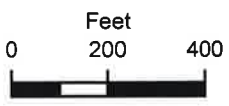


SUBJECT TRACT



BOA-22390

4.1



**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9319

Case Number: **BOA-22390**

CZM: 47

CD: 9

A-P#: NA

HEARING DATE: 02/13/2018 1:00 PM

APPLICANT: Timothy Hayes

ACTION REQUESTED: Variance of the minimum lot width from 60' to 50' to permit a lot split in an RS-3 district (Sec. 5.030).

LOCATION: 1425 E 35 PL S

ZONED: RS-3

PRESENT USE: Vacant

TRACT SIZE: 14000.24 SQ FT

LEGAL DESCRIPTION: LT 4 BLK 6, OLIVERS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

BOA 21420; on 05.08.12 the Board **approved** a variance of the maximum lot width from 60 ft. to 50 ft. in an RS-3 district; and a variance of the land area per dwelling unit from 8,400 to 7,000 to permit a lot-split. Located at 1444 E. 35th Place S.; immediately southeast of the subject site.

BOA-13907, on 01.23.86, the Board **approved** a minor variance of the required 60 feet of lot width in a RS-3 zoned district to permit lot split. Located at 1412 E. 35th Place; west of the subject lot.

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

The **Existing Residential Neighborhood** category is intended to preserve and enhance Tulsa's existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code.

The **Areas of Stability** includes approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by RS-3 zoning and residential uses.

STAFF COMMENTS:

The applicant is before the Board requesting a **Variance** of the maximum lot width from 60 ft to 50 ft to permit a lot split (with future Planning Commission approval) of the RS-3 zoned subject property.

Each proposed lot will be 50 ft. by 140 ft. or 7,000 sq. ft. The code requires a lot width of 60 ft. and a lot area/lot area per dwelling unit of 6,900 sq. ft. in the RS-3 district.

The subject property is twice the lot width of most lots in the surrounding area; in addition, there are many previously approved lot splits in this area. The density proposed by the applicant with the lot split is compatible with the existing development pattern in the neighborhood.

Sample Motion

Move to _____ (approve/deny) a Variance of the minimum lot width from 60' to 50' to permit a lot split in an RS-3 district (Sec. 5.030).

- 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."

21420—Executive Homes

FILE COPY

Action Requested:

Variance of the maximum lot width from 60 feet to 50 feet in an RS-3 district;
Variance of the land area per dwelling unit from 8,400 to 7,000 to permit a lot-split
(LS-20505) (Section 403). **LOCATION:** 1444 East 35th Place (CD 9)

Presentation:

Taylor Sokolosky, P. O. Box 1013, Owasso, OK; no presentation was made but the applicant was available for questions from the Board.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Variance of the maximum lot width from 60 feet to 50 feet in an RS-3 district; Variance of the land area per dwelling unit from 8,400 to 7,000 to permit a lot-split (LS-20505) (Section 403). Finding that the vast majority of the lots in this area have already been split from 50 foot width, and this will be in conformance with the other lots. In granting these variances the Board finds 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 variances 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; for the following property:

LT 8 BLK 5, OLIVERS ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21422—Sisemore, Weisz, & Associates

Action Requested:

Special Exception to allow required off-street parking on a lot other than the lot containing the use (Section 1301.D). **LOCATION:** 2625 South Memorial Drive (CD 5)

Presentation:

Darin Akerman, Sisemore, Weisz & Associates, 6111 East 32nd Place, Tulsa, OK; stated the large building on the site has been utilized for various uses in the past and

Case No. 13905 (continued)

district; finding that the outside storage of these materials is detrimental to the neighborhood and not in harmony with the spirit and intent of the Code; on the following described property:

A part of the NE/4 of the NE/4 of the SE/4 of Section 10, T-19-N, R-13-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, being more particularly described as follows, to-wit:

Beginning at a point 50' west of the east line of said Section 10; thence S 0°27'15" W, and parallel with the east line of said Section 10 a distance of 507.84'; thence S 89°58'02" W and parallel with the south line of said NE/4, NE/4, SE/4 a distance of 281.86' to the point of beginning; thence S 0°27'15" W a distance of 152.62' to a point on the south line of the NE/4, NE/4, SE/4; thence S 89°58'02" W a distance of 331' to the SW/c of the NE/4, NE/4, SE/4 of said Section 10; thence N 0°26'22" E a distance of 660.34' to a point on the north line of said NE/4, NE/4, SE/4; thence N 89°57'22" E along the north line of said NE/4, NE/4, SE/4 a distance of 150' to a point; thence S 0°26'22" W a distance of 330.18'; thence N 89°57'50" E a distance of 150'; thence south 0°26'22" W a distance of 217.64'; thence east a distance of 31.17', more or less, to the point of beginning, less the north 40' thereof dedicated for roadway.

AND

The west 331.00' of Lot 1, Block 1, Lynn Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Case No. 13907

Action Requested:

Minor Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of the lot width from 60' to 50' in order to permit a lot split, located at 1412 East 35th Place.

Comments and Questions:

Mr. Jones informed that TMAPC approved the lot-split January 22, 1986.

Presentation:

The applicant, David Reeh, 1341 East 36th Street, Tulsa, Oklahoma, stated that he has a 100' lot with a house built on the west 50' and he intends to place another house on the east portion at a later date.

1.23.86:456(11)

Case No. 13907 (continued)

Additional Comments:

Mr. Chappelle asked if there are other 50' lots in the area and Mr. Reeh answered in the affirmative.

Protestants: None.

Board Action:

On MOTION of CLUGSTON and SECOND by WILSON, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE a Minor Variance (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the lot width from 60' to 50' in order to permit a lot split; on the following described property:

Lot 11, Block 5, Oliver's Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13908

Action Requested:

Variance - Section 430 - Bulk and Area Requirements to Residential Districts - Use Unit 1206 - Request a variance of the required 25' setback to 24' from Indianapolis; a variance of the 5' side yard setback to 4' on the south; and a variance of the 35' setback (rear yard abutting a public street) from Harvard to 34' to allow for the brick veneer encroachment, located on the SW/c of 86th Street South and Indianapolis.

Presentation:

The applicant, Builders Association of Metropolitan Tulsa, was represented by Howard Kelsey, 11545 East 43rd Street, Tulsa, Oklahoma, who informed that a parade house was built without brick, but when the brick was added it encroached .4' on the east, west and south setbacks.

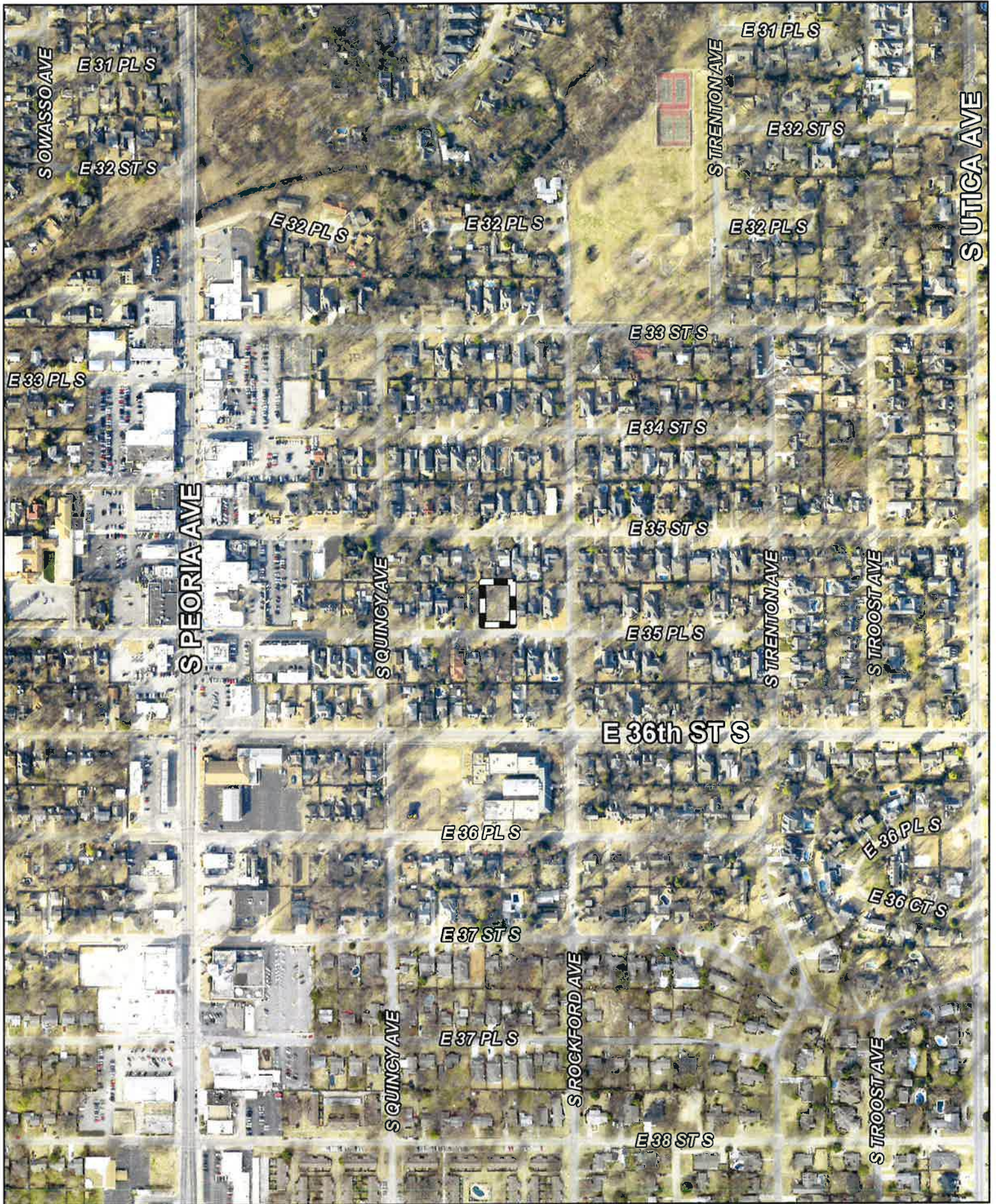
Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE a Variance (Section 430 - Bulk and Area Requirements to Residential Districts - Use Unit 1206) of the required 25' setback to 24' from Indianapolis; a variance of the 5' side yard setback to 4' on the south; and a variance of the 35' setback (rear yard abutting a public street) from Harvard to 34' to allow for the brick veneer encroachment; on the following described property:

Lot 1, Block 4, Harvard Pointe Addition, City of Tulsa, Tulsa County, Oklahoma.

1.23.86:456(12)

4.6



Subject Tract

BOA-22390

19-13 19

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

Aerial Photo Date: February 2016



4.7



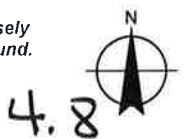
 Subject Tract

BOA-22390

19-13 19

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

Aerial Photo Date: February 2016

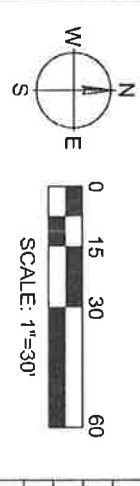


Plat of Survey

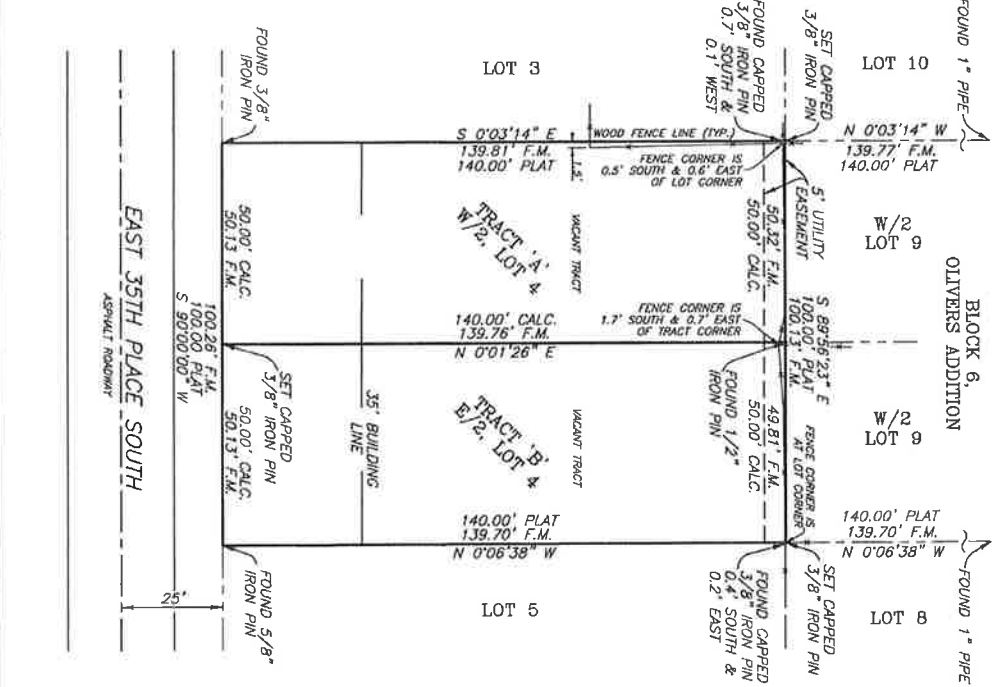
PATH: A:\18-13-195\admission\OLIVERS ADDITION.
 FILE: 171218.61 HAYES LOT SPLIT L4 B6.dwg
 DATE: Dec 28, 2017 - 9:28AM



BEFORE YOU DIG
 CONTACT OKLAHOMA
 ONE-CALL
 1-800-522-6543
 EXISTING UNDERGROUND LINES HAVE
 BEEN SHOWN TO THE EXTENT KNOWN



PREPARED FOR: TIM HAYES	
CHECKED BY:	ST
SURVEY BY:	GT
SURVEY DATE:	12/28/17
BOOK / PAGE:	N/A
SCALE:	1"=30'
DRAFTED BY:	DWM
JOB NUMBER:	171218.61
FILE NUMBER:	1913.19



Notes

NO CURRENT TITLE OPINION OR COMMITMENT FOR TITL E INSURANCE WAS PROVIDED AT THE TIME OF THIS SURVEY. THEREFORE, NO CERTIFICATION CAN BE MADE THAT ALL EASEMENTS, RIGHTS-OF-WAYS OR OTHER ENCUMBRANCES OF RECORD, ARE SHOWN HEREON.
 BASIS OF BEARINGS IS THE SOUTH LINE OF LOT 4 AS BEING S 90°00'00" W.
 PROPERTY DESCRIBED HEREON IS IN FLOOD HAZARD AREA X-UNSHADED PER FIRM COMMUNITY PANEL NO. 4014302031L AS REVISED OCTOBER 16, 2012.
 PLAT - PLAT DESCRIBED COURSE
 F.M. = FIELD MEASURED COURSE
 CALC. = CALCULATED COURSE

Legal Description

PARENT TRACT
 LOT FOUR (4), BLOCK SIX (6), OLIVERS ADDITION, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO RECORDED PLAT NO. 893.
 TRACT 'A'
 THE WEST-HALF (W/2) OF LOT FOUR (4), BLOCK SIX (6), OLIVERS ADDITION, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO RECORDED PLAT NO. 893.
 TRACT 'B'
 THE EAST-HALF (E/2) OF LOT FOUR (4), BLOCK SIX (6), OLIVERS ADDITION, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO RECORDED PLAT NO. 893.

Surveyor's Statement

HRAOK AND I, SALVADOR TTIONE, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF OKLAHOMA, DO HEREBY STATE THAT THE ABOVE MAP REPRESENTS A SURVEY PERFORMED IN THE FIELD UNDER MY DIRECT SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS OF THIS DATE. THIS SURVEY MEETS OR EXCEEDS THE MINIMUM STANDARDS FOR SURVEYING IN THE STATE OF OKLAHOMA AS SET FORTH BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AS OF THIS DATE.
 WITNESS MY HAND AND SEAL THIS 27ST DAY OF DECEMBER 2017.

HRAOK
 SALVADOR TTIONE
 PROFESSIONAL LAND SURVEYOR
 OKLAHOMA NO. 1480



1913 WEST THOMAS - SUITE A
 BROOKER AVENUE, OKLAHOMA, 74103
 (918) 285-5277
 FAX: (918) 285-2531
 OUR 75th ANNIVERSARY DATE: 1942-2017

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