



Board of Adjustment

**Staff Report
BOA-23743**

Hearing Date: July 23, 2024
Prepared by: Nathan Foster
nathanfoster@cityoftulsa.org
918-596-7609

Owner and Applicant Information

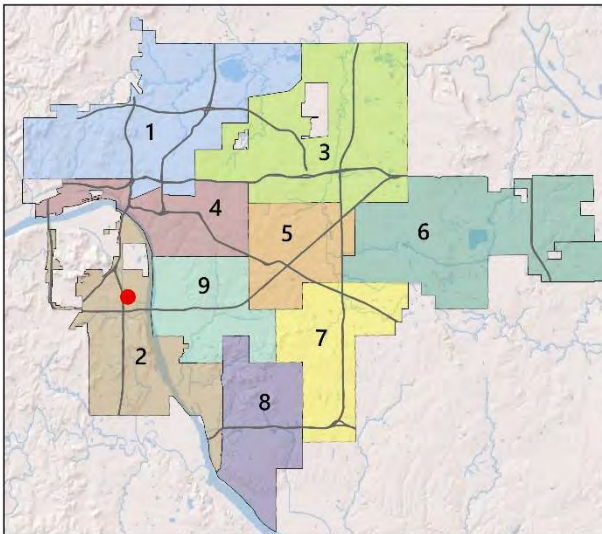
Applicant: Berl & Donna Hart
Property Owner: Berl A. & Donna S. Hart

Property Location

8417 South Maybelle Avenue West
Tract Size: ±14.46 acres

Location within the City of Tulsa

(shown with City Council districts)



Elected Representatives

City Council: District 2, Jeanie 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 minimum street frontage in the AG Zoning District to permit a lot line adjustment (Section 25.020, 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: Residential Collector
planitulsa Street Type: N/A
Transit: N/A
Existing Bike/Ped Facilities: Sidewalk
Planned Bike/Ped Facilities: None

Environment

Flood Area: N/A
Tree Canopy Coverage: 0-10%
Parks & Open Space: N/A

Staff Analysis

The applicant requests a variance to reduce the required minimum street frontage in the AG Zoning District to permit a lot line adjustment (Sec. 25.030, Table 25-2). In the AG district, the minimum required street frontage is 30 feet. The existing eastern tract (Tract 1) has 30 feet of frontage, and the western tract (Tract 2) has 0 feet of frontage. The applicants would like to adjust the lot lines, which would result in both tracts having 15 feet of frontage on South Maybelle Avenue.

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

- BOA-12222, The Board approved a minor variance of the required lot area for an AG zoned tract to permit lot split number 15584 located south and west of the southwest corner of West 81st Street South and South Elwood Avenue.

Statement of Hardship:

- See attached exhibits

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	AG	Neighborhood	Residential
South	RS-1	Neighborhood	Residential
West	RS-2, CO, AG	Neighborhood	Residential

Small Area Plans

The subject properties are in 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: Maybelle Avenue is a Residential Collector, which calls for a total right-of-way width of 60 feet.

Comprehensive Plan Street Designation: N/A

Transit: N/A

Existing Bike/Ped Facilities: A sidewalk is present along the west side of Maybelle Avenue.

Planned Bike/Ped Facilities: N/A

Arterial Traffic per Lane: N/A

Environmental Considerations

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

Tree Canopy Coverage: Tree canopy in the area is 28%. 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: N/A

Sample Motion

I move to approve or deny a The applicant is proposing a Variance to reduce the required minimum street frontage in the AG Zoning District to permit a lot line adjustment (Sec. 25.030, 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 _____.

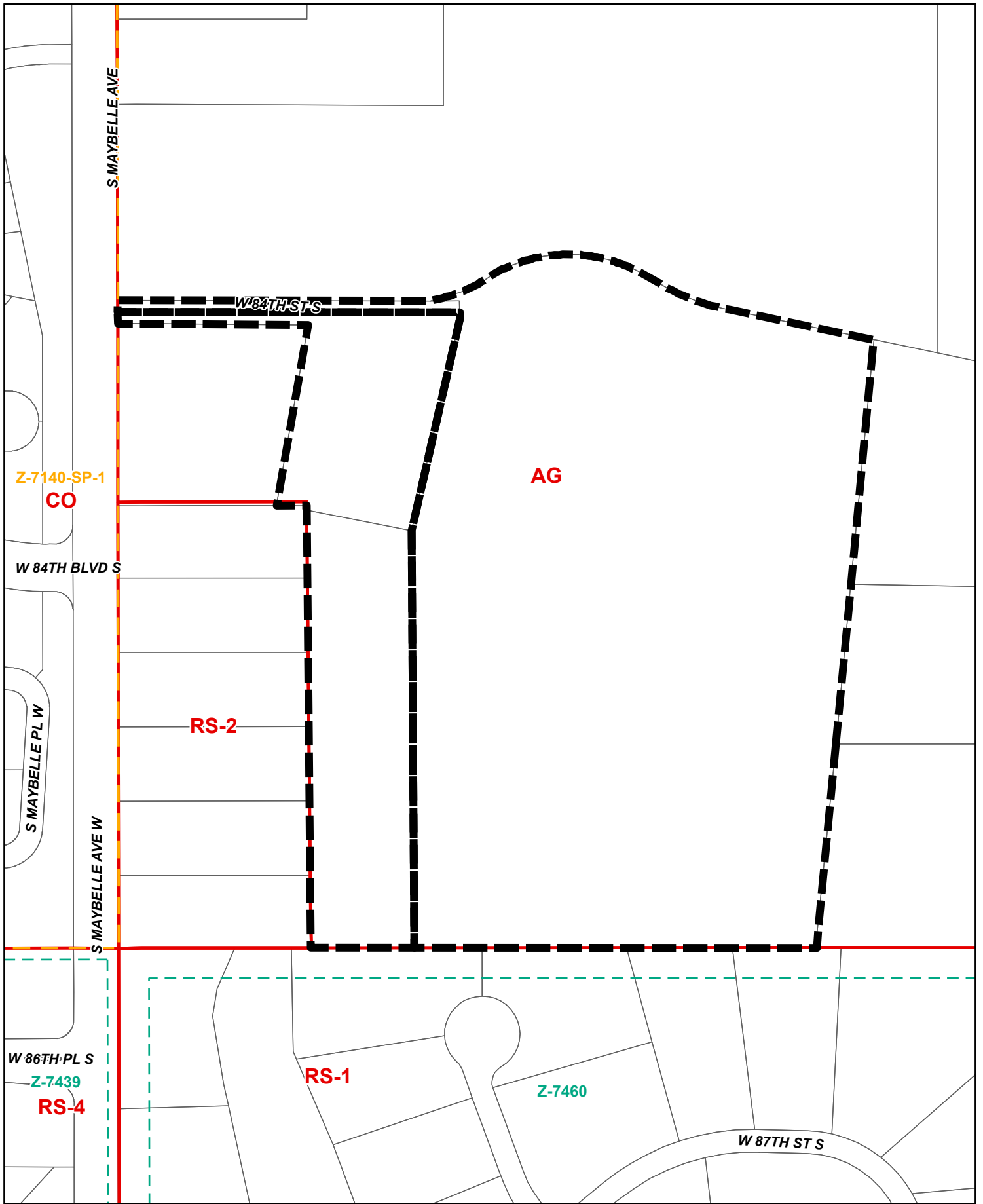
In granting the Variance, the Board finds that the following facts, favorable to the property owner, have been established:

- 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.

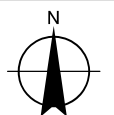
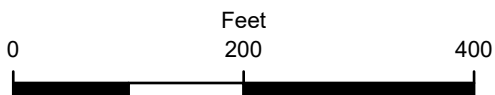
Property Description

Exhibits

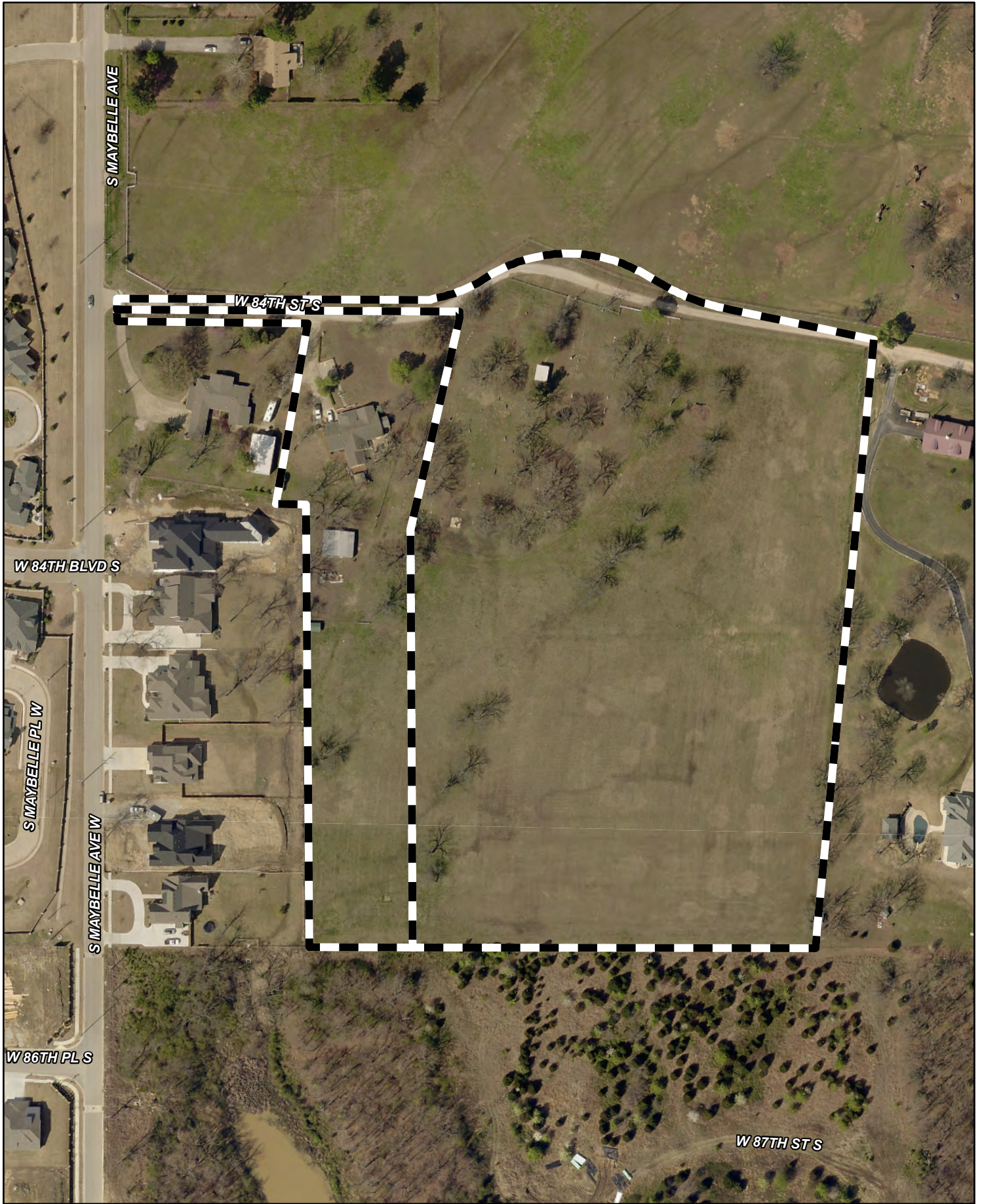
- Case map
- Aerial (small scale)
- Aerial (large scale)
- Tulsa Comprehensive Plan Land Use Map



BOA-23743



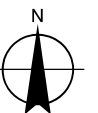
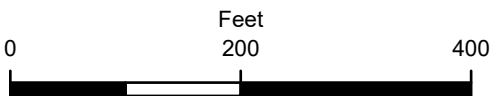
9.5



 Subject Tract

BOA-23743

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



Aerial Photo Date: 2021 **9.6**



W 34TH ST S

S MAYBELLE AVE

S MAYBELLE AVE W

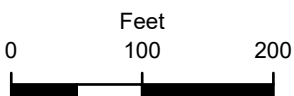
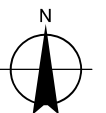


Subject Tract

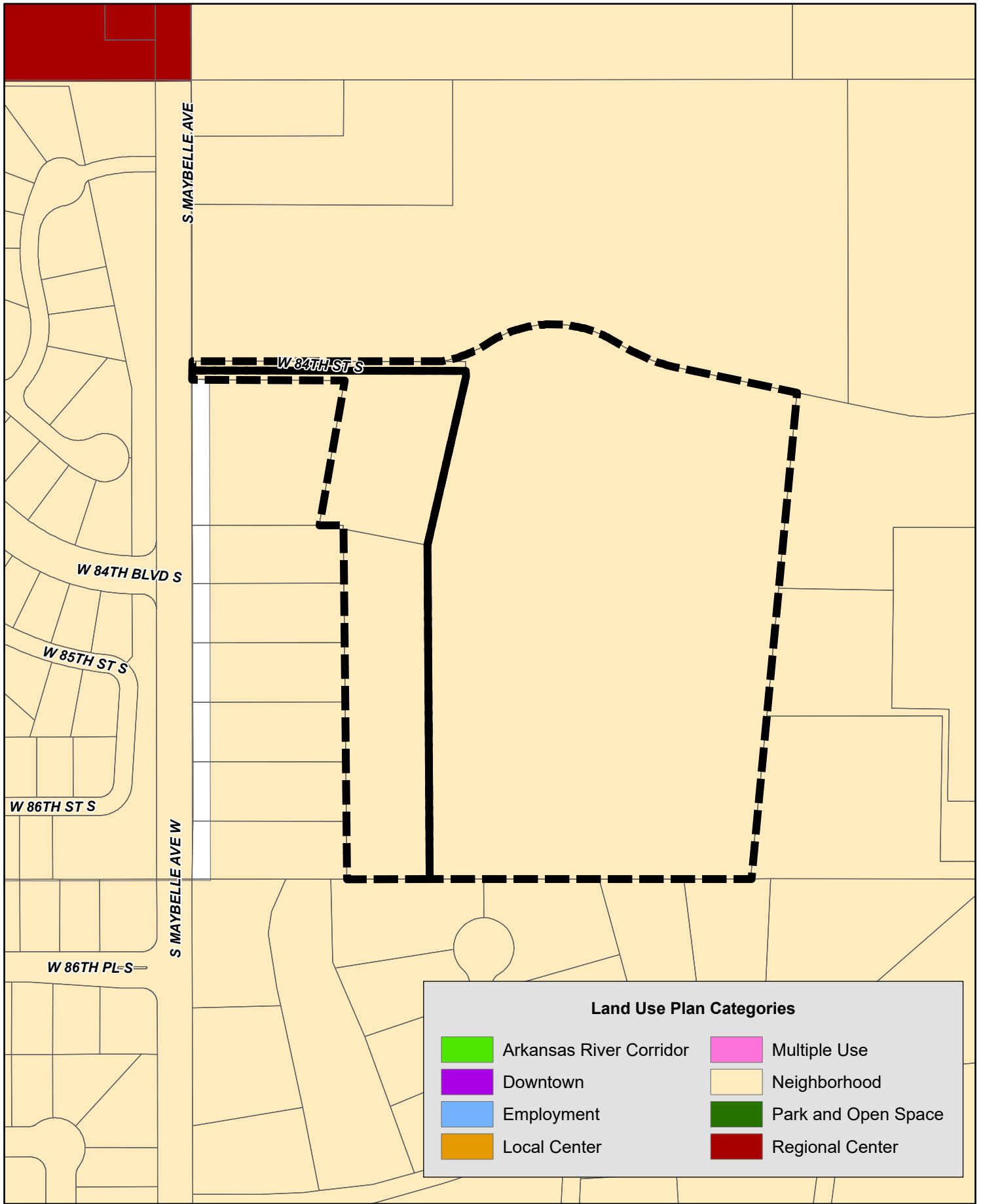
BOA-23741

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

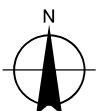
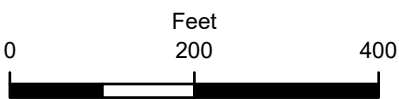
Aerial Photo Date: 2021



9.7



BOA-23741



9.8

1. This is a Landlocked property approved to build on in 2005 Case # 20039. There is no way to get water to this property without crossing property lines.

2. A Pan handle of 30' is currently connecting property "Tract one" to Maybelle. This Pan handle road also serves Rosencutter Cemetery. The road has been there for lots of years.

3. I own Both properties

4. Property lines were pre existing

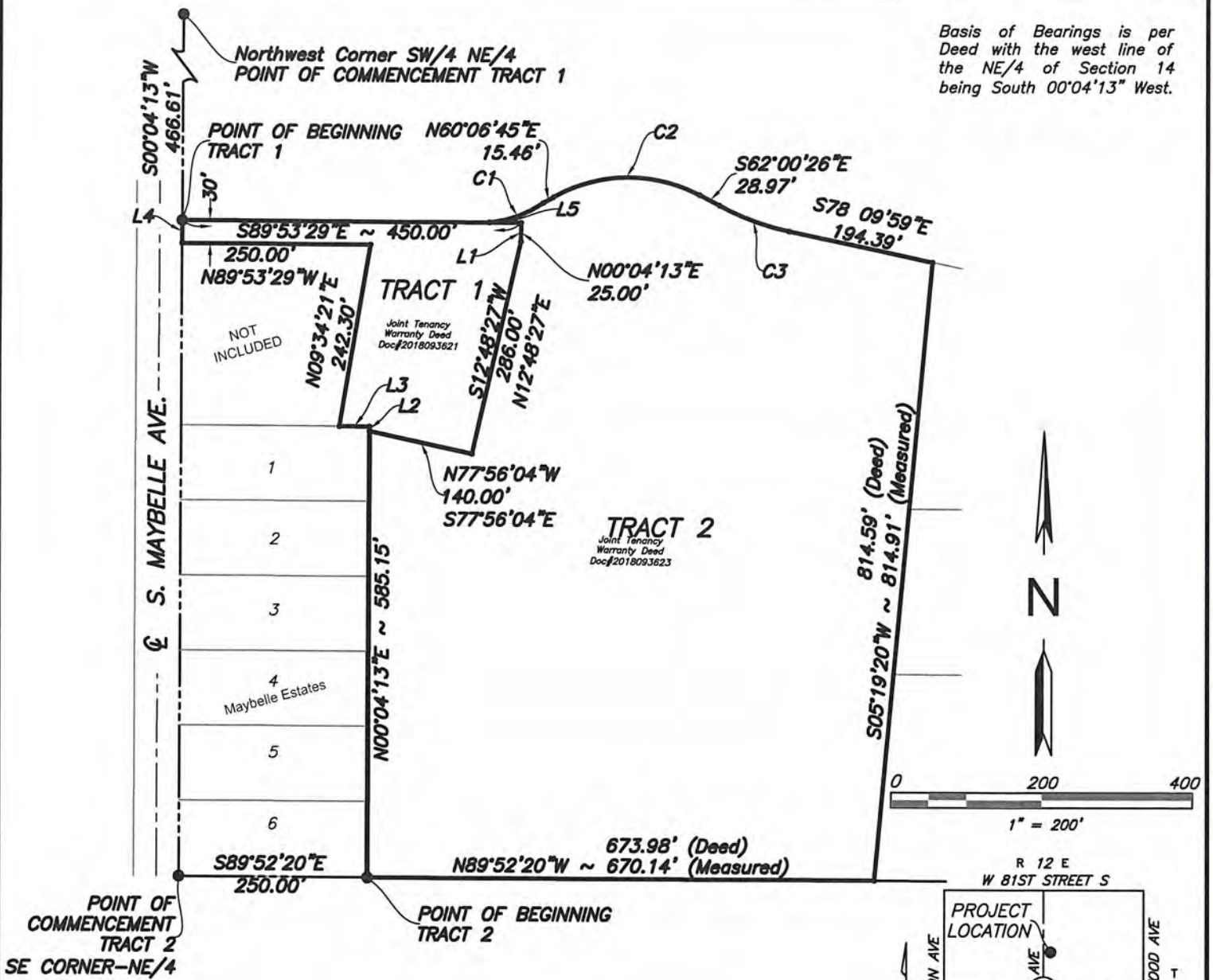
5. A split Pan handle of 15' each with mutual access as proposed would solve ~~the~~ 9.9 Prob.

6. Access to Cemetery is understood. The property remains the same

7, Remains the same

Similar Pad handles with only 13' frontage are approved
Just 1 Block North of US,

Basis of Bearings is per Deed with the west line of the NE/4 of Section 14 being South 00°04'13" West.



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 AND LEGAL DESCRIPTIONS WERE PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION. I FURTHER CERTIFY 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.



Charles D. Cahill
 CHARLES D. CAHILL, PLS 1470

- INDEX:**
 Sheet 1: Original Tracts/Signature
 Sheet 2: Original Legals, Table
 Sheet 3: Proposed New Tracts
 Sheet 4: Proposed New Legals
 Sheet 5: New Tract 1 Closure Report
 Sheet 6: New Tract 2 Closure Report

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 OK CA# 6975, EXP. 6/2025
 DCahill@Parkhill.com
 PROJECT: 04286324.00

**DONNA HART
 LOT LINE ADJUSTMENT
 ORIGINAL TRACTS
 SHEET 1 OF 6**

SHEET 1



DATED: 6/18/2024 REVISED 6/18/2024 (R1)

ORIGINAL LEGAL DESCRIPTION, TRACT 1 (Doc#2018093621)

A part of the West Half of the Southwest Quarter of the Northeast Quarter (W/2 SW/4 NE/4) of Section Fourteen (14), 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 described as follows, to-wit:

COMMENCING at the Northwest Corner of the Southwest Quarter of the Northeast Quarter (SW/4 NE/4) of Section Fourteen (14); thence South 0°04'13" West along the West line of the Southwest Quarter of the Northeast Quarter (SW/4 NE/4) of Section Fourteen (14) a distance of 466.61 feet to the Point of Beginning; thence South 89°53'29" East a distance of 450.00 feet; thence South 0°04'13" West a distance of 25.00 feet; thence South 12°48'27" West a distance of 286.00 feet; thence North 77°56'05" West a distance of 140.00 feet; thence North 0°04'13" East a distance of 6.00 feet; thence North 89°53'29" West a distance of 40.00 feet; thence North 9°34'21" East a distance of 242.30 feet; thence North 89°53'29" West a distance of 250.00 feet to the point on the West line of the Southwest Quarter of the Northeast Quarter (SW/4 NE/4) of Section Fourteen (14); thence North 0°04'13" East along the West line of the Southwest Quarter of the Northeast Quarter (SW/4 NE/4) of Section Fourteen a distance of 30.00 feet to the Point of Beginning, containing 1.43 acres of land, more or less. This legal description provided November 21, 2017, by Darrell Bible, L.S. #1731 in and for the State of Oklahoma.

ORIGINAL LEGAL DESCRIPTION, TRACT 2 (Doc#2018093623)

A tract of land situated in the SW/4 of the NE/4 in Section 14, T-18-N, R-12-E, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, being more particularly described as follows, to-wit:

Commencing at the Southwest corner of the NE/4 in Section 14, T-18-N, R-12-E, Thence South 89°52'20" East and along the South line of the SE/4 a distance of 250.00 feet to the POINT OF BEGINNING; Thence North 00°04'13" East a distance of 585.15 feet to a point; thence South 77°56'04" East a distance of 140.00 feet to a point; Thence North 12°48'27" East a distance of 286.00 feet to a point; Thence North 0°04'13" East a distance of 25.00 feet to a point; Thence North 89°52'29" West a distance of 42.12 feet to a point; Thence North 84°56'28" East a distance of 0.00 feet to a point; Thence on a curve to the left having a central angle of 29°59'56.2" and a radius of 147.09 feet and a length of curve of 77.01 feet to a point; Thence North 60°06'45" East a distance of 15.46 feet to a point; Thence on a curve to the right, having a central angle of 57°52'48.7" and a radius of 200 feet and a length of curve of 202.04 feet to a point; Thence South 62°00'26" East a distance of 28.97 feet to a point; Thence on a curve to the left, having a central angle of 16°09'32.6" and a radius of 350.00 feet and a length of curve of 98.71 feet to a point; Thence South 78°09'59" East a distance of 194.39 feet to a point; Thence Southerly 05°19'20" West a distance of 814.59 feet to a point on the South line of the NE/4; Thence North 89°52'20" West and parallel to the South line of the NE/4 a distance of 673.98 feet to the POINT OF BEGINNING, Containing 567,375.24 square feet or 13.02 acres, more or less. This legal description provided November 21, 2017, by Darrell Bible, L.S. #1731 in and for the State of Oklahoma.

LINE AND CURVE TABLE

	BEARING	DISTANCE	
L1	S00°04'13" W	25.00'	
L2	N00°04'13" E	6.00'	
L3	N89°53'29" W	40.00'	
L4	N00°04'13" E	30.00'	
L5	N89°53'29" W	42.12'	(Deed=N 89°52'29" W)

CURVE TABLE			CHORD	
RADIUS	DELTA	LENGTH	BEARING	LENGTH
C1	147.09'	29°59'56"	77.01'	N 69°56'30" E 76.14'
C2	200.00'	57°52'49"	202.04'	N 89°03'09" E 193.56'
C3	350.00'	16°09'33"	98.71'	S 70°05'13" E 98.38'

**DONNA HART
LOT LINE ADJUSTMENT
ORIGINAL LEGALS
SHEET 2 OF 6**

SHEET 2

Basis of Bearings is per Deed with the west line of the NE/4 of Section 14 being South 00°04'13" West.

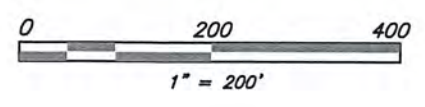
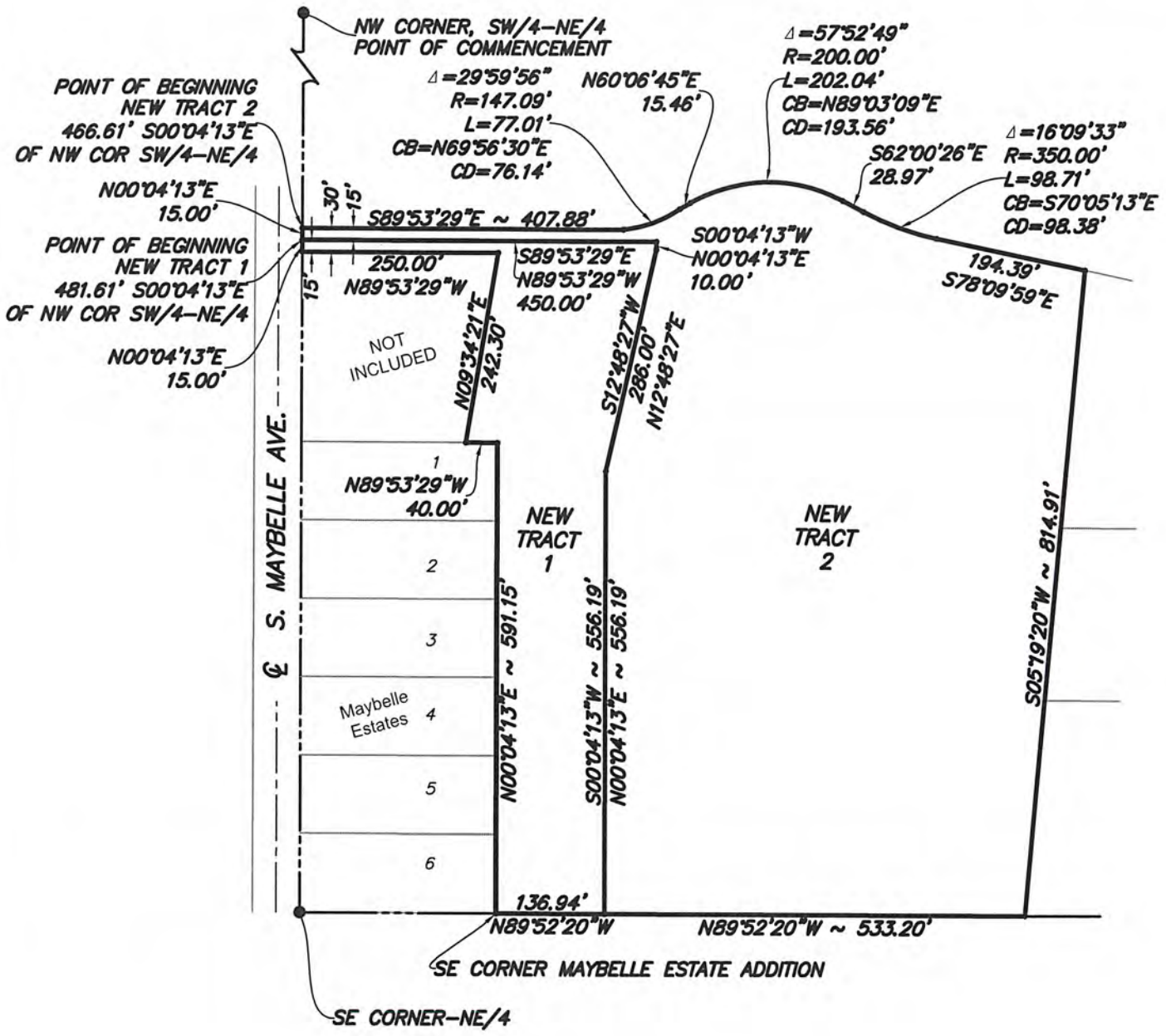
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PROJECT: 04286324.00

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TBPELS FIRM REGISTRATION NO. 10194091



**DONNA HART
 LOT LINE ADJUSTMENT
 PROPOSED TRACTS
 SHEET 3 OF 6**

SHEET 3

Basis of Bearings is per Deed with the west line of the NE/4 of Section 14 being South 00°04'13" West.

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LEGAL DESCRIPTION, PROPOSED NEW TRACT 1

A part of the West Half of the Southwest Quarter of the Northeast Quarter (W/2 SW/4 NE/4) of Section Fourteen (14), 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 described as follows, to-wit:

COMMENCING at the Northwest Corner of the Southwest Quarter of the Northeast Quarter (SW/4 NE/4) of Section Fourteen (14); thence South 0°04'13" West along said West line of the SW/4 NE/4 for 481.61 feet to the POINT OF BEGINNING; thence South 89°53'29" East for 450.00 feet; thence South 0°04'13" West for 10.00 feet; thence South 12°48'27" West for 286.00 feet; thence South 0°04'13" West for 556.19 feet; thence North 89°52'20" West for 136.94 feet to the southeast corner of Maybelle Estates Addition; thence North 0°04'13" East along the east line of said Maybelle Estates Addition for 591.15 feet to the northeast corner of said Maybelle Estates Addition; thence North 89°53'29" West along the north line of said Maybelle Estates Addition for 40.00 feet; thence North 9°34'21" East for 242.30 feet; thence North 89°53'29" West for 250.00 feet; thence North 0°04'13" East for 15.00 feet to the Point of Beginning, containing 133,698 square feet or 3.069 acres, more or less. Legal Description based on deeded bearings with the west line of the NE/4 being South 00°14'13" West and created by Charles D. Cahill, PLS1470.

LEGAL DESCRIPTION, PROPOSED NEW TRACT 2

A part of the West Half of the Southwest Quarter of the Northeast Quarter (W/2 SW/4 NE/4) of Section Fourteen (14), 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 described as follows, to-wit:

COMMENCING at the Northwest Corner of the Southwest Quarter of the Northeast Quarter (SW/4 NE/4) of Section Fourteen (14); thence South 0°04'13" West along the West line of said SW/4 NE/4 for 466.61 feet to the POINT OF BEGINNING; thence South 89°53'29" East for 407.88 feet to a point of non-tangent curve; thence northeasterly on a curve to the left having a tangent bearing of North 84°54'57" West, a central angle of 29°57'54", a radius of 147.26 feet, a chord-bearing and distance of North 69°56'00" East - 76.14 feet, for an arc length of 77.02 feet to a point of tangency; thence North 60°06'45" East along said tangency for 15.46 feet to a point of curve; thence northeasterly, easterly and southeasterly on a curve to the right having a central angle of 57°52'49", a radius of 200.00 feet, a chord bearing and distance of North 89°03'09" East and 193.56 feet for an arc length of 202.04 feet to a point of tangency; thence South 62°00'26" East along said tangency for 28.97 feet to a point of curve; thence on a curve to the left having a central angle of 16°09'33", a radius of 350.00 feet, a chord bearing and distance of South 70°05'13" East and 98.38 feet, for an arc length of 98.71 feet to a point of tangency; thence South 78°09'59" East along said tangency for 194.39 feet; thence South 5°19'20" West for 814.91 feet; thence North 89°52'20" West for 533.20 feet; thence North 0°04'13" East for 556.19 feet; thence North 12°48'27" East for 286.00 feet; thence North 0°14'13" East for 10.00 feet; thence North 89°53'29" West for 450.00 feet; thence North 0°04'13" East for 15.00 feet to the POINT OF BEGINNING, containing 495,971 square feet or 11.386 acres, more or less. Legal Description based on deeded bearings with the west line of the NE/4 being South 00°14'13" West and created by Charles D. Cahill, PLS1470.

DONNA HART
LOT LINE ADJUSTMENT
PROPOSED LEGALS
SHEET 4 OF 6

SHEET 4

Basis of Bearings is per
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TBPELS FIRM REGISTRATION NO. 10194091

PROPOSED NEW TRACT 1 LEGAL DESCRIPTION CLOSURE REPORTS

Point	RAW TRAVERSE Coordinates	No RULE - Balanced Angles Coordinates	Delta
1	N 99985.0000 E 149999.9816	N 99985.0000 E 149999.9816	0.0000
S 89-53-29 E	Dist:450.0000		
2	N 99984.1471 E 150449.9807	N 99984.1471 E 150449.9807	0.0000
S 00-04-13 W	Dist:10.0000		
3	N 99974.1471 E 150449.9685	N 99974.1471 E 150449.9685	0.0000
S 12-48-27 W	Dist:286.0000		
4	N 99695.2627 E 150386.5692	N 99695.2627 E 150386.5692	0.0000
S 00-04-13 W	Dist:556.1900		
5	N 99139.0731 E 150385.8872	N 99139.0731 E 150385.8872	0.0000
N 89-52-20 W	Dist:136.9400		
6	N 99139.3785 E 150248.9475	N 99139.3785 E 150248.9475	0.0000
N 00-04-13 E	Dist:591.1500		
7	N 99730.5281 E 150249.6724	N 99730.5281 E 150249.6724	0.0000
N 89-53-29 W	Dist:40.0000		
8	N 99730.6039 E 150209.6725	N 99730.6039 E 150209.6725	0.0000
N 09-34-21 E	Dist:242.3000		
9	N 99969.5301 E 150249.9658	N 99969.5301 E 150249.9658	0.0000
N 89-53-29 W	Dist:250.0000		
10	N 99970.0039 E 149999.9662	N 99970.0039 E 149999.9662	0.0000
N 00-04-07 E	Dist:15.0000		
1	N 99985.0039 E 149999.9842	N 99985.0039 E 149999.9842	0.0000

Angular error = 0-00-00
 Angular error/set = 0-00-00 Over
 Error North : -0.0039
 Error East : -0.0026
 Absolute error : 0.0047
 Error Direction : S 34-01-21 W
 Perimeter : 2577.5800
 Precision : 1 in 544846.1235
 Number of sides : 10

Basis of Bearings is per
 Deed with the west line of
 the NE/4 of Section 14
 being South 00°04'13" West.

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DONNA HART
 LOT LINE ADJUSTMENT
 PROPOSED LEGALS
 SHEET 5 OF 6

SHEET 5

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PROPOSED NEW TRACT 2 LEGAL DESCRIPTION CLOSURE REPORTS

Point	RAW TRAVERSE Coordinates	No RULE - Balanced Angles Coordinates	Delta
1	N 100000.0000 E 150000.0000	N 100000.0000 E 150000.0000	0.0000
S 89-53-29 E	Dist:407.8800		
2	N 99999.2270 E 150407.8793	N 99999.2270 E 150407.8793	0.0000
N 69-56-30 E	Dist:76.1400		
3	N 100025.3412 E 150479.4009	N 100025.3412 E 150479.4009	0.0000
N 60-06-45 E	Dist:15.4600		
4	N 100033.0449 E 150492.8048	N 100033.0449 E 150492.8048	0.0000
N 89-03-09 E	Dist:193.5600		
5	N 100036.2454 E 150686.3383	N 100036.2454 E 150686.3383	0.0000
S 62-00-26 E	Dist:28.9700		
6	N 100022.6480 E 150711.9191	N 100022.6480 E 150711.9191	0.0000
S 70-05-13 E	Dist:98.3800		
7	N 99989.1402 E 150804.4169	N 99989.1402 E 150804.4169	0.0000
S 78-09-59 E	Dist:194.3900		
8	N 99949.2765 E 150994.6756	N 99949.2765 E 150994.6756	0.0000
S 05-19-20 W	Dist:814.9100		
9	N 99137.8798 E 150919.0872	N 99137.8798 E 150919.0872	0.0001
N 89-52-20 W	Dist:533.2000		
10	N 99139.0689 E 150385.8885	N 99139.0688 E 150385.8886	0.0001
N 00-04-13 E	Dist:556.1900		
11	N 99695.2585 E 150386.5705	N 99695.2584 E 150386.5705	0.0000
N 12-48-27 E	Dist:286.0000		
12	N 99974.1429 E 150449.9698	N 99974.1429 E 150449.9698	0.0000
N 00-04-13 E	Dist:10.0000		
13	N 99984.1429 E 150449.9821	N 99984.1429 E 150449.9820	0.0000
N 89-53-29 W	Dist:450.0000		
14	N 99984.9958 E 149999.9829	N 99984.9957 E 149999.9828	0.0001
N 00-04-13 E	Dist:15.0000		
1	N 99999.9958 E 150000.0013	N 99999.9957 E 150000.0012	0.0001

Angular error = 0-00-00
 Angular error/set = 0-00-00 Over
 Error North : 0.0043
 Error East : -0.0012
 Absolute error : 0.0045
 Error Direction : N 15-43-01 W
 Perimeter : 3680.0800
 Precision : 1 in 815114.2141
 Number of sides : 14

**DONNA HART
 LOT LINE ADJUSTMENT
 PROPOSED LEGALS
 SHEET 6 OF 6**

SHEET 6

*Basis of Bearings is per
 Deed with the west line of
 the NE/4 of Section 14
 being South 00°04'13" West.*

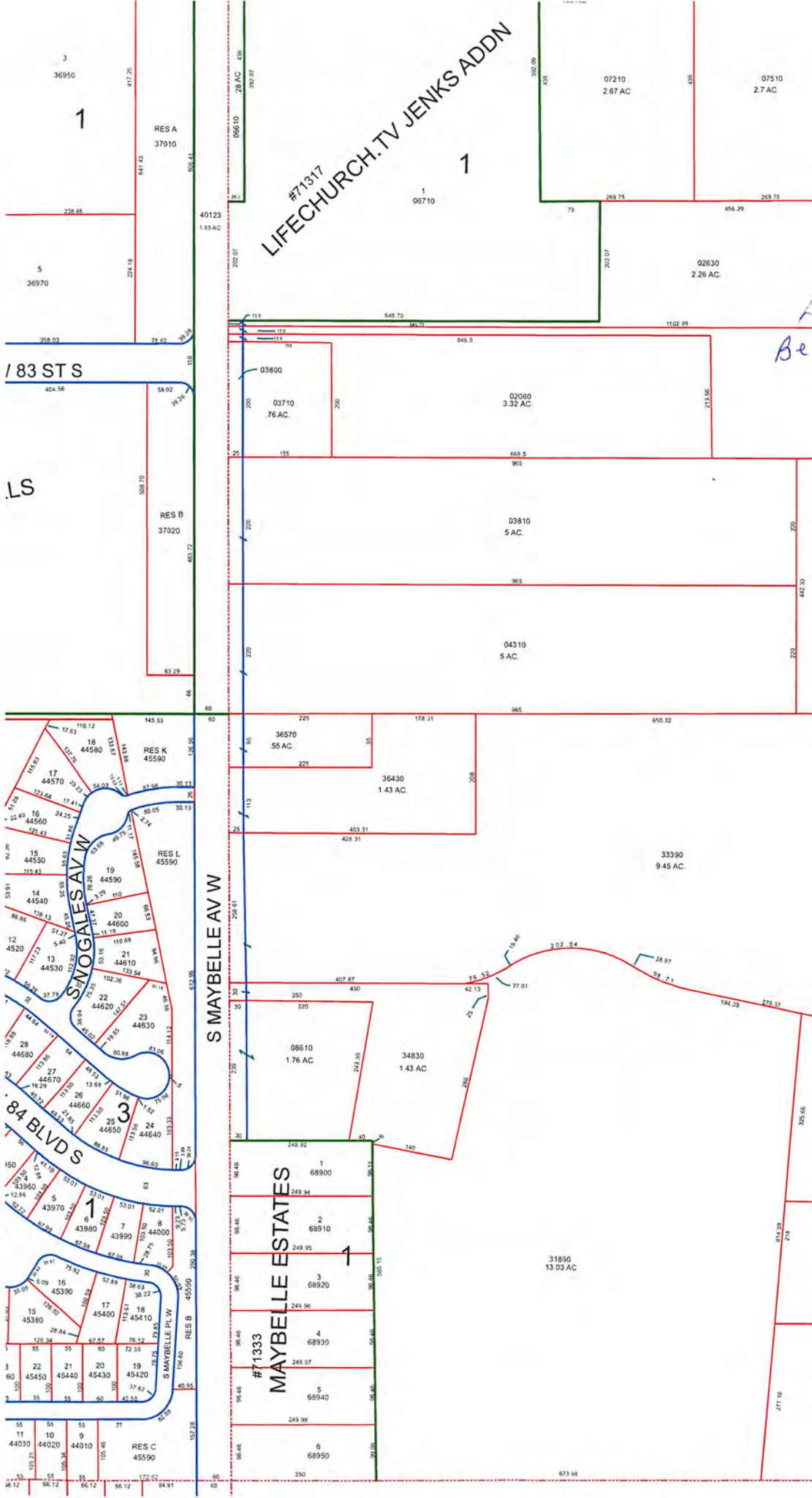
8622 S. PEORIA AVE.
 TULSA, OK 74132
 918.895.9383
 DBA Lemke Land Surveying
 OK CA# 6975, EXP. 6/2025
 DCahill@Parkhill.com
 PROJECT: 04286324.00

Parkhill

9.16

Parkhill.com

TBPELS FIRM REGISTRATION NO. 10194091



Lot lines
Below min

#71317
LIFECHURCH.TV JENKS ADDN

S MAYBELLE AV W

#71333
MAYBELLE ESTATES