

BOA-22558

19-12 26

5.1



**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9226

Case Number: **BOA-22558**

CZM: 46

CD: 2

A-P#:

HEARING DATE: 01/08/2019 1:00 PM

APPLICANT: K.B. Enterprise homes

ACTION REQUESTED: Variance of the dustless, all-weather surfacing requirement to permit a gravel drive (Section 55.090-F).

LOCATION: 4401 S OLYMPIA AV W

ZONED: IM,RS-3

PRESENT USE: residential

TRACT SIZE: + 7.526 acres

LEGAL DESCRIPTION: BEG 637.6N & 318.79E SWC SE NW TH E345.41 N418 NW75 NW CRV LF 180.91 NW TO PT 1579.4N & 50E SWC SE NW TH S248.39 TO PT 50E NWC SE NW SE443.37 SELY297.96 SLY5.30 POB SEC 26 19 12 7.526ACS,

RELEVANT PREVIOUS ACTIONS: No relevant history

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "New Neighborhood" and an "Area of Growth".

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the City where general agreement exists that development or redevelopment is beneficial.

The **New Neighborhood** is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes, but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity, and shall be paired with an existing or new Neighborhood or Town Center.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts IM zoned tracts abuts large IM zoned lots to the north and east; RS-3 zoned residences to the south; the Okmulgee Expressway is to the west.

STAFF COMMENTS:

The Code requires that all off-street parking areas be surfaced with a dustless, all-weather surface. The applicant is before the Board requesting a variance to allow a gravel drive as shown on the attached plan. The applicant has stated that the proposed gravel driveway will be 20ft. in width and connect to a concrete driveway from the house to the gravel road.

If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed use and future development of the subject property is compatible with and non-injurious to the surrounding area.

Sample Motion for a Variance

Move to _____ (approve/deny) a Variance of the dustless, all-weather surfacing requirement to permit a gravel drive (Section 55.090-F).

- Finding the hardship(s) to be _____.
- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions _____.

The Board finds that the following facts, favorable to the property owner, have been established:

“a. 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;

b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose;

c. 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;

d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;

e. That the variance to be granted is the minimum variance that will afford relief;

f. 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

g. 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.”



W 41st ST S

S MAYBELLE AVE

75

W 42 ST S

S MAYBELLE AVE

W 44 ST S

S SANTA FE PL

S OLYMPIA AVE

W 46 ST S

75

W 46 PL S

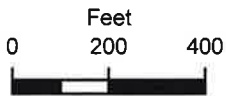
S TACOMA AVE

S SANTA FE AVE

S MAYBELLE AVE

W 47 ST S

S LAWTON AVE



Subject Tract

BOA-22558

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

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Aerial Photo Date: February 2018

5.4





Looking north— towards subject site— on S. Olympia Ave.



Looking north— towards subject site— on S. Olympia Ave.

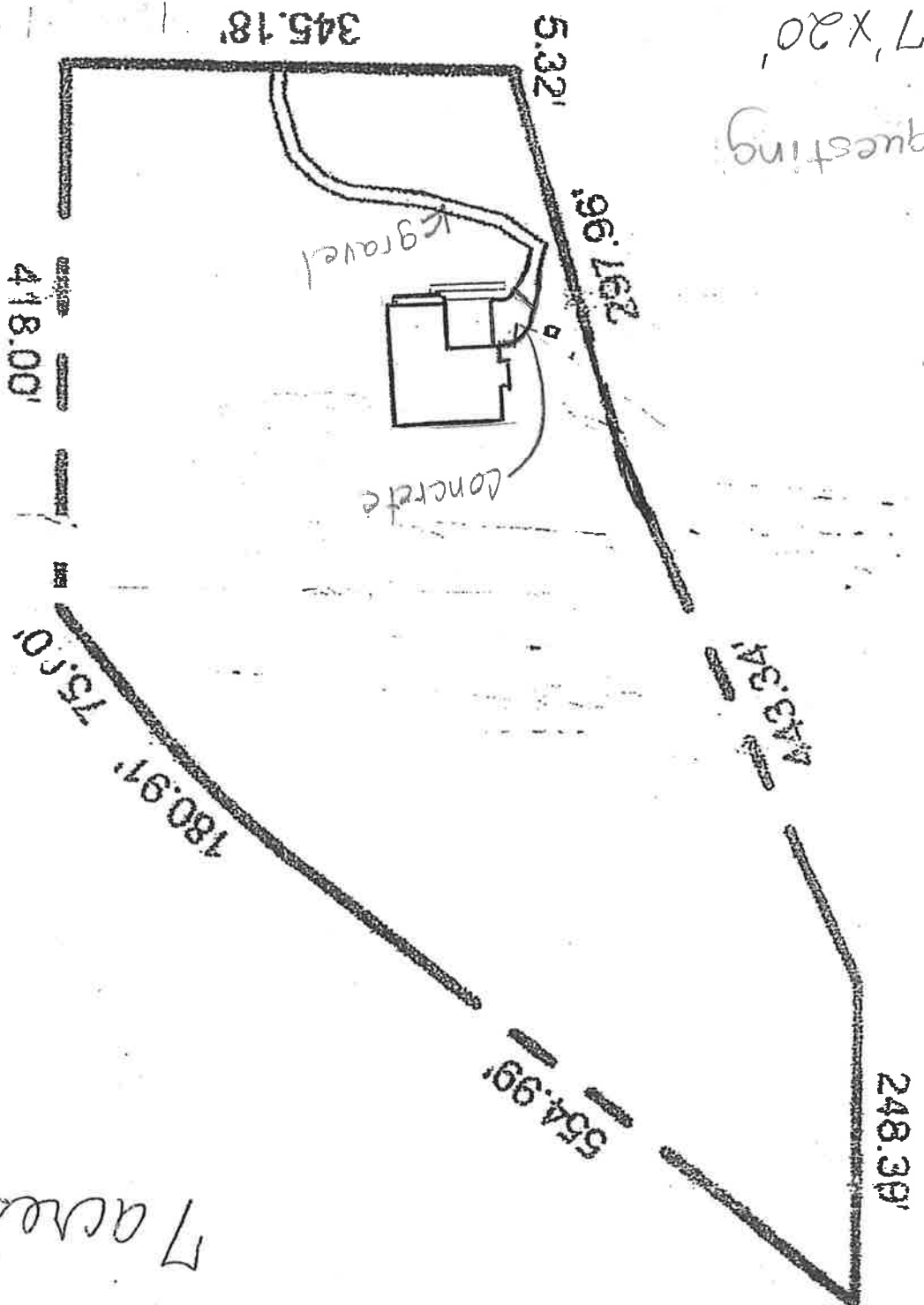
LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN THE WEST HALF (W/2) OF THE EAST HALF (E/2), OF THE NORTHWEST QUARTER (NW/4), OF SECTION TWENTY-SIX (26), TOWNSHIP NINETEEN (19) 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; COMMENCING FROM THE SOUTHWEST CORNER OF SAID W/2 E/2 NW/4; THENCE NORTH 00°00'00" EAST AND ALONG THE WEST LINE OF SAID W/2 E/2 NW/4, FOR A DISTANCE OF 1331.01 FEET; THENCE NORTH 90°00'00" EAST AND PERPENDICULAR TO SAID WEST LINE, FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°00'00" EAST AND PARALLEL WITH SAID WEST LINE, FOR A DISTANCE OF 248.39 FEET; THENCE SOUTH 52°03'27" EAST AND ALONG THE SOUTH LINE OF THE CHERRY CREEK DRAINAGE CHANNEL, FOR A DISTANCE OF 554.99 FEET TO A POINT OF CURVATURE; THENCE ALONG SAID SOUTH LINE BEING A CURVE TO THE RIGHT WITH A RADIUS 801.45 FEET, A CHORD BEARING OF SOUTH 45°35'27" EAST, FOR A CHORD DISTANCE OF 180.52, FOR AN ARC DISTANCE OF 180.91 FEET; THENCE SOUTH 39°07'28" EAST, CONTINUING ALONG SAID SOUTH LINE, FOR A DISTANCE OF 75.00 FEET; THENCE SOUTH 00°00'00" WEST AND PARALLEL WITH SAID WEST LINE, FOR A DISTANCE OF 418.00 FEET; THENCE NORTH 89°45'42" WEST, FOR A DISTANCE OF 345.18 FEET; THENCE NORTH 04°29'35" EAST, FOR A DISTANCE OF 5.32 FEET; THENCE NORTH 16°19'10" WEST, FOR A DISTANCE OF 297.96 FEET; THENCE NORTH 24°43'55" WEST, FOR A DISTANCE OF 443.34 FEET TO THE POINT OF BEGINNING.
ALSO KNOWN AS: 4401 S. Olympia Avenue. Tulsa, Ok.

Concrete Driveway
From House to
Gravel road that
leads to Street!
Gravel Road is 20'w.

37'x20'
Requesting

S. OLYMPIA AVE.



7 acres

W
+
r
o
n

Comments

55.090-F Surfacing. All off-street parking areas must be surfaced with a dustless, all-weather surface unless otherwise expressly stated in this zoning code. Pervious pavement or pervious pavement systems are allowed subject to the supplemental regulations of §55.090-F4. Parking area surfacing must be completed prior to initiation of the use to be served by the parking.

Corrective Action

Review Comments: Provide an all-weather parking surface from the public street to the garage or apply to the Board of Adjustment for a Variance (section 70.120) to allow a material other than an approved material meeting the requirements of 55.090-F.

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