



Board of Adjustment

**Staff Report
BOA-23795**

Hearing Date: November 12, 2024

Prepared by: Erin Roark

eroark@cityoftulsa.org

918-596-7618

Owner and Applicant Information

Applicant: Imran Khalid

Property Owner: Hawthorne Joint Revocable Trust

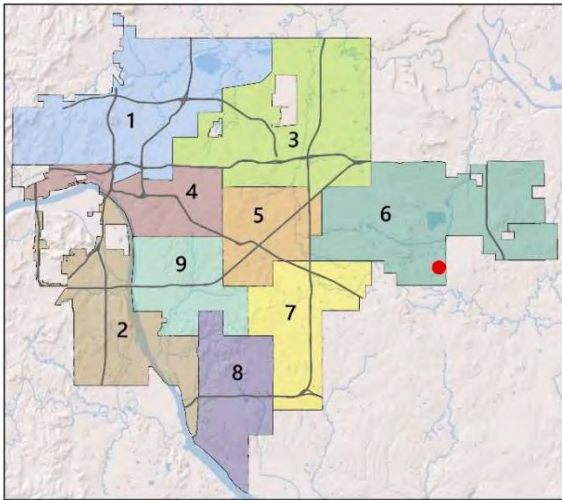
Property Location

4304 South 193rd East Avenue East

Tract Size: ±5.0 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

Request Summary

Variance to reduce the minimum 200-foot lot width requirement in the AG district (Section 25.020-D, Table 25-2).

Zoning

Zoning District: AG

Zoning Overlays: N/A

Comprehensive Plan Considerations

Land Use

Land Use Plan: Neighborhood

Small Area Plans: None

Development Era: Future Growth

Transportation

Major Street & Highway Plan: Primary Arterial

planitulsa Street Type: N/A

Transit: N/A

Existing Bike/Ped Facilities: N/A

Planned Bike/Ped Facilities: N/A

Environment

Flood Area: Regulatory Floodplain

Tree Canopy Coverage: 10-20%

Parks & Open Space: Agricultural Land

Staff Analysis

The applicant is requesting a Variance to reduce the minimum 200-foot lot width requirement in the AG district (Section 25.020-D, Table 25-2). The intent is to build a detached house on the property. The existing tract has a lot width of approximately 164.8 feet, which is 35.2 feet less than the required 200-foot minimum lot width.

Section 25.020 AG, Agricultural District and AG-R, Agricultural-Residential District

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 90. 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 found

Statement of Hardship

The applicant’s statement of hardship is included as a separate exhibit.

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	Agricultural
East	N/A - Wagoner County	N/A	Residential
South	AG	Neighborhood	Agricultural, Residential
West	RS-4	Neighborhood	Residential

Small Area Plans

The subject property is not located 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: South 193rd East Avenue runs parallel to the east side of the subject property and is classified as a Primary Arterial. Primary Arterial streets have a minimum right-of-way width requirement of 120-feet.

Comprehensive Plan Street Designation: N/A

Transit: N/A

Existing Bike/Ped Facilities: N/A

Planned Bike/Ped Facilities: N/A

Arterial Traffic per Lane: South 193rd East Avenue has an average annual daily traffic (AADT) count of 5,954 vehicles per lane.

Environmental Considerations

Flood Area: The subject property is partially occupied by the Tulsa Regulatory Floodplain following the path of Spunky Creek.

Tree Canopy Coverage: Tree canopy in the area is 18%. 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. The area would benefit from additional trees, which also capture and treat runoff before it enters the river.

Parks & Open Space: The subject property is located in an area with expanses of agricultural land.

Sample Motion

I move to approve or deny a Special Exception to allow Variance to reduce the minimum lot width requirement in the AG district (Section 25.020-D, Table 25-2) from 200 feet to 164.8 feet,

- 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:

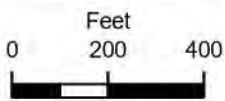
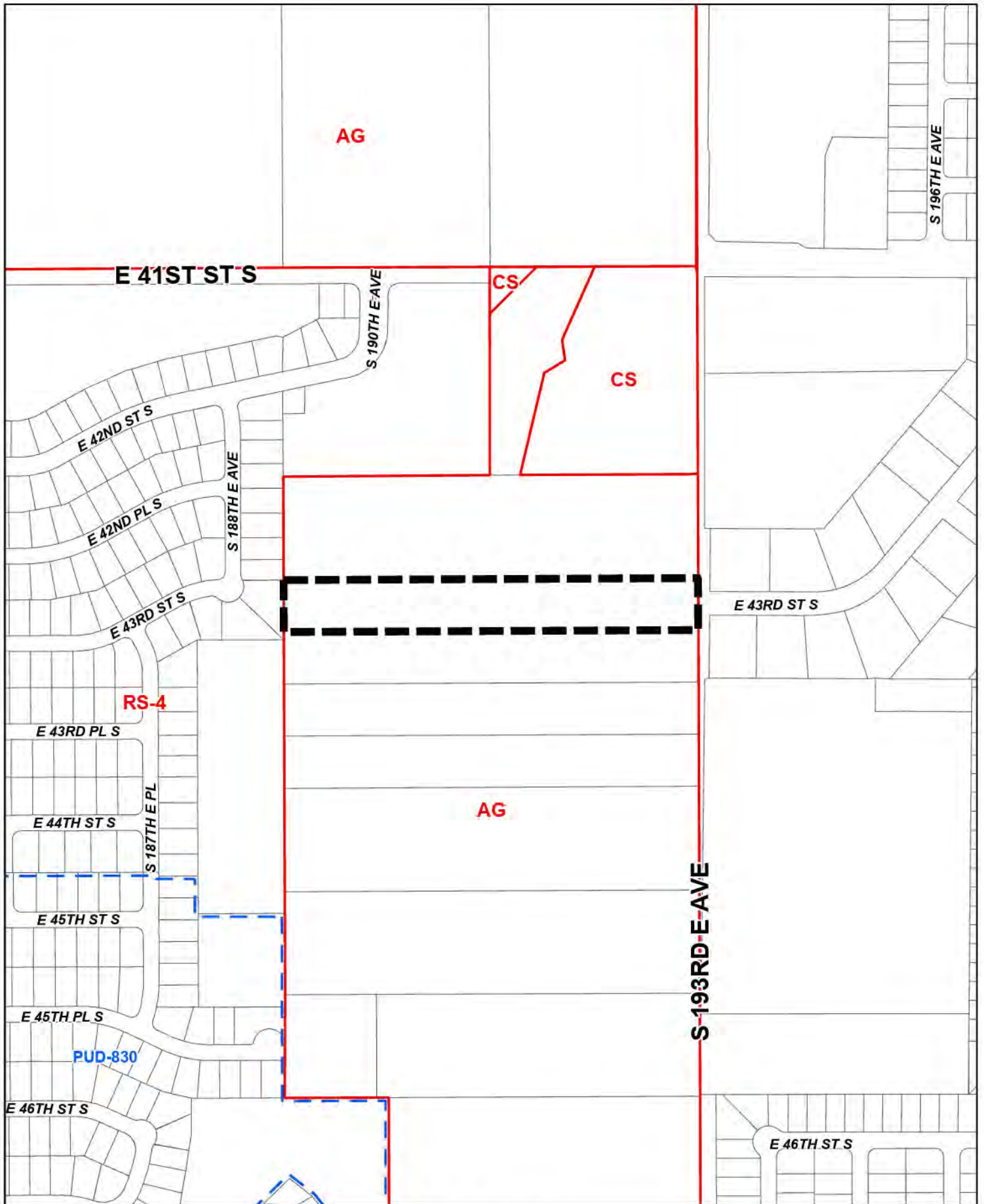
- That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- That literal enforcement 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

N 1/2 OF THE S 1/2 OF THE S 1/2 OF THE NE/4 NE/4 OF SECTION 25, TOWNSHIP 19 NORTH, RANGE 14 EAST, City of Tulsa, Tulsa County, State of Oklahoma

Exhibits

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



 Subject Tract

BOA-23795

19-14 25



8.5



E 41ST ST S

S 190TH AVE

S 196TH AVE

E 42ND ST S

E 42ND PLS

S 188TH AVE

E 43RD ST S

E 43RD ST S

E 43RD PLS

E 44TH ST S

S 187TH AVE

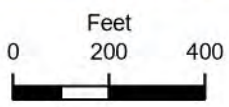
E 45TH ST S

S 193RD AVE

E 45TH PLS

E 46TH ST S

E 46TH ST S



Subject Tract

BOA-23795

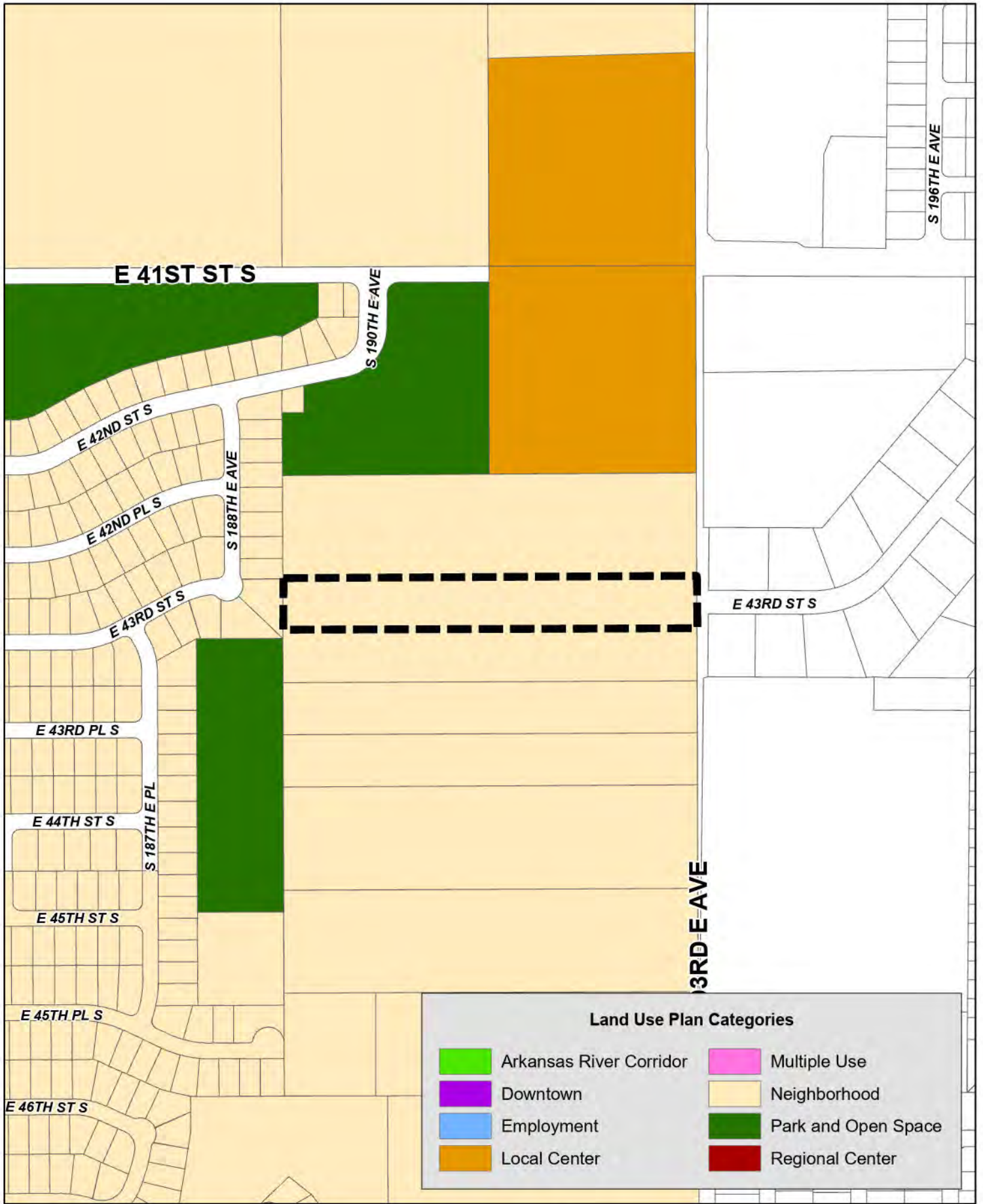
19-14 25









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

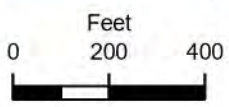
Aerial Photo Date: 2022



8.6



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



 Subject Tract

BOA-23795
19-14 25



Dear Board Members,

I am writing to formally request a variance for my agricultural lot located at 4304 S 193RD E AVE, which has a width of 165 feet, whereas the City of Tulsa requires a minimum width of 200 feet. I was not aware of this requirement at the time of purchase and believe that granting this variance is essential for the reasonable use of my property.

In support of this request, I will address the seven points considered by the City of Tulsa for granting a variance:

1. Uniqueness:

This lot was platted prior to my purchase, and its width was determined by historical property divisions. As such, its current width of 165 feet is a unique condition that was beyond my control. It was sold as an agricultural lot, and I had no prior knowledge of the 200-foot requirement before making the purchase.

2. Hardship Not Self-Imposed:

The hardship is not self-imposed as I was unaware of the zoning restriction at the time of purchasing the lot. I purchased this property with the understanding that it was a viable agricultural lot, only to later discover the width requirement for such lots. The discrepancy between the required 200 feet and my 165 feet is a pre-existing condition and was not altered or caused by me.

3. Minimum Necessary for Reasonable Use:

I am requesting only the minimum relief necessary to make reasonable use of this property. A variance for the width requirement would allow me to maintain and use the lot for its intended agricultural purposes. Denying the variance would severely limit my ability to utilize the property, as it cannot be expanded to meet the 200-foot requirement without purchasing additional land from neighboring properties, which is not feasible.

4. Consistent with the Comprehensive Plan:

Granting this variance will not interfere with the goals of the City of Tulsa's comprehensive plan. The lot will continue to be used for agricultural purposes, which aligns with the zoning designation and does not affect the surrounding properties' character or use.

5. Public Interest:

The variance will not harm the public interest. The lot is already established as agricultural, and its use will remain consistent with surrounding properties. There will be no negative impact on public safety, infrastructure, or neighboring property values.

6. Impact on Adjacent Property Owners:

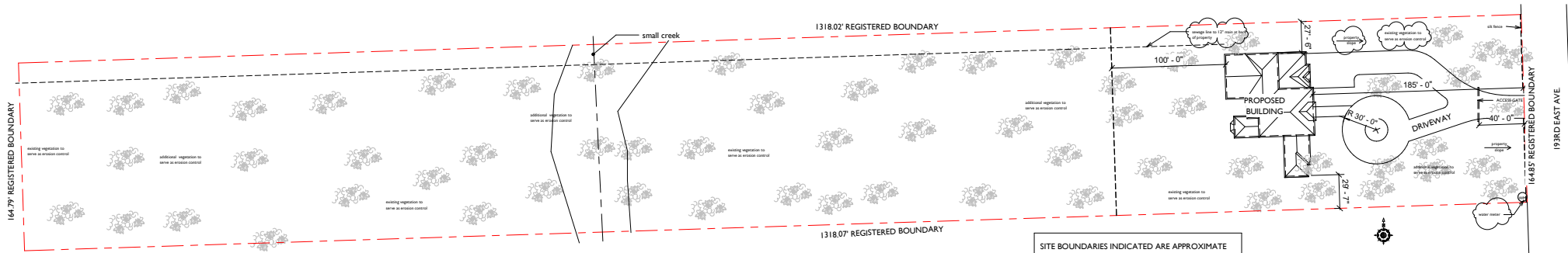
Granting this variance will not adversely affect adjacent property owners. The surrounding lots are similarly zoned, and my property's continued agricultural use will not impose any burdens or changes on neighboring properties.

7. Enforcement of Code Would Create Unnecessary Hardship:

Strict enforcement of the 200-foot width requirement would create an unnecessary hardship, as it would render the property unusable for its intended purpose. Without the variance, I would be unable to make reasonable use of the property, resulting in a significant loss of value and utility that was not foreseeable at the time of purchase.

Thank you for considering my request for a variance. I believe that granting this variance is both reasonable and fair given the unique circumstances surrounding this lot. I respectfully ask the Board to grant the variance to allow me to utilize the property as intended.

Sincerely,
Imran Khalid



SITE BOUNDARIES INDICATED ARE APPROXIMATE ONLY AND ARE SUBJECT TO AN INDEPENDENT SURVEY.

CONTRACTOR TO COORDINATE SITE CONDITIONS WITH PLUMBING RUNS SUCH THAT MIN. 1/4" FALL IN 1'-0" IS ACHIEVED IN ALL WASTE LINES. ALL SANITARY PIPE WORK TO BE BELOW FINISHED GRADE

1 SITE PLAN
001
1" = 40'-0"

GENERAL CONDITIONS

The information indicated in the construction documents represents the best information available at the time of creating regarding the character and location of existing conditions, construction, details, finishes and materials which may be encountered. There is no guarantee or warranty, either expressed or implied, that conditions and locations indicated are representative of all similar conditions and locations present on the site, or that unknown, unforeseen, or conflicting conditions, which affect the work, are not present on the site.

GENERAL CONDITIONS:

- All discrepancies, conflicts or omissions of the scope of work and contract documents including specifications shall be brought to the attention of the Architect prior to commencing work.
- The General Contractor and trade professionals shall confirm all conditions and dimensions, both existing and proposed, in the field and in the construction documents and shall report all discrepancies to the Architect before proceeding with any of the work involved.
- The General Contractor shall be responsible for coordination of all work and materials including those furnished by trade sub contractors and suppliers.
- The General Contractor shall examine the contract documents and site to determine the nature and extent of the work to be performed and operations required to execute the work.
- The General Contractor shall identify all damaged elements designated to remain or be relocated and request clarification from the architect before proceeding with demolition work.
- Plans, details and typical notes are intended to show method and manner of accomplishing work and are to be incorporated into the project at all appropriate locations whether specifically indicated or not. Modifications may be required to suit particular project conditions.
- Any conflicts or discrepancies between maximum and/or minimum dimensions shall be brought to the attention of the Architect before proceeding with any of the work involved.

PROJECT SUMMARY

SCOPE OF WORK:
RESIDENTIAL CONSTRUCTION

LEGAL DESCRIPTION:
193 E. AVE. TRACT 2, TULSA OKLAHOMA
APN: -

APPLICABLE BUILDING CODES:

BUILDING	2018 ICC
FIRE	2018 ICC
PLUMBING	2018 ICC
MECHANICAL	2018 ICC
ELECTRICAL	2018 ICC
ACCESSIBILITY	2018 ICC
GREEN	2018 INTERNATIONAL ENERGY CONSERVATION CODE (IECC)
LOCAL	OKLAHOMA

BUILDING DATA:

TYPE(S) OF CONSTRUCTION:	I
AUTOMATIC SPRINKLER SYSTEM	YES
STORIES/HEIGHT:	2

PROJECT DATA:

OCCUPANCY GROUP (S): R2

TOTAL BUILDING AREA:	5627.99 FT ²
TOTAL AREA OF CONSTRUCTION:	5627.99 FT ²
HEATED SPACE: FIRST FLOOR	3987.16 FT ²
SECOND FLOOR	2203.43 FT ²

PARKING DATA:

EXISTING PARKING: -

FIRE SPRINKLERS: YES

RISK CATEGORY: III

SEISMIC DESIGN CATEGORY: D

VALUATION: UNDEFINED

AREA OF WORK: CONSTRUCTION OF ALL WORKS AS DESIGNED

SCOPE OF WORK

PROJECT DESCRIPTION: Construction of all substructural, superstructural, finishes, services all component installation as well as external works as described in the drawings

ARCHITECTURAL: foundations, walls, floors and roof construction and installation of doors, window

ENVELOPE: As described in the drawings

STRUCTURAL: Construction of frame structure using 2x6 external walls and 2x4 partition walls

MECHANICAL: installation of HVAC as described in drawings.

ELECTRICAL: Installation of all lighting, power and auxiliary components as described in the drawings

PLUMBING: installings of plumbing to include water supply and drains for all sinks and plumbing fittings

SHEET INDEX

001 -	SITE PLAN, PROJECT INFORMATION
100 -	FOUNDATION PLAN
101 -	FIRST FLOOR PLAN
102 -	SECOND FLOOR PLAN
103 -	FLOOR FRAME PLAN - SECOND FLOOR
104 -	ROOF FRAME PLAN
110 -	LIGHTING & SWITCHING PLAN - LEVEL 1
111 -	LIGHTING & SWITCHING PLAN - LEVEL 2
112 -	POWER & AUXILLARY PLAN - LEVEL 1
113 -	POWER & AUXILLARY PLAN - LEVEL 2
120 -	WATER SUPPLY PLAN - LEVEL 1
121 -	WATER SUPPLY PLAN - LEVEL 2
122 -	DRAINAGE PLAN - LEVEL 1
123 -	DRAINAGE PLAN - LEVEL 2
200 -	SECTION
300 -	ELEVATION
301 -	ELEVATION

COMPANY:	
Prestigious Homes	
PROJECT:	
Thunder retail inc house 193 E. Ave. Tract 2, Tulsa Oklahoma 74134	
DATE: 09-08-2024	
SCALE:	SHEET:
1/4"=1/0"	001



DEVELOPMENT SERVICES

175 E 2ND ST., STE 405
TULSA, OK 74103
918-596-9456

CITY OF TULSA

PLAN CORRECTIONS SUMMARY

Zoning Review (1)



Subject: Zoning Review
Page Label: 1
Author: DWhiteman
Date: 10/15/2024 4:35:21 PM
Status:
Color: ■
Layer:
Space:

Section 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 90. Additional regulations governing accessory uses and structures can be found in Chapter 41.
REVIEW COMMENT: Please proceed with the request for a variance to create an AG zoned lot that is non-conforming for lot width. If it is approved, please upload the approval paperwork you receive at the Board of Adjustment meeting.