



Board of Adjustment

**Staff Report
BOA-23730**

Hearing Date: July 9, 2024
Prepared by: Sean Wallace
swallace@cityoftulsa.org
918-596-7585

Owner and Applicant Information

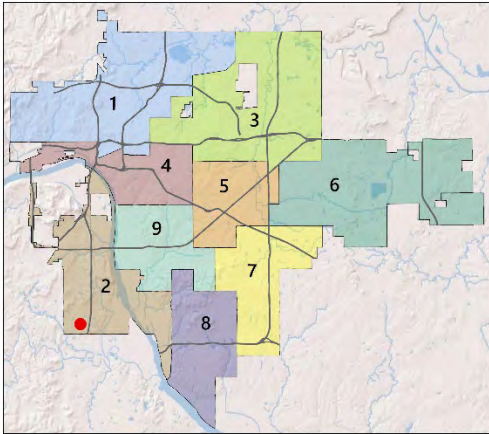
Applicant: Ariel Pearce
Property Owner: Karen P. & Michael A. Gold

Property Location

1910 W 89th St S
Tract Size: ±11.5 acres

Location within the City of Tulsa

(shown with City Council districts)



Elected Representatives

City Council: District 2, Jeannie Cue
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 street frontage in the AG zoning district to permit a lot split (Sec.25.020-D, Table 25-2).

Zoning

Zoning District: AG
Zoning Overlays: None

Comprehensive Plan Considerations

Land Use

Land Use Plan: Neighborhood
Small Area Plans: West Highlands/Tulsa Hills
Development Era: Late Automobile

Transportation

Major Street & Highway Plan: N/A
planitulsa Street Type: N/A
Transit: Regular Route
Existing Bike/Ped Facilities: None
Planned Bike/Ped Facilities: On-street bike corridor on S Union Ave & Signed Route on W 91st St

Environment

Flood Area: Regulatory Floodplain
Tree Canopy Coverage: 30-50%
Parks & Open Space: There is significant open space/natural area nearby

Staff Analysis

The applicant is requesting a variance to reduce the required street frontage in the AG district to permit a lot split. The applicant proposes the split in order to build a detached house on the property. Because 89th Street is not a public street, the existing tract does not meet the 30-foot street frontage requirement in the AG district. If the property is split, both resulting tracts will have 0 feet of frontage.

25.020-D Lot and Building Regulations

The lot and building regulations of Table 25-2 apply to all principal uses and structures in AG and AG-R districts, except as otherwise expressly stated in this zoning code. General exceptions to lot and building regulations and rules for measuring compliance can be found in Chapter 20. Additional regulations governing accessory uses and structures can be found in Chapter 41.

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

Relevant Case History

- None

Statement of Hardship

"I am seeking 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).

The property is located at the end of 89th St, with the nearest public road being Union. At the moment 89th st is a private road owned by Cody and Daniel Rogers, who also own the property to the west of the proposed lot. They have given verbal permission and no objections to granting this access if used for residential purposes.

89th St is a well-maintained private road that is paved.

There are currently 4 homes that are only accessible by this road.

Currently all utilities are able to access the homes including trash, electric, water, gas, mail, and emergency services.

There is a working water hydrant at the end of 89th street that will be directly south of my proposed lot. Without the variance this property is not accessible.

The Variance will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development or adjacent property. The proposed property sits at the very end of the road and will not make any alterations to the existing function.

Granting this variance will not cause substantial detriment to the public good nor alter or impair the purposes, spirit, or intent of the zoning code.”

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	Residential
East	AG/RS-3	Neighborhood	Residential
South	AG/RS-3	Neighborhood	Residential
West	AG	Neighborhood	Residential

Small Area Plans

The subject properties are within the West Highlands/Tulsa Hills small area plan.

Development Era

The subject property is in an area developed during the Late Automobile Era (1950s-present), which has grown since the mainstreaming of automobile-centric lifestyles, with a high degree of separation between residential and nonresidential uses, and low levels of street connectivity. In these areas, transportation is nearly exclusively concentrated on the mile-by-mile arterial grid, and major streets are often both transportation corridors and destination corridors, which can lead to traffic congestion. Nonresidential uses are predominantly located at the intersections of major arterial streets. Priorities in these areas include commercial revitalization, placemaking, community gathering opportunities, conservation of natural areas, a high degree of privacy, one-stop shopping, and commuting routes.

Transportation

Major Street & Highway Plan: N/A

Comprehensive Plan Street Designation: N/A

Transit: Regular bus route 500 runs along S Union Ave

Existing Bike/Ped Facilities: None

Planned Bike/Ped Facilities: Tulsa GO Plan recommends an on-street bike corridor along S Union Ave and a signed route along W 91st St.

Arterial Traffic per Lane: 2,335 vehicles per lane per day on S Union Ave and 1,579 vehicles per lane per day on W 91st St.

Environmental Considerations

Flood Area: The subject property is within the City of Tulsa regulatory floodplain.

Tree Canopy Coverage: Tree canopy in the area is 37%. Significant effort should be given to the preservation of mature stands of trees. Tree canopy removal should be minimized, and replacement of trees that need removing should be encouraged.

Parks & Open Space: There is a significant amount of open space and natural areas nearby.

Sample Motion

I move to approve or deny a Variance to reduce the required street frontage in the AG zoning district to permit a lot split (Sec. 25.020-D, Table 25-2.).

- 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

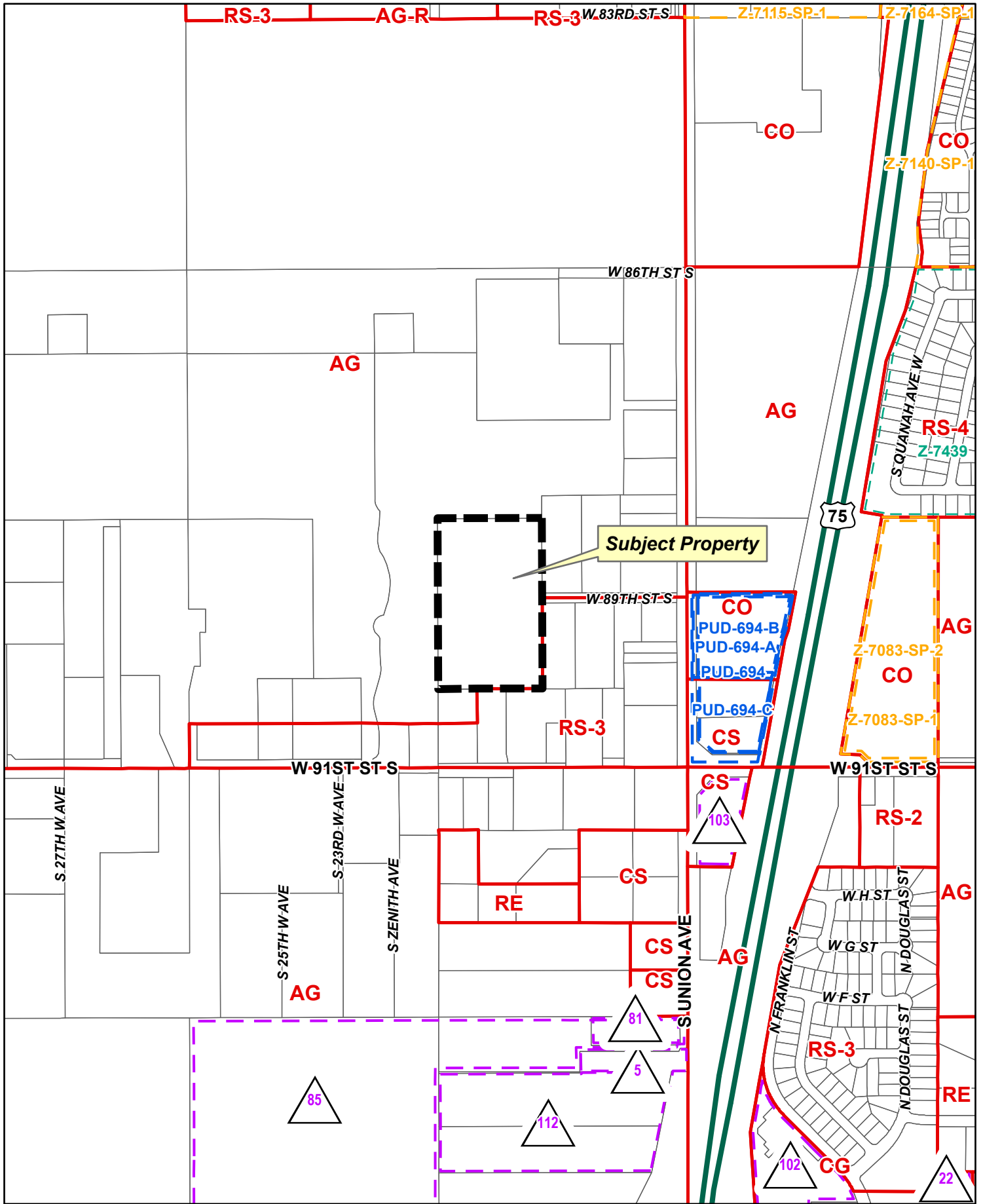
SE SE LESS E767.42 & LESS S233.7 W208.7 THEREOF & LESS E343.88 W553.58 S417.4 THEREOF & LESS BEG 1326.04N 1321W 906.85S SECR TH S183.7 E208.88 N183.7 W209.02 POB SEC 15 18 12 11.52ACS, City of Tulsa, Tulsa County, State of Oklahoma

Exhibits

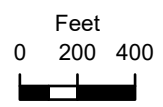
- Case map
- Aerial (small scale)
- Aerial (large scale)
- Photos
- Tulsa Comprehensive Plan Land Use Map



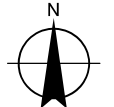
(Subject property – image taken from Google street-view)



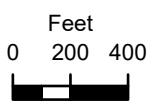
Subject Property



BOA-23730



6.7

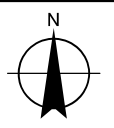


 Subject Tract

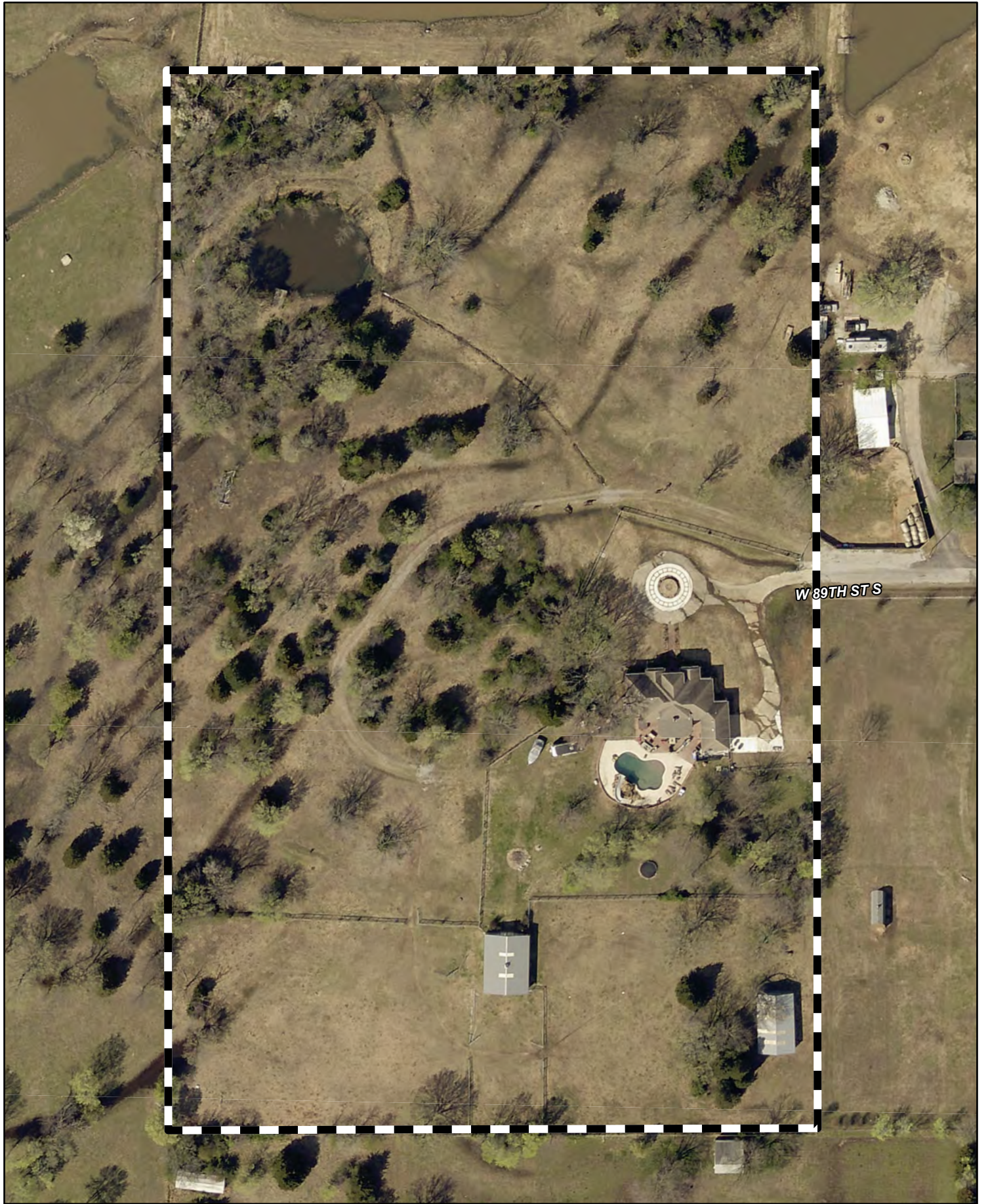
BOA-23730

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

Aerial Photo Date: 2021



6.8



W 89TH ST S

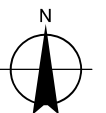
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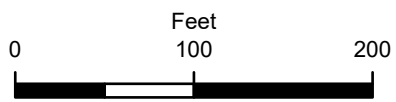


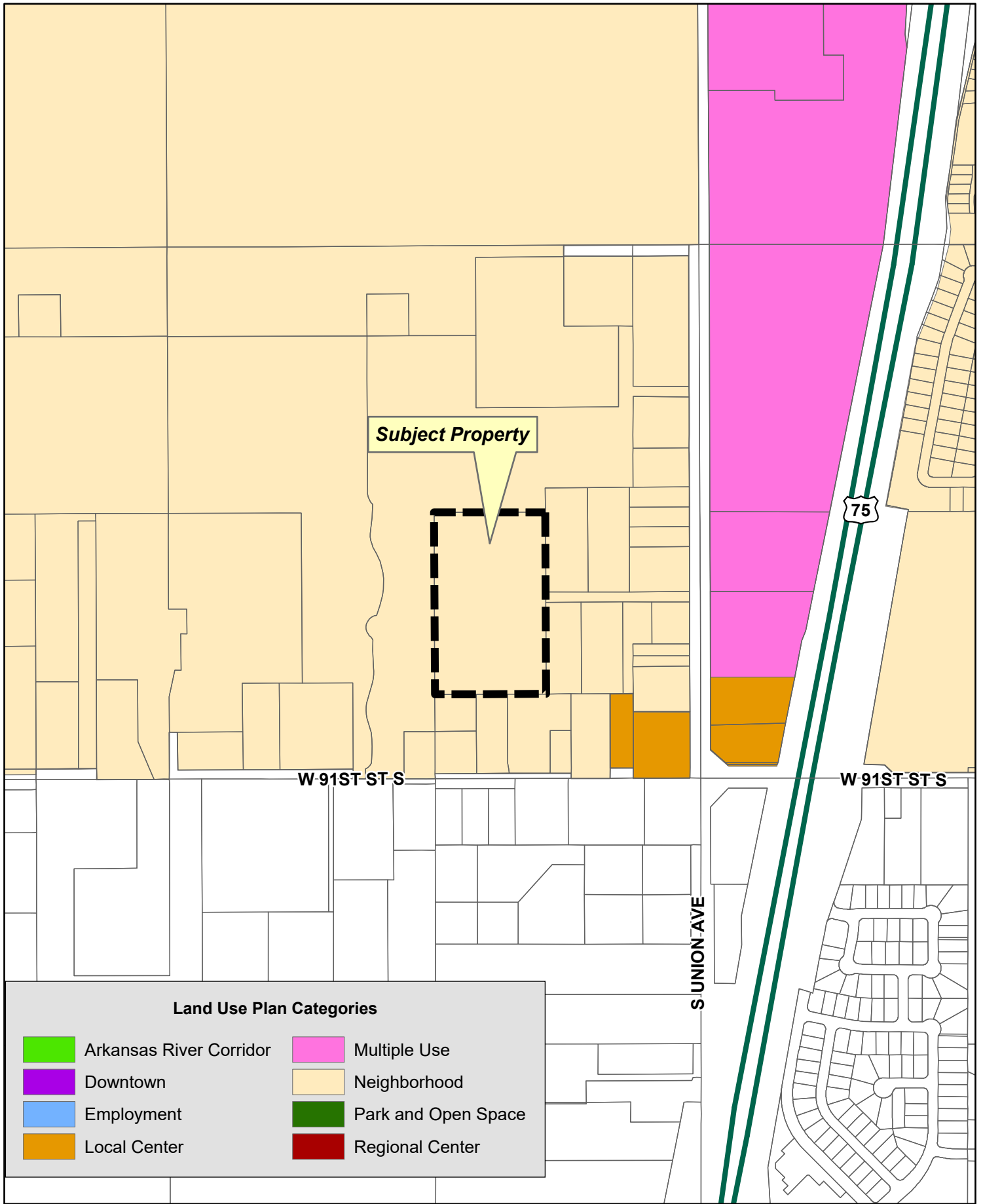
Subject Tract

Aerial Photo Date: 2021











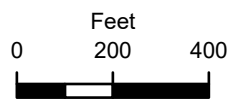
6.9





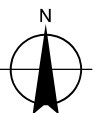
Land Use Plan Categories

- | | |
|---|---|
|  Arkansas River Corridor |  Multiple Use |
|  Downtown |  Neighborhood |
|  Employment |  Park and Open Space |
|  Local Center |  Regional Center |



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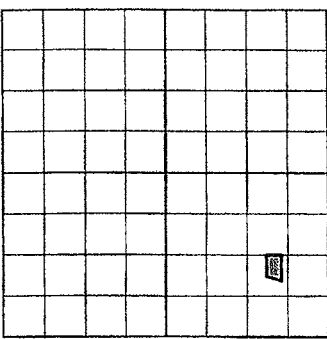
19-14 04



6.10



LEGAL DESCRIPTION



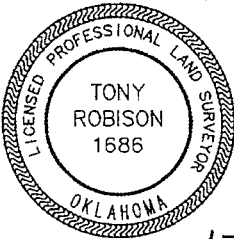
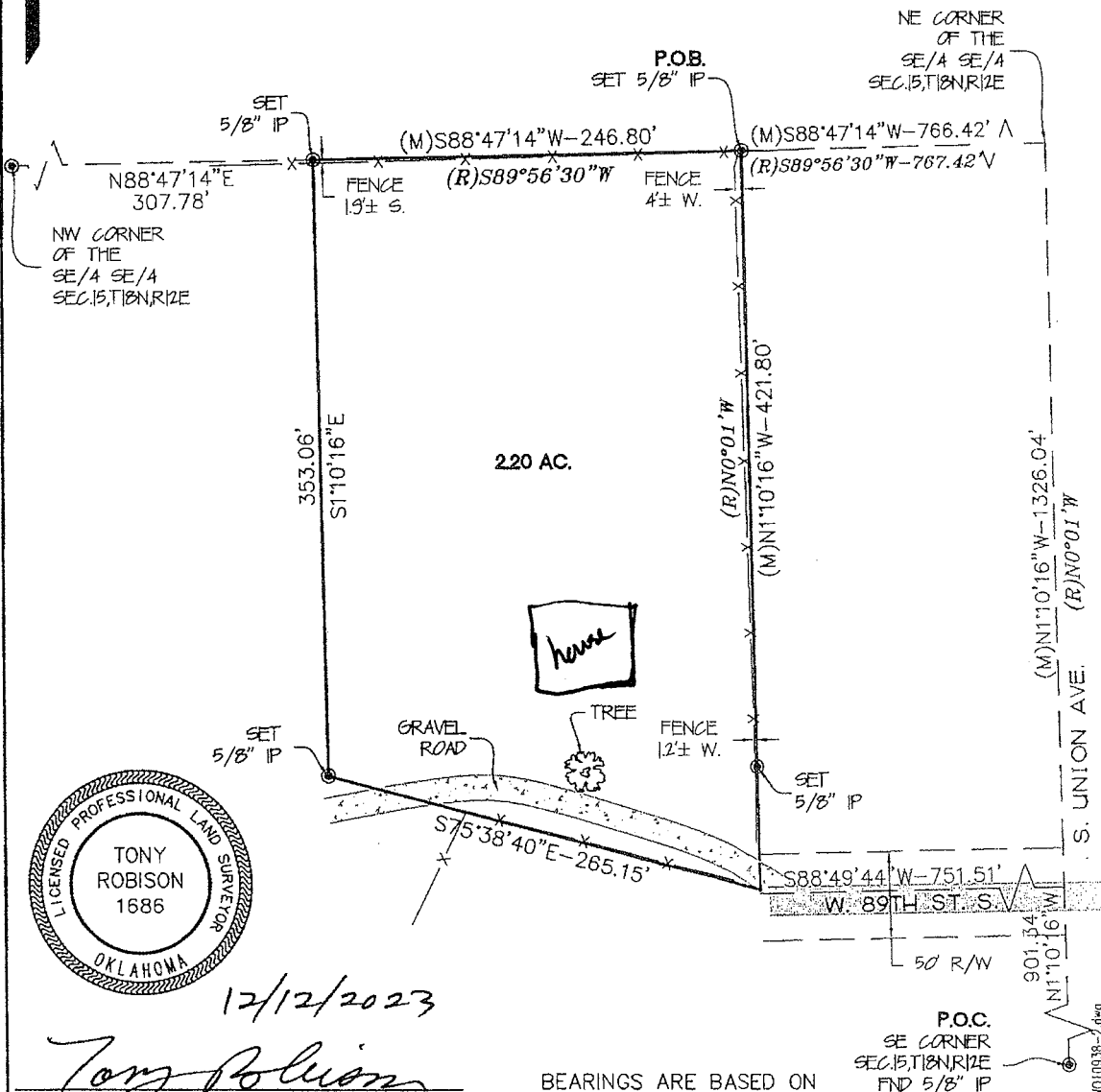
LOCATION MAP

A TRACT OF LAND SITUATED IN THE SE/4 SE/4 OF SECTION 15, T18N, R12E OF THE I.B.&M., TULSA COUNTY, STATE OF OKLAHOMA: WITH THE BASIS OF BEARING OF THIS DESCRIPTION BEING NAD83 OKLAHOMA STATE PLANE, AND PREPARED ON 12/8/2023 BY TONY ROBISON, LS #1686: SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: COMMENCING AT THE SE CORNER OF SECTION 15, THENCE N1°10'16"W A DISTANCE OF 1326.04 FEET TO THE NE CORNER OF THE SE/4 SE/4 OF SECTION 15; THENCE S88°47'14"W ALONG THE NORTH LINE OF THE SE/4 SE/4 A DISTANCE OF 766.42 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S88°47'14"W A DISTANCE OF 246.80 FEET; THENCE S1°10'16"E A DISTANCE OF 353.06 FEET; THENCE S75°38'40"E A DISTANCE OF 265.15 FEET; THENCE N1°10'16"W A DISTANCE OF 421.80 FEET TO THE POINT OF BEGINNING. CONTAINING 2.20 ACRES, MORE OR LESS.

SEC. 15 T 18 N, R 12 E

SCALE: 1" = 80'

- ⊙ = IRON PIN
- x- = FENCE
- (M) = MEASURED
- (R) = RECORD



12/12/2023

Tony Robison
TONY ROBISON, LAND SURVEYOR NO. 1686

Heartland Surveying & Mapping, PLLC

CA #4849
800 Emporia St., Ste. "C"
Muskogee, Oklahoma 74401
(918) 682-7796

FOR: Michael Gold
1910 W. 89th St., Tulsa
REV. DATE: 12/8/2023
DATE: 12/13/2022

BEARINGS ARE BASED ON
NAD83 OKLAHOMA STATE
PLANE COORDINATE SYSTEM.

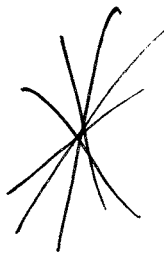
P.O.C.
SE CORNER
SEC. 15, T18N, R12E
FND 5/8" IP

W.O.# 10938-2

SURVEYED BY: RT/TT
DRAWN BY: AM

Last Site Visit: 12/12/22

FILE NAME
Dec 08, 2023 - 10:21am
S:\CAD - HEARTLAND - FILES\W010038-2.dwg



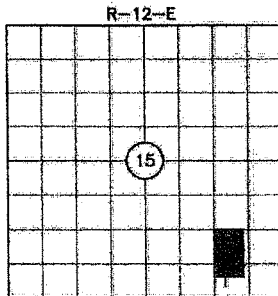
- LEGEND
- FENCE
 - U/E UTILITY EASEMENT
 - D/E DRAINAGE EASEMENT
 - M/P METERING POINT
 - R/W RIGHT-OF-WAY
 - B/E BURIED ELECTRIC & TELEPHONE CABLE EASEMENT (APPROXIMATE LOCATION)
 - B/L BUILDING LINE
 - O.B.L. OUTBUILDING LINE
- BEFORE YOU DIG, CALL OKIE
 1-800-922-8543

MORTGAGE INSPECTION REPORT

NOT A LAND OR BOUNDARY SURVEY

1"=200'
 INVOICE NO.: TRUE 22-109027
 MORTGAGOR: GOLD, KAREN P.

CLIENT: TRUE TITLE & ESCROW
 PROSPERITY BANK ISADA/ATIMA
 STEWART TITLE GUARANTY COMPANY
 TTG-21-9990

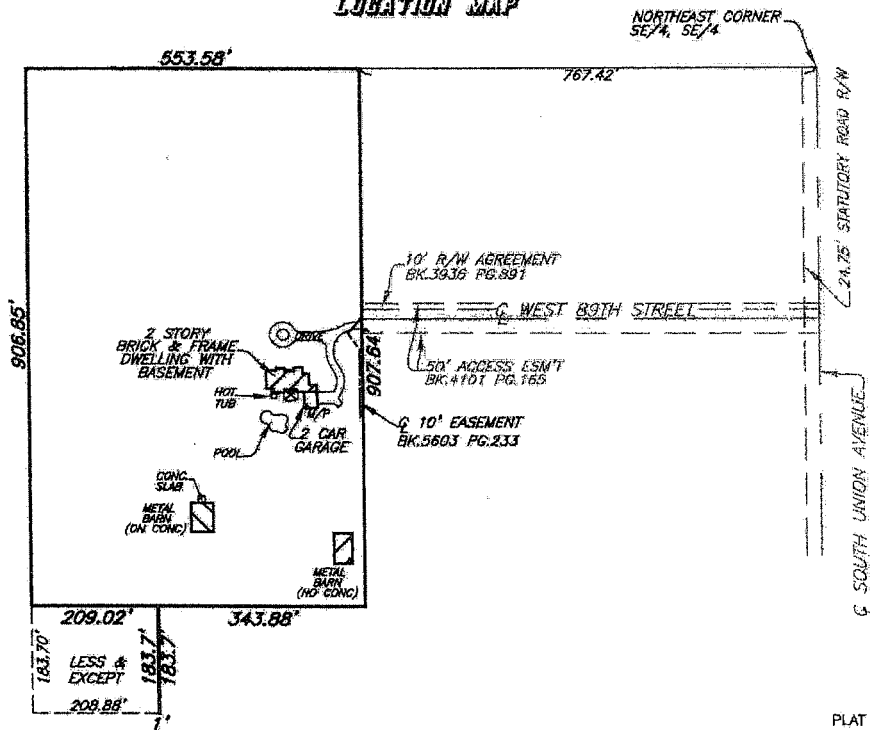


BY GRAPHIC PLOTTING ONLY THIS PROPERTY LIES IN ZONE "X-UNSHADED" FLOOD HAZARD AREA PER F.I.R.M. MAP NUMBER 4014300342L, AS LAST REVISED 10/16/12.

- THE FOLLOWING RECORDED DOCUMENTS INCLUDE THIS PROPERTY:
10. A MORTGAGE RECORDED AS DOCUMENT NO. 2019120240.
 11. AN ASSIGNMENT OF RENTS RECORDED AS DOCUMENT NO. 2019120241.
 12. A RIGHT OF WAY AGREEMENT RECORDED IN BOOK 90 PAGE 597.
 14. AN OVERHEAD AND UNDERGROUND EASEMENT RECORDED IN BOOK 3003 PAGE 233.

- THE FOLLOWING RECORDED DOCUMENT AFFECTS THIS ENTIRE PROPERTY:
13. A RIGHT OF WAY AGREEMENT RECORDED IN BOOK 3036 PAGE 891.

TULSA COUNTY LOCATION MAP



PLAT NO. N/A

LEGAL DESCRIPTION AS PROVIDED:

A tract of land BEGINNING at a point South 89° 58' 30" West a distance of 787.42 feet from the Northeast corner of the Southeast Quarter of the Southeast Quarter (SE/4 SE/4) of Section Fifteen (15), Township Eighteen (18) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof; Thence South 89° 58' 30" West a distance of 553.58 feet; Thence South 00° 01' 34.78" East a distance of 1090.55 feet; Thence South 89° 58' 30" East a distance of 209.88 feet; Thence North 00° 01' West a distance of 183.7 feet; Thence South 89° 58' 30" East a distance of 343.88 feet; Thence North 00° 01' West a distance of 907.64 feet to the POINT OF BEGINNING.

LESS AND EXCEPT the following property:

A tract of land in the Southeast Quarter of the Southeast Quarter (SE/4 SE/4) of Section Fifteen (15), Township Eighteen (18) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows, to-wit:

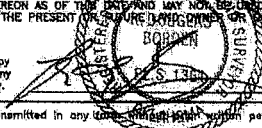
COMMENCING at the Southeast corner of Section 15; Thence North 0° 01' West a distance of 1326.04 feet to the Northeast corner of said SE/4 of the SE/4; Thence South 89° 58' 30" West a distance of 1321.00 feet; Thence South 0° 03' 34.78" East a distance of 908.85 feet to the Point of Beginning; Thence South 0° 03' 34.78" East a distance of 183.70 feet; Thence South 89° 58' 30" East a distance of 209.88 feet; Thence North 0° 01' West a distance of 183.70 feet; Thence North 89° 58' 30" West a distance of 209.02 feet to the POINT OF BEGINNING, and known as 1910 West 89th Street.

SURVEYOR'S STATEMENT

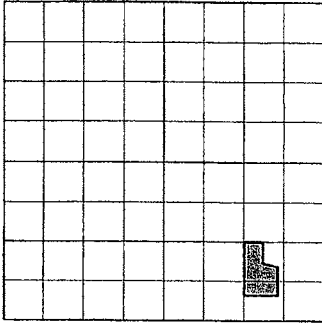
WHITE SURVEYING COMPANY, AN OKLAHOMA CORPORATION, AND THE UNDERSIGNED LICENSED PROFESSIONAL LAND SURVEYOR, UNDER CERTIFICATE OF AUTHORIZATION #CA1098, DO HEREBY STATE THAT IN OUR PROFESSIONAL OPINION THE ABOVE INSPECTION REPORT SHOWS THE DWELLING AS LOCATED ON THE PREMISES DESCRIBED, THAT IT IS ENTIRELY WITHIN THE DESCRIBED TRACT BOUNDARIES, AND THERE ARE NO ENCROACHMENTS THEREON BY VISIBLE PERMANENT IMPROVEMENTS, EXCEPT AS INDICATED; THAT THE ABOVE INSPECTION REPORT SHOWS ALL RECORDED EASEMENTS AND OTHER SUCH EASEMENTS WHICH HAVE BEEN DISCLOSED BY A CURRENT TITLE OPINION OR BY COMMITMENT FOR TITLE INSURANCE AND COPIES THEREOF PROVIDED TO US; AND THAT THIS INSPECTION REPORT IS PREPARED FOR IDENTIFICATION PURPOSES ONLY FOR THE MORTGAGEE AND IS NOT A LAND OR BOUNDARY LINE SURVEY THAT NO PROPERTY CORNERS WERE SET AND NO INSTRUMENTS WERE RECORDED OR BELIEVED UPON FOR THE ESTABLISHMENT OF FENCE, BUILDING OR OTHER IMPROVEMENTS; THAT UNDERGROUND OR ABOVE GROUND UTILITIES WERE NOT FIELD LOCATED AND THEREFORE WERE NOT SHOWN ON THIS INSPECTION REPORT UNLESS SPECIFICALLY REQUESTED BY THE CLIENT; THAT THIS INSPECTION REPORT IS PREPARED SOLELY FOR THE CLIENT LISTED HEREON AS OF THE DATE AND MAY NOT BE USED FOR ANY SUBSEQUENT LOAN CLOSING, REFINANCE, OR OTHER TRANSACTION; AND THAT NO RESPONSIBILITY OR LIABILITY IS ASSUMED HEREON OR HEREBY TO THE PRESENT OR FUTURE LANDOWNER OR OCCUPANT.

WITNESS MY HAND AND SEAL THIS DATE: 5/12/22

WARNING! If the seal on this document is not RED, it is an unauthorized copy which may have been altered or modified, and cannot be used for any purpose without the written permission of White Surveying Company.



LEGAL DESCRIPTION



LOCATION MAP

SEC. 15 T 18 N, R 12 E

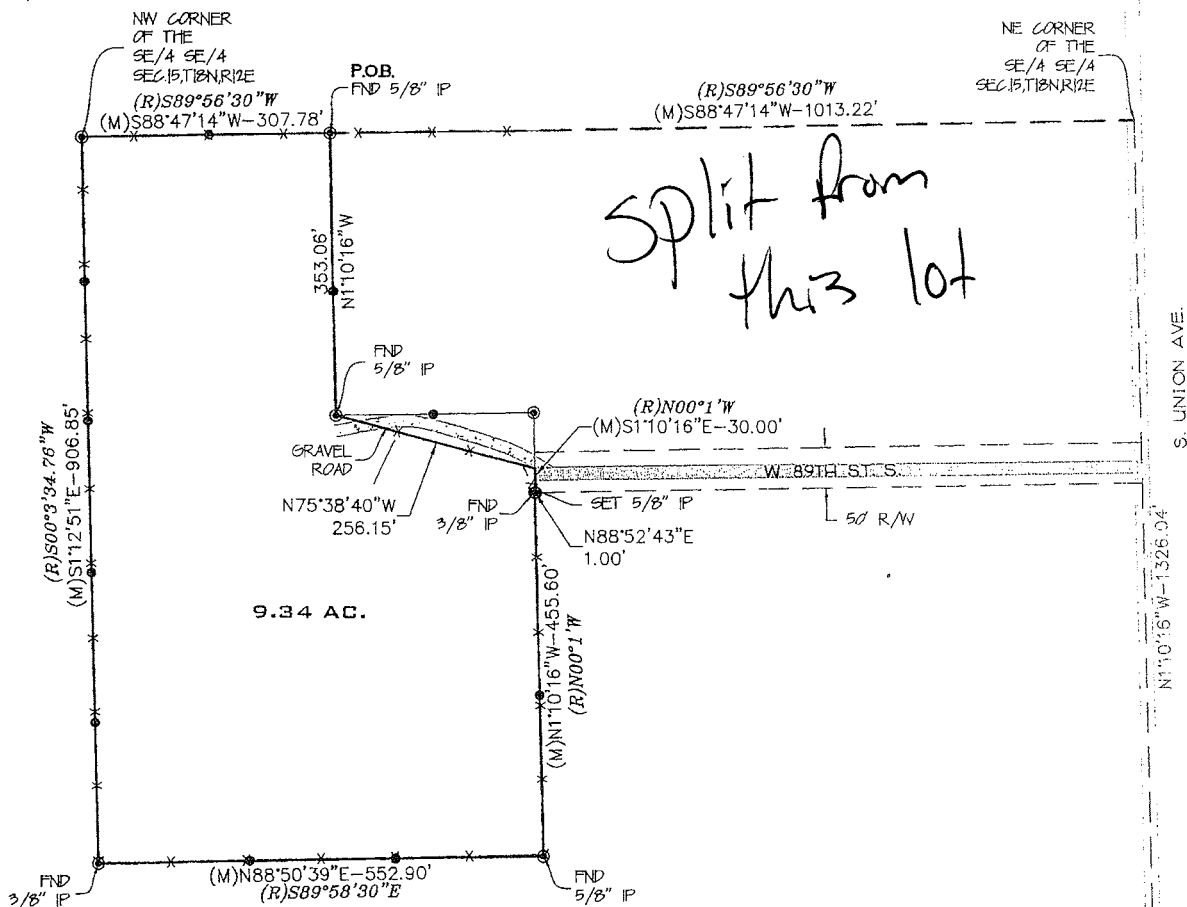
SCALE: 1" = 150'



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12/12/2023

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800 Emporia St., Ste. "C"
Muskogee, Oklahoma 74401
(918) 682-7796



BEARINGS ARE BASED ON
NAD83 OKLAHOMA STATE
PLANE COORDINATE SYSTEM.

P.O.C.
SE CORNER
SECTION 15, T18N, R12E
FND 5/8" IP

FOR: Michael & Ariel Gold
REV. DATE: 12/8/2023
DATE: 8/22/2023

W.O.# 11520-2
SURVEYED BY: RT/TT
DRAWN BY: AM
Last Site Visit: 8/17/23

THIS SURVEY MEETS MINIMUM TECHNICAL SURVEY STANDARDS.

FILE NAME
Dec 12, 2023 - 3:43pm
S:\2023-40281-500-FILES\W011520-2.dwg