Case Report Prepared by:
Jay Hoyt

Owner and Applicant Information:
Applicant: Nathalie Cornett
Property Owner: PRADO, LUIS & ROSA A JAIMES

Action Requested: Variance of the minimum land area per dwelling unit requirement and the minimum lot area requirement in an AG district to permit a lot split (Section 330, Table 3).

Additional Information:
Present Use: Residential
Tract Size: 10 acres
Location: 16400 S YALE AV E
Present Zoning: AG
Fenceline/Area: Bixby
Land Use Designation: Low Density Residential
TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 7328
CZM: 67, 66

CASE NUMBER: CBOA-3016
CASE REPORT PREPARED BY: Jay Hoyt

HEARING DATE: 11/15/2022 1:30 PM

APPLICANT: Nathalie Cornett

ACTION REQUESTED: Variance of the minimum land area per dwelling unit requirement and the minimum lot area requirement in an AG district to permit a lot split (Section 330, Table 3).

LOCATION: 16400 S YALE AV E
ZONED: AG

FENCeline: Bixby
PRESENT USE: Residential
TRACT SIZE: 10 acres

LEGAL DESCRIPTION: The South Half of the North Half of the Southeast Quarter of the Northeast Quarter (S/2 N/2 SE/4 NE/4 of Section 28, Township North, Range 13 East, Tulsa County Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

CBOA-2850 September 2020: Variance of the minimum lot width to permit a lot-split in an AG district. (Section 330 Table 3)

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned AG and is surrounded by AG zoning containing a mixture of agricultural land and single-family residences.

STAFF COMMENTS:

The applicant is before the Board to request a Variance of the minimum lot area and land area required in an AG district to permit a lot split (Sec 330, Table 3).

The Tulsa County Zoning Code requires a minimum of 2 acres for each AG zoned lot and 2.1 acres per dwelling unit on an AG zoned lot. The applicant is proposing to split the existing subject lot into two lots, one approximately 1 acre in size and one approximately 9 acres in size, as shown on the Lot Split Exhibit provided by the applicant. An existing single-family home is located on the proposed 1 acre tract.

The applicant has indicated that the intention of the lot split is to sell the proposed 1 acre lot with the existing single-family residence. They have also indicated that there is an existing detention pond located in the NE portion of the subject lot that limits the size of the proposed tract and necessitates the proposed lot split configuration, as detailed in Exhibit “B” provided by the applicant.

If inclined to approve, the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed lot-split is compatible with and non-injurious to the surrounding area.
Sample Motion:

“Move to _______ (approve/deny) a Variance of the minimum lot area and land area required in an AG district to permit a lot split (Sec 330, Table 3).

Per the Conceptual Plan(s) shown on page(s) ______ of the agenda packet.

Subject to the following conditions, if any: ____________________________.

Finding the hardship to be ________.

Finding by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan.
LOT SPLIT EXHIBIT
Page 2 of 2

Legend
POB
POC
POINT OF BEGINNING
POINT OF COMMENCEMENT

BUILDING SETBACK LINE
ROAD RIGHT-OF-WAY
ROAD CENTERLINE
SECTION LINE
SUBDIVISION LOT LINE
UTILITY EASEMENT

Scale: 1"=300'

E. 171ST. ST. S.
E. 161ST. ST. S.
T
N
S. YALE AVE.
S. 33RD E. AVE.

R 13

E.

SUBJECT
EASEMENT

Location Map

Notes
1. THE BEARING BASE FOR THIS EXHIBIT IS BASED ON THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 28 T-17-N, R-13-E AS NOO'00'00"W.

2. SEE EXHIBIT PAGE 1 OF 2 FOR LEGAL DESCRIPTION AND SURVEYOR'S CERTIFICATE.

FILE: 2239711G-A

BENNETT SURVEYING, INC.
P.O. BOX 848, (OKLAHOMA CITY, OK 73127
PHONE: (405) 935-0359
C.A. NO.: 4502 EXP. DATE: 6/20/24

CBOA-3016 11.6
Exhibit “A”

Overall Tract:

The South Half of the North Half of the Southeast Quarter of the Northeast Quarter (S/2 N/2 SE/4 NE/4) of Section 28, Township 17 North, Range 13 East, Tulsa County, Oklahoma, containing 10 acres more or less.

Split Tract:

The East 264 Feet of the South Half of the South Half of the North Half of the Southeast Quarter of the Northeast Quarter (S/2 S/2 N/2 SE/4 NE/4) of Section 28, Township 17 North, Range 13 East, Tulsa County, Oklahoma a/k/a 16400 S. Yale Ave, Bixby, OK 74008

Remainder Tract:

The South Half of the North Half of the Southeast Quarter of the Northeast Quarter (S/2 N/2 SE/4 NE/4) of Section 28, Township 17 North, Range 13 East, Tulsa County, Oklahoma LESS AND EXCEPT the East 264 Feet of the South Half of the South Half of the North Half of the Southeast Quarter of the Northeast Quarter (S/2 S/2 N/2 SE/4 NE/4) of Section 28, Township 17 North, Range 13 East, Tulsa County, Oklahoma.
Exhibit “B”

The Applicant requests a Variance from Table 3 of the Tulsa County Zoning Code (the “Code”) to reduce (1) the minimum Lot Area, and (2) the minimum Land Area per Dwelling Unit to one (1) acre in order to permit a lot split for property located at 16400 S. Yale Ave. (the “Property”).

The Property is comprised of 10 acres, with a residence located at the southeast corner of the tract. The Property owners desire to split off the one-acre tract where the residence is located to allow for the sale of the residence pursuant to a Contract for Deed entered into in 2020. The Code requires a minimum lot area of 2 acres and a minimum land area per dwelling unit of 2.1 acres in the AG District.

There are two existing access points to the Property, one to south for the residence, and one to the north for the remaining nine acres. The path of the north drive is restricted due to the location of a detention pond. The detention pond further limits the size of the tract that may be split with the residence. The location of the detention pond is unique to the Property and the proposed lot split is the only configuration that will preserve the access drives to both tracts. As a result, the Lot and Land Area requirements of the Code result in unnecessary hardship to the Property owner.

The Property is located in the Bixby fence line, which designates this Property as Low Density Residential, which are “areas on the fringe of the urbanized area of the City” and development “mostly consist[s] of detached single-family units.” The proposed lot split aligns with the existing and expected development pattern of this area and the requested Variances will not cause any detriment to the public good or impair the spirit and intent of the Code or the Comprehensive Plan.