 193.6 feet of Block One (1), Cherokee Heights Second Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma according to the recorded Plats thereof.

(Legal Description taken from Personal Representative's Deed recorded in Document No. 2020111769)



Date of Last Visit: 3/2/2022

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6032 SOUTH PONDIA AVE.
TULSA, OK 74132
OK 8975 B.D. 06/20/2023
http://www.lemke-LS.com

Surveyed By: JL-ER
Drawn By: CDC
Approved By: CDC
Date: 3/2/2022
Scale: 1" = 30'
Project No: 01412422.00

Project: LOT 4 LEGAL DESCRIPTION
Project Location: THE WEST 108.6 FEET OF LOT 4, BLOCK 1, BAILE'S SUB-DMSION
Client: GREEN COUNTRY HABITAT FOR HUMANITY 6235 E. 13TH ST., TULSA, OK 74112

Sheet Number
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Sheet 3 of 4

LEGAL DESCRIPTION CLOSURE REPORTS

RAW TRAVERSE No RULE - Balanced Angles

LOT 3: Point	Coordinates	Coordinates	Delta
1	N 430086.1711	N 430086.1711	0.0000
	E 2572207.2504	E 2572207.2504	
N 01-32-13 W Dist: 50.0000			
2	N 430136.1531	N 430136.1531	0.0000
	E 2572205.9094	E 2572205.9094	
N 88-41-28 E Dist: 108.6000			
3	N 430138.6338	N 430138.6338	0.0000
	E 2572314.4810	E 2572314.4810	
S 01-32-13 E Dist: 50.0000			
4	N 430088.6518	N 430088.6518	0.0000
	E 2572315.8221	E 2572315.8221	
S 88-41-28 W Dist: 108.6000			
1	N 430086.1711	N 430086.1711	0.0000
	E 2572207.2504	E 2572207.2504	
Angular error	= 0-00-00		
Angular error/set	= 0-00-00 Over		
Error North	: -0.0000		
Error East	: 0.0000		
Absolute error	: 0.0000		
Error Direction	: S 26-33-52 E		
Perimeter	: 317.2000		
Precision	: 1 in 8866045.2529		
Number of sides	: 4		
Area	: 5430.0 sq. ft. , 0.1247 Acres		

LOT 4: Point	Coordinates	Coordinates	Delta
1	N 430036.1891	N 430036.1891	0.0000
	E 2572208.5915	E 2572208.5915	
N 01-32-13 W Dist: 50.0000			
2	N 430086.1711	N 430086.1711	0.0000
	E 2572207.2504	E 2572207.2504	
N 88-41-28 E Dist: 108.6000			
3	N 430088.6518	N 430088.6518	0.0000
	E 2572315.8221	E 2572315.8221	
S 01-32-13 E Dist: 50.0000			
4	N 430038.6698	N 430038.6698	0.0000
	E 2572317.1632	E 2572317.1632	
S 88-41-28 W Dist: 108.6000			
1	N 430036.1891	N 430036.1891	0.0000
	E 2572208.5915	E 2572208.5915	
Angular error	= 0-00-00		
Angular error/set	= 0-00-00 Under		
Error North	: -0.0000		
Error East	: 0.0000		
Absolute error	: 0.0000		
Error Direction	: S 25-49-15 E		
Perimeter	: 317.2000		
Precision	: 1 in 9210674.7367		
Number of sides	: 4		
Area	: 5430.0 sq. ft. , 0.1247 Acres		

Date of Last Visit: 3/2/2022

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9022 SOUTH PEGONE AVE.
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OK 9025 BX 04/20/2023
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Surveyed By: JL-ER
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 BAILE'S SUB-DIVISION
 Client: GREEN COUNTRY HABITAT FOR HUMANITY
 6235 E. 13TH ST., TULSA, OK 74112

Sheet Number
 4
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- PARCEL
 - HISTORIC
 - ROW
 - HYDRO
 - MEANDER
 - BLOCK
 - SUBDIVISION
 - RAIL ROW
 - RAIL CENTERLINE
 - GOVT LOT
 - QUARTER SECTION
 - SECTION
- | | |
|--------|--------------------|
| #00000 | SUBDIVISION NUMBER |
| SUBD | SUBDIVISION NAME |
| 3 | BLOCK NUMBER |
| STREET | STREET NAME |
| 12 | LOT NUMBER |
| 8000 | ACCOUNT NUMBER |
| 10 | DIMENSION |
| J | LAND HOOK |

John A. Wright, Tulsa County Assessor

Property lines are derived from existing tax maps and other public records. The property data was produced at a scale of 1" = 100' and is intended to support the inventory of real property. Cadastral data should not be interpreted as actual field survey data. All maps and data were produced using the Assessment Office Geographic Information System (gis). These maps are for tax purposes only and are not intended for use in making conveyances or for preparing legal descriptions of properties.

