



**Board of Adjustment**

**Staff Report  
BOA-23851**

**Hearing Date:** February 25, 2025  
**Prepared by:** Erin Roark  
eroark@cityoftulsa.org  
918-596-7618

**Owner and Applicant Information**

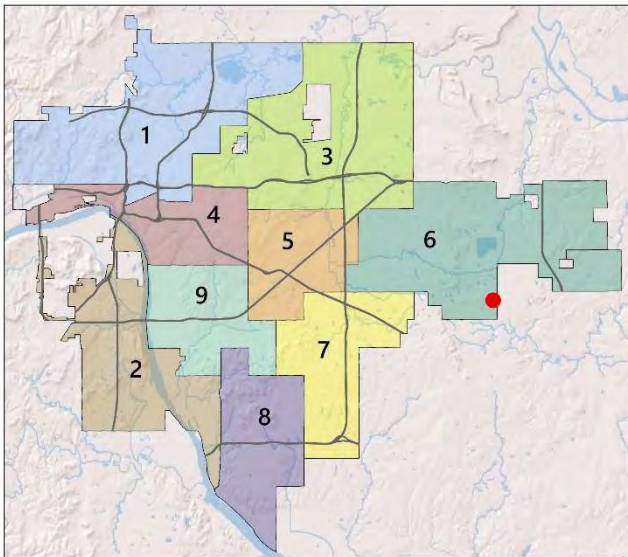
Applicant: Lou Reynolds, Eller & Detrich, P.C.  
Property Owner: Hawthorne Joint Revocable Trust & Doug Hawthorne Trust

**Property Location**

South and west of the Southwest corner of East 41st Street South and South 193rd East Avenue  
Tract Size: ±20 acres

**Location within the City of Tulsa**

*(shown with City Council districts)*



**Elected Representatives**

City Council: District 6, Christian Bengal  
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 in the AG district to permit a lot split (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: N/A  
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: Sidewalks

**Environment**

Flood Area: Tulsa Regulatory Floodplain  
Tree Canopy Coverage: 10-19%  
Parks & Open Space: Open farmland to north, south, east

**Staff Analysis**

The applicant is requesting a variance to reduce the minimum 200-foot lot width in the AG District to permit a lot split (Section 25.020-D, Table 25-2). The intent is to split the existing 20-acre tract into four new 5-acre tracts. Each tract would have a lot width of 164.5 feet, which is 35.5 feet less than the required 200-foot minimum lot width.

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

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**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 45.

*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-23670, April 9, 2024; The board of adjustment voted to approve a variance of the dustless, all-weather surface requirement to permit a gravel driveway in the AG-district.
- BOA-23895, November 12, 2024; The board of adjustment voted to approve a variance to reduce the minimum 200-foot lot width requirement in the AG district (Section 25.020-D, Table 25-2)

**Statement of Hardship**

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

**Comprehensive Plan Considerations**

**Land Use Plan**

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	RS-4, CS, and AG	Local Center, Park & Open Space	Vacant

East	A-1, A-R-1 (Broken Arrow)	Commercial/Employment Nodes, Rural Residential (Broken Arrow)	Commercial Retail, Residential
South	AG	Neighborhood	Vacant
West	RS-4	Neighborhood, Park & Open Space	Residential

### Small Area Plans

The subject property is 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: North 23rd Street, also known as South 193rd East Avenue, runs parallel to the east side of the subject property and is classified as a Primary Arterial, which has a planned minimum right-of-way width of 120 feet.

Comprehensive Plan Street Designation: N/A

Transit: N/A

Existing Bike/Ped Facilities: N/A

Planned Bike/Ped Facilities: Sidewalks are recommended along street frontages.

Arterial Traffic per Lane: North 23rd Street, also known as South 193rd East Avenue, has an average annual daily traffic (AADT) of 5,954 vehicles per lane.

### Environmental Considerations

Flood Area: The subject property is partially within the Tulsa Regulatory Floodplain located along Spunky Creek.

Tree Canopy Coverage: Tree canopy on the subject property 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.

Parks & Open Space: The subject property is in a rural area with open space to the north, south, and east.

**Sample Motion**

I move to approve or deny a variance to reduce the minimum lot width in the AG District to permit a lot split (Section 25.020-D, Table 25-2), from 200 feet to 164.5 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:

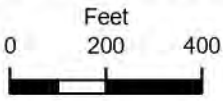
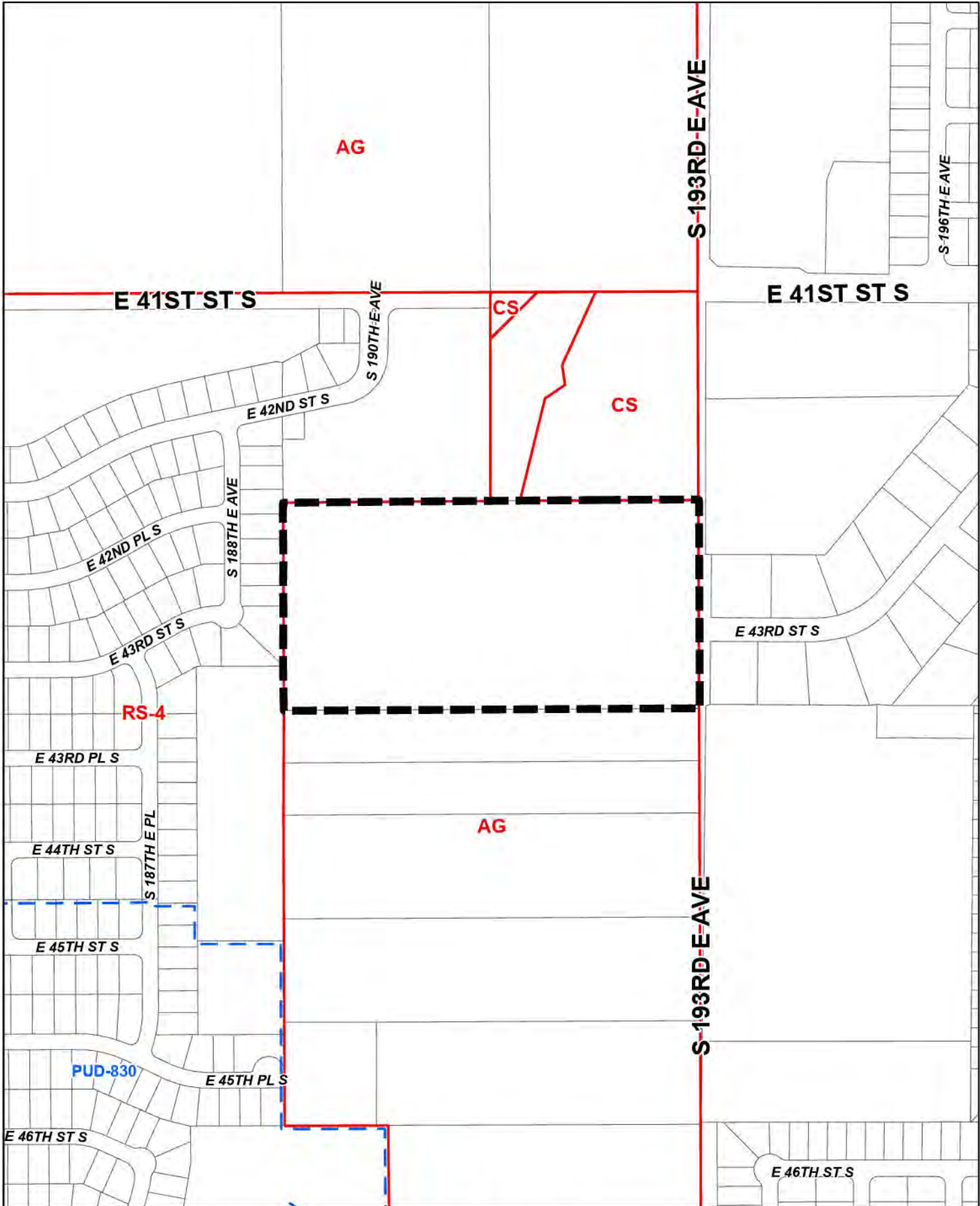
- That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- That literal enforcement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

The S/2 of the NE/4 NE/4 of Section 25, Township 19 North, Range 14 East of the Indian Meridian, City of Tulsa, Tulsa County, State of Oklahoma

**Exhibits**

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



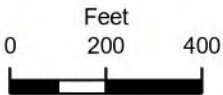
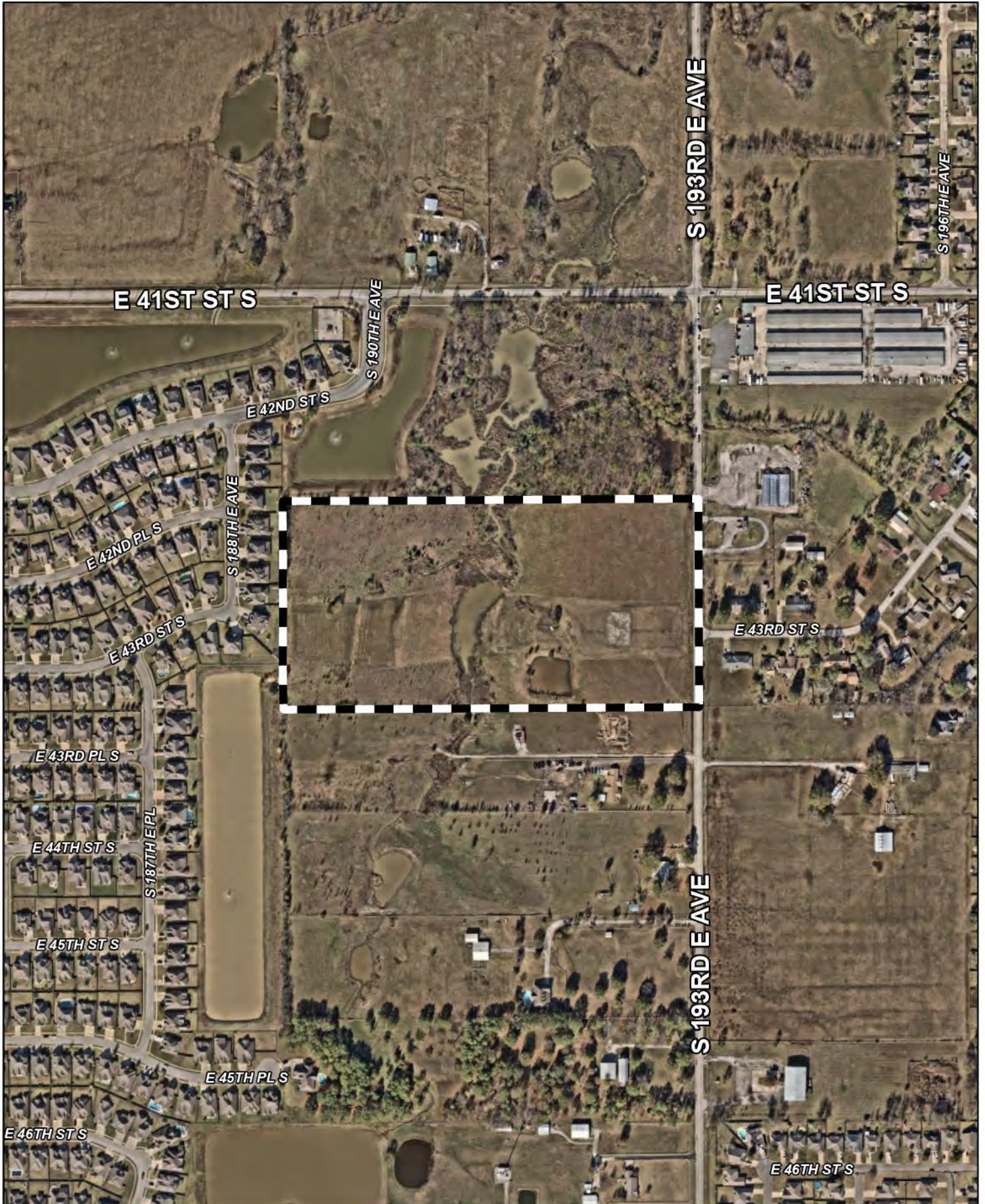
 Subject Tract

**BOA-23851**

19-14 25



10.5



 Subject Tract

# BOA-23851

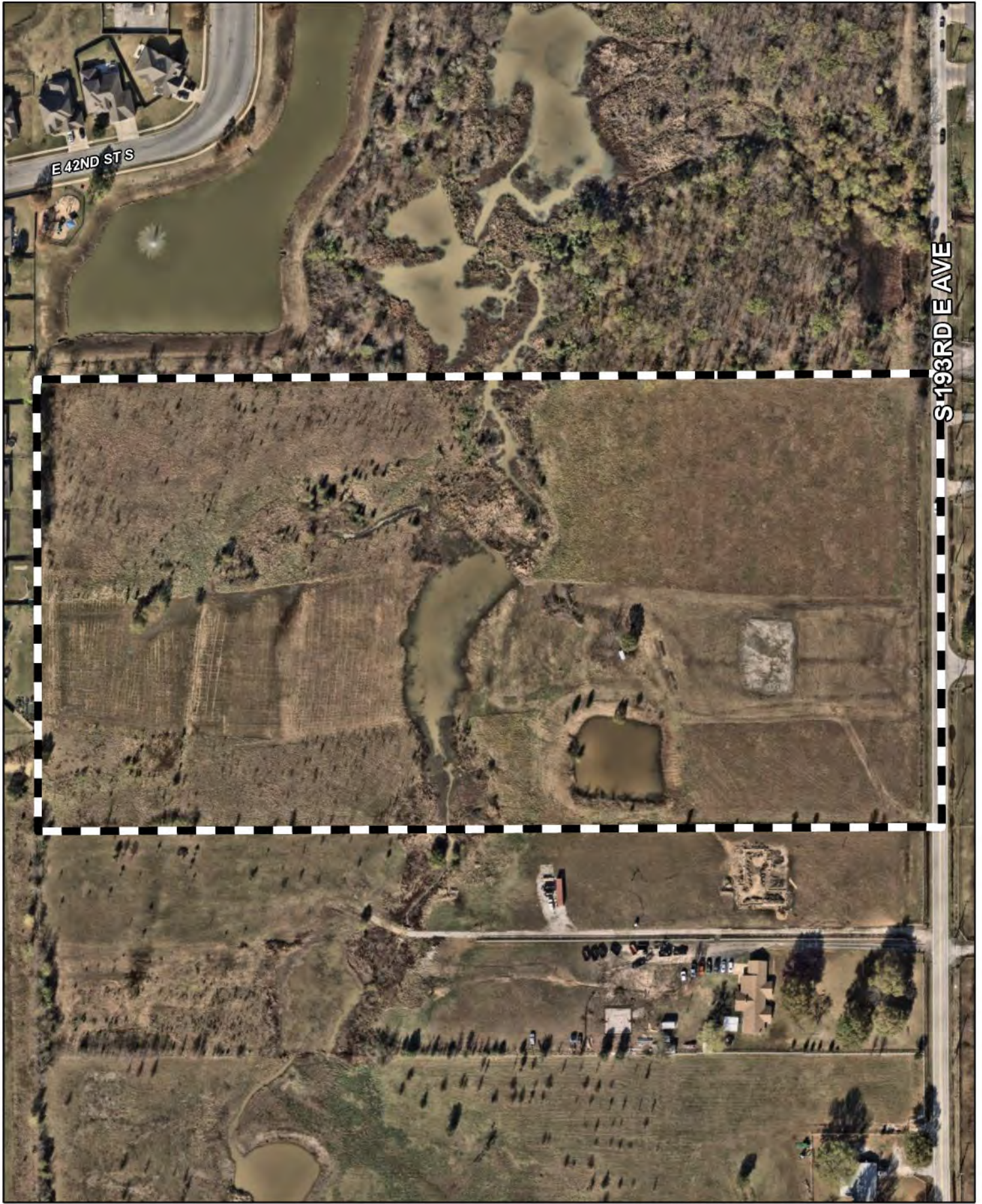
19-14 25

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

Aerial Photo Date: 2024

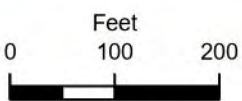


# 10.6



E 42ND ST S

S 193RD E AVE



Subject Tract

**BOA-23851**

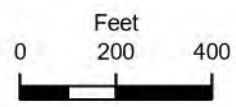
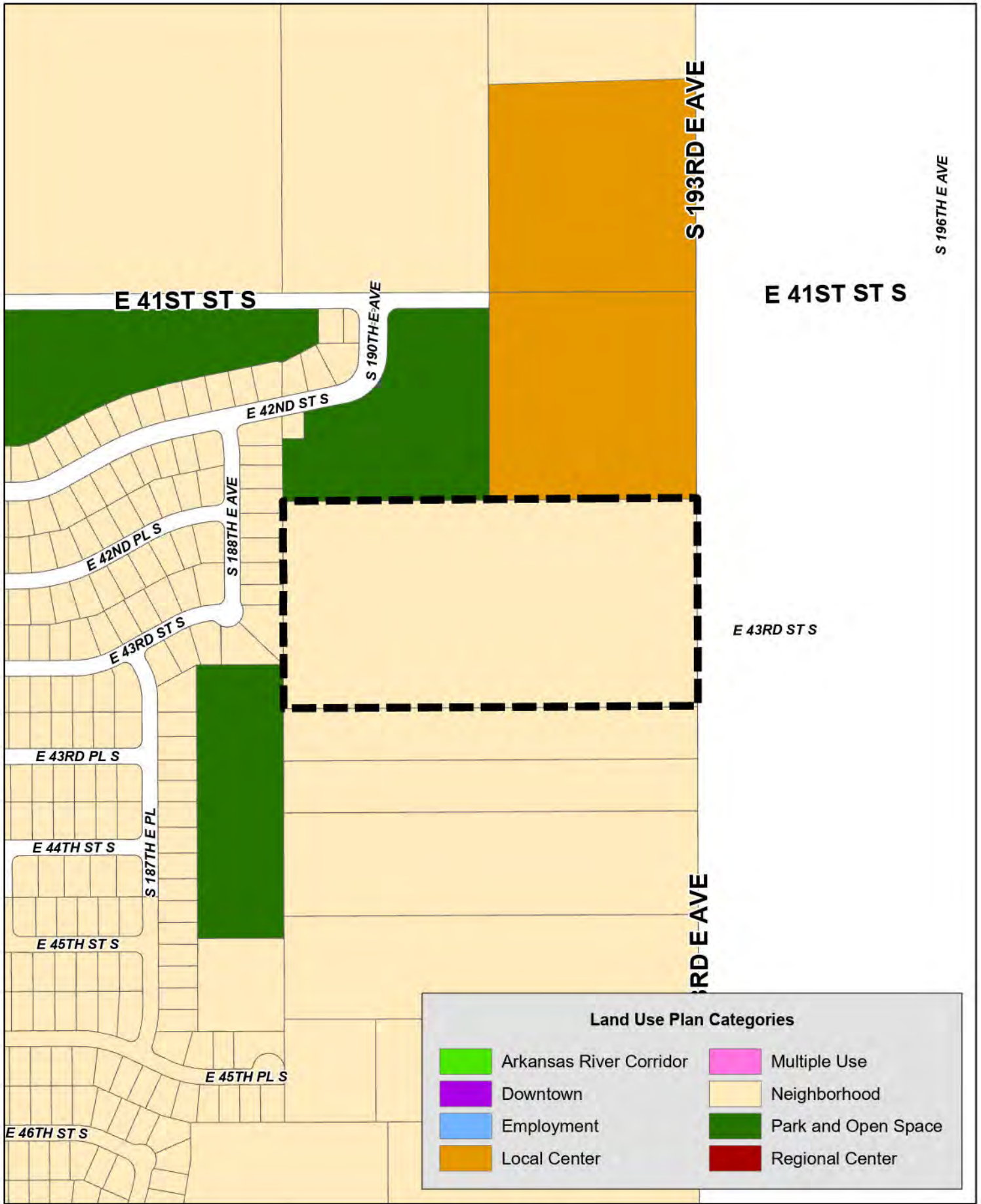
19-14 25

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

Aerial Photo Date: 2024



10.7



Subject Tract

**BOA-23851**

19-14 25



10.8

### **Exhibit “A”**

The Applicant requests a Variance of the 200’ minimum lot width requirement in the AG district (Table 25-1.5) of the Tulsa Zoning Code (the “Code”) to permit a lot split resulting in four (4) lots, each with a lot width 164.79’ for property located south and west of the southwest corner of E. 41<sup>st</sup> St. and S. 193<sup>rd</sup> E. Ave. (the “Property”).

The Property is a 20-acre tract and is currently vacant. South 193<sup>rd</sup> is both the county line between Tulsa and Wagoner Counties and the city limit between Tulsa and Broken Arrow. The properties along the west side of 193<sup>rd</sup> are developed primarily as a rural, residential area.

The Property owner desires to split the 20-acre tract into four, 5-acre lots. Each 5-acre lot will be over 1300 feet deep, have approximately 165’ of frontage on 193<sup>rd</sup>, and will otherwise comply with or exceed the bulk and area requirements of the AG district. Given the exceptional depth of the Property and the large lot size exceeding the 2-acre minimum under the Code, the literal enforcement of the Code results in unnecessary hardship. Further, due to the density of surrounding development, including two lots directly south of the Property which are also 165’ wide, the Variance does not impair the spirit and intent of the Code and will not alter the character of the neighborhood or otherwise be detrimental to the public good.



**HOLLOWAY UPDIKE AND BELLEN**  
  
**ENGINEERS**  
 818 E. S. BLVD  
 MUSKOGEE OKLAHOMA 74402  
 OKLAHOMA C.A. NO. 219 EX-06/2023  
 PH 918 682 7811

**BOUNDARY SURVEY**  
 FOR DOUG HAWTHORNE TRUST  
 ADDRESS: 719 N DRYDEN CIRCLE  
 STILLWATER OK. 74074  
 PHONE

**BASIS OF BEARINGS**  
 NAD83 OKLAHOMA STATE PLANE  
 COORDINATE SYSTEM- NORTH  
 ZONE



**DRAWING INFO**  
 DRAWN BY: SCALE 1" = 150'  
 REVISION DATE- 8/07/2023  
 DATE OF FIELD SURVEY 07/2023

**LEGAL DESCRIPTION**

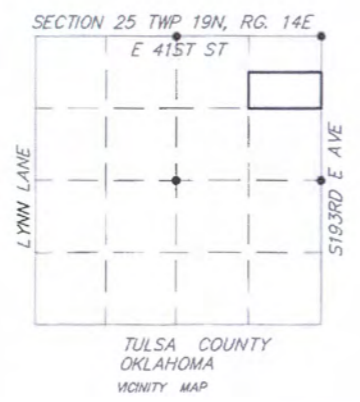
SURVEY OF THE S/2 OF THE NE/4 NE/4 OF SECTION 25, TOWNSHIP 19 NORTH, RANGE 14 EAST OF THE INDIAN MERIDIAN, TULSA COUNTY OKLAHOMA INTO 4 TRACTS.

TRACT 1--THE S<sub>2</sub> OF THE S<sub>2</sub> OF THE S<sub>2</sub> OF THE NE/4 NE/4 OF SECTION 25, TOWNSHIP 19 NORTH, RANGE 14 EAST OF THE INDIAN MERIDIAN, TULSA COUNTY OKLAHOMA CONTAINING 5 ACRES MORE OR LESS

TRACT 2--THE N<sub>2</sub> OF THE S<sub>2</sub> OF THE S<sub>2</sub> OF THE NE/4 NE/4 OF SECTION 25, TOWNSHIP 19 NORTH, RANGE 14 EAST OF THE INDIAN MERIDIAN, TULSA COUNTY OKLAHOMA CONTAINING 5 ACRES MORE OR LESS

TRACT 3--THE S<sub>2</sub> OF THE N<sub>2</sub> OF THE S<sub>2</sub> OF THE NE/4 OF THE NE/4 OF SECTION 25, TOWNSHIP 19 NORTH, RANGE 14 EAST OF THE INDIAN MERIDIAN, TULSA COUNTY OKLAHOMA CONTAINING 5 ACRES MORE OR LESS

TRACT 4--THE N<sub>2</sub> OF THE N<sub>2</sub> OF THE S<sub>2</sub> OF THE NE/4 OF THE NE/4 OF SECTION 25, TOWNSHIP 19 NORTH, RANGE 14 EAST OF THE INDIAN MERIDIAN, TULSA COUNTY OKLAHOMA CONTAINING 5 ACRES MORE OR LESS



- LEGEND**
- 1/16 SEC. LINE
  - PROPERTY LINE
  - RW — ROAD RIGHT OF WAY LINE
  - BARBED WIRE FENCE
  - WOOD FENCE
  - CHAINLINK FENCE
  - EXISTING CORNER PIN FOUND
  - IRON PIN W/CAP SET
  - UTILITY POLE
  - ⊙ STREET LIGHT POLE
  - ⊕ ELEVATION BENCH MARK
  - ⊙ EXISTING WATER METER
  - ⊙ EXISTING SANITARY SEWER MANHOLE
  - ⊙ EXISTING ELECTRIC METER

**SURVEYOR CERTIFICATION**

I, CHARLES WARREN CHASTAIN, CERTIFY THAT THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING, AND THAT THE ABOVE DESCRIBED TRACT WAS SURVEYED UNDER MY DIRECT SUPERVISION

*Charles W. Chastain*  
 CHARLES W. CHASTAIN, PLS 1352 DATE- 8/7/23



HOLLOWAY UPDIKE AND BELLEN

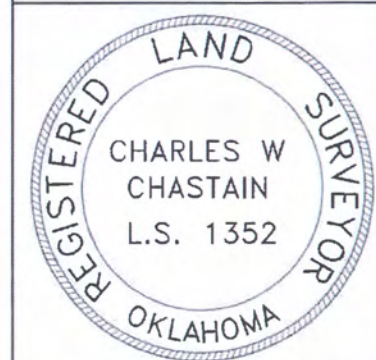


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REVISION DATE- 8/07/2023  
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IRON PIN - SW CORNER  
S/2 NE/4 NE/4 SEC 25.

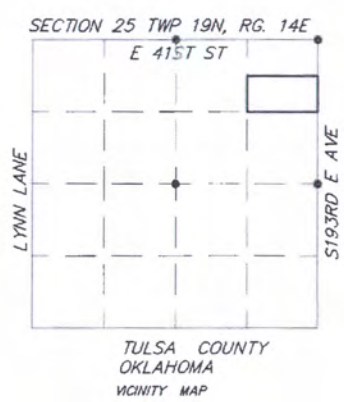
IRON PIN - SE CORNER  
S/2 NE/4 NE/4 SEC 25.

50' ONG EASEMENT  
B3836/P1942

SE COR. NE1/4  
SEC. 25  
(3/8" IRON PIN)

**LEGAL DESCRIPTION**

TRACT 1-THE S<sub>2</sub> OF THE S<sub>2</sub> THE S<sub>2</sub> OF THE NE/4 NE/4 OF SECTION 25, TOWNSHIP 19 NORTH, RANGE 14 EAST OF THE INDIAN MERIDIAN, TULSA COUNTY OKLAHOMA CONTAINING 5 ACRES MORE OR LESS



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REVISION DATE-	
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IRON PIN - SW CORNER  
S/2 NE/4 NE/4 SEC 25.

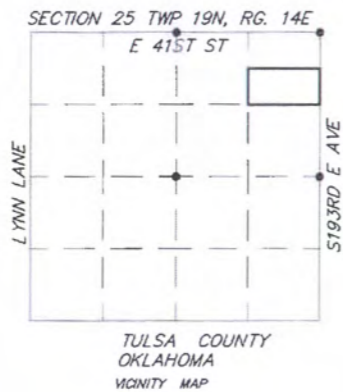
IRON PIN - SE CORNER  
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50' ONG EASEMENT  
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SE COR. NE1/4  
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(3/8" IRON PIN)

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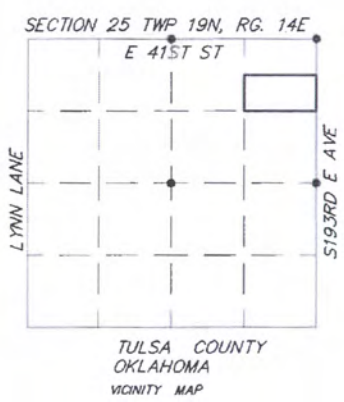
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*Charles W. Chastain*  
 CHARLES W. CHASTAIN PLS 1352 DATE 8/7/23