

BOA-22468

19-13 20



**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9320

Case Number: **BOA-22468**

CZM: 47

CD: 9

A-P#:

HEARING DATE: 07/10/2018 1:00 PM

APPLICANT: Brad Brown

ACTION REQUESTED: Variance to reduce the minimum lot width in an RS-1 District (Section 5.030-A) to permit a lot-split.

LOCATION: 2630 E 36 ST S

ZONED: RS-1

PRESENT USE: Vacant

TRACT SIZE: 42749.96 SQ FT

LEGAL DESCRIPTION: PRT LT 7 BLK 1 BEG NWC LT 7 TH E ON NL 150 TH S ON EL 284.30 TH W TO PT ON WL 285.40S OF NWC TH N ON WL TO POB, OAKVIEW ESTATES

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

BOA 12096: on 08.05.92, the Board **approved** a *Variance* of the required 55 feet setback from the centerline of Birmingham Avenue to 36 feet located at the northeast corner of East 37th Street South and South Birmingham Avenue (3641 South Birmingham Avenue).

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

An **Existing Neighborhood** 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** include 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. 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 abutted by RS-1 zoned residences on the north, east and west; and RE zoned residences on the south.

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STAFF COMMENTS:

As shown on the attached exhibit, the applicant is proposing to split the subject lot into two tracts; both proposed tracts will be $\pm 21,232$ sq. ft. and contain an average lot width of ± 74.5 ft. The Code requires that a RS-1 zoned lot maintain a lot area and lot area per unit of 13,500 sq. ft.; and a lot width of 100 ft.

To permit both tracts as proposed the applicant has requested a **Variance** to reduce the permitted lot width from 100 ft. to ± 74.5 ft. The applicant has provided the following hardship statement; *The platting of the property took place prior to the Zoning Code. A majority of the lots in the neighborhood are less than 100' wide and non-conforming.*

Sample Motion

Move to _____ (approve/deny) a Variance to reduce the minimum lot width from 100 ft to no less than 74' to permit a lot split in an RS-1 district. (Sec. 5.030-A)

- 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."

Case No. 12094 (continued)

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) to locate a day care center in an RS-3 District, on the following described property:

The East 1/2 of the South 1/2 of the NE/4 of the NW/4 of Section 14, Township 19 North, Range 13 East, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12095

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request to locate a day care center in an RS-3 District. This property is located at 1135 South Yale Avenue.

Presentation:

Laura Delehanty, 5525 East 51st Street - #125, was present requesting permission to locate a day care center in two of the classrooms at Franklin Elementary School. The playground facility will be located behind the School on the corner of 11th Street and Yale Avenue. Ms. Delehanty advised that the State Licensing Department requested that the facility be placed at the subject location. The facility was approved by the Tulsa Public Schools and the principal at Franklin Elementary School.

Protestants:

Lester Zimmerman, 4132 East 41st Street, was present in protest to the application because there are two other day care centers within 100 yards of the proposed location. He felt that there is no need for another facility and if it was added it would take away from the existing day care centers.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) to locate a day care center in an RS-3 District, on the following described property:

The W/2 of the NW/4 of the NW/4 of the NW/4, Section 10, Township 19 North, Range 13 East, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12096

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the setback from the centerline of Birmingham Avenue from 55' to 36'. This property is located at 3641 South Birmingham Avenue.

Presentation:

Gilbert Livingston, 3641 South Birmingham, was present and submitted a plot plan (Exhibit "D-1"). Mr. Livingston is requesting the variance in order to convert his present garage into additional living space and

8.5.82:368(6)

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Case No. 12096 (continued)

extend the garage toward the street. He stated that he wants his property to line up with other properties on Birmingham Avenue. He stated that the extension of the garage will improve the quality and appearance of the neighborhood. His neighbors have been contacted concerning the request and they had no objections.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the setback from the centerline of Birmingham Avenue from 55' to 36', per plot plan submitted, on the following described property:

Lot 5, Block 1, of the Amended Plat of Block 7 and Lot 9, Block 1, Oakview Estates Addition to the City of Tulsa, Tulsa County, Okla.

Case No. 12097

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request to allow two mobile homes in an RS-3 District. This property is located at 5015, 5119 and 5121 East Virgin Avenue.

Presentation:

Gabriel Lucero, 5423 East Young Court, was present requesting permission to place two mobile homes on the subject property; one for himself and the other for his daughter.

Protestants: None.

Board Comments:

Mr. Victor asked if there were other mobile homes in the area and Mr. Lucero stated that there are other mobile homes within two or three blocks.

Mr. Smith asked if the mobile homes would be served by the sanitary sewer system and Mr. Lucero answered in the affirmative.

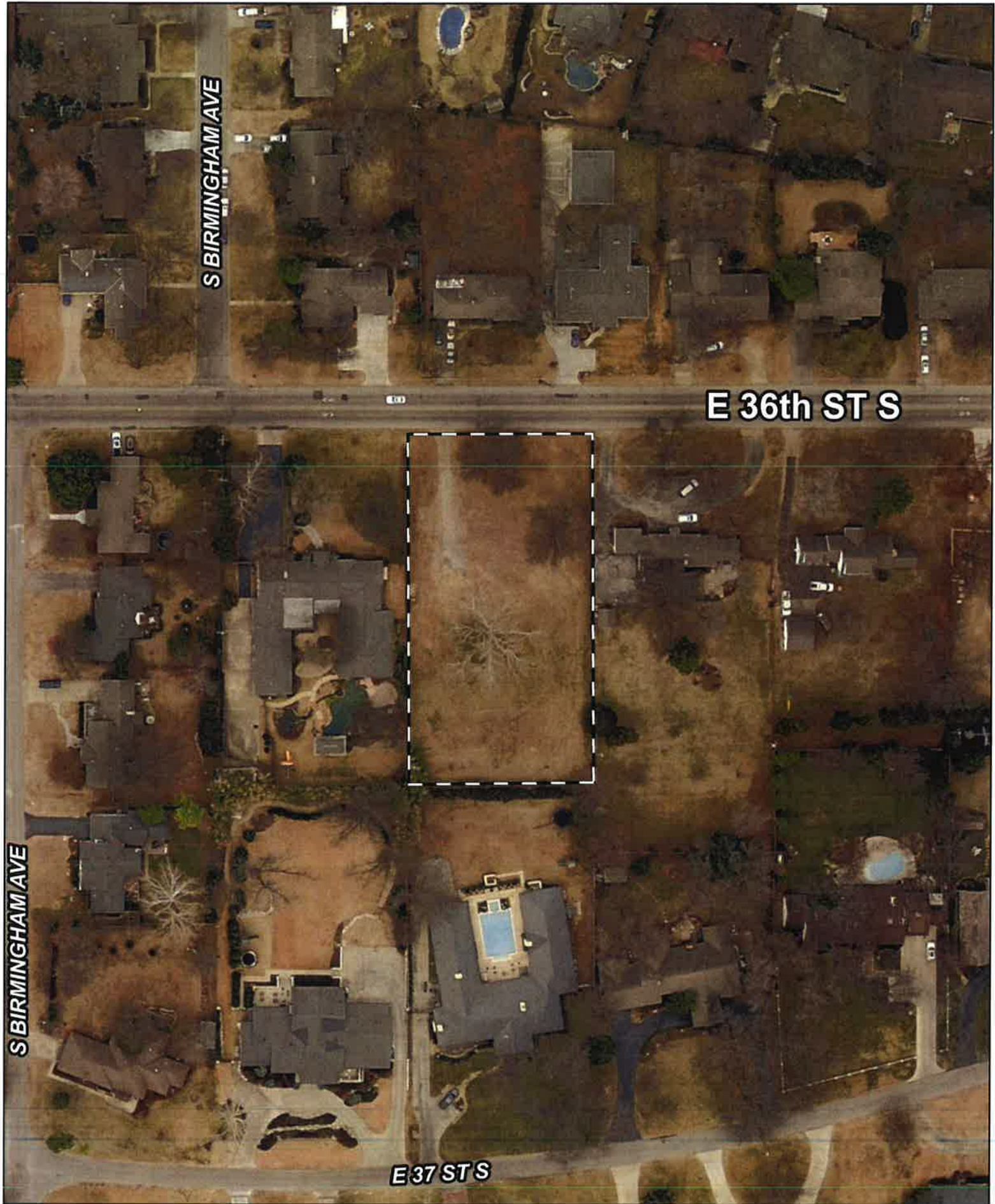
Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts) to allow two mobile homes in an RS-3 District, for a one-year period, removal bond required, subject to approval by Tulsa City-County Health Department, on the following described property:

The West 75' of the East 150' of the West 730.5' of Lot 13, Block 1, S. R. Lewis Addition and a tract of land being at a point located directly on the North Boundary Line a distance of 375' West of the NE corner of Lot 13, Block 1, S.R. Lewis Addition; thence from said point running in a Westerly direction along said North Boundary Line of said Lot 13, a distance of 50'

8.5.82:368(7)

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S BIRMINGHAM AVE

E 36th ST S

S BIRMINGHAM AVE

E 37th ST S



Subject Tract

BOA-22468

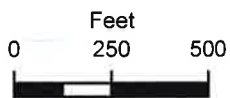
19-13 20

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

Aerial Photo Date: February 2018

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 Subject Tract

BOA-22468

19-13 20

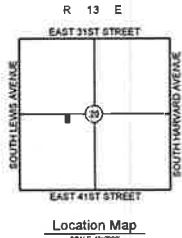
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

7.7



Site Plan



Location Map
SCALE: 1"=200'
Plat of Survey
OF LOT 7, BLOCK 1
Oakview Estates
TULSA COUNTY, OKLAHOMA

Legend			
○	3/8" IRON PIN FOUND (UNLESS OTHERWISE NOTED)	○	TELEPHONE PEDISTAL
○	3/8" IPS W/ PINK "ATLAS" 875' CAP (UNLESS OTHERWISE NOTED)	○	TRAFFIC SIGNAL LIGHT POLE
□	AIR CONDITIONER UNIT	○	TRAFFIC SIGNAL MANHOLE
○	BENCH-MARK	○	TRANSFORMER
○	CABLETV PEDISTAL	○	WATER METER
○	DOWN SPICUT	○	WATER VALVE
○	DOWN DUCT	○	CGMP CORRUGATED METAL PIPE
○	ELECTRIC METER	○	CGMP CORRUGATED PLASTIC PIPE
○	ELECTRIC PEDISTAL-RESIN	○	CHESSEB X FOUND
○	FIRE HYDRANT	○	CHESSEB X SET
○	FLAG POLE	○	IRON PIN FOUND
○	GAS METER	○	IRON PIN SET
○	GAS PIPER	○	PKR PIN NAIL FOUND
○	GAS VALVE	○	PKS PK NAIL SET
○	GROUND LIGHT	○	SATTELITE DISH
○	GUARD POST	○	TERMINATE TRAP
○	IRRIGATION CONTROL VALVE	○	BUILDING SETBACK LINE
○	LIGHT POLE	○	EASEMENT
○	MAILBOX	○	OC OVERHEAD CABLE
○	POWER POLE	○	OT OVERHEAD TELEPHONE
○	SANITARY SEWER CLEANOUT	○	SS SANITARY SEWER
○	SANITARY SEWER LAMP/POLE	○	SD STORM DRAIN
○	SANITARY SEWER MANHOLE	○	UC UNDERGROUND CABLE
○	SPRINKLER HEAD	○	UE UNDERGROUND ELECTRIC
○	STORM DRAIN PILET	○	UG UNDERGROUND GAS LINE
○	STORM DRAIN MANHOLE	○	UT UNDERGROUND TELEPHONE
○		○	VL WATERLINE



Legal Description (Parent Tract)

PART OF LOT SEVEN (7), BLOCK ONE (1), OAKVIEW ESTATES, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NUMBER 840.

MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT SEVEN (7); THENCE EAST, ALONG THE NORTH LINE OF SAID LOT TO THE NORTH-EAST CORNER THEREOF; THENCE SOUTH, ALONG THE EAST LINE OF SAID LOT, A DISTANCE OF 284.30 FEET; THENCE WEST 148.14 FEET TO A POINT ON THE WEST LINE OF SAID LOT SEVEN (7), 288 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT SEVEN (7); THENCE NORTH ALONG THE WEST LINE OF SAID LOT SEVEN (7) A DISTANCE OF 285.40 FEET TO THE PLACE OF BEGINNING.

Legal Description (Tract A)

A PART OF LOT SEVEN (7), BLOCK ONE (1), OAKVIEW ESTATES, BEING A SUBDIVISION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SW/4 NW/4) AND THE NORTH HALF OF THE SOUTHWEST QUARTER (SW/2 SW/4) OF SECTION TWENTY (20), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST OF THE ROCKY MOUNTAIN AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, RECORDED AS PLAT NUMBER 840.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT SEVEN (7), BLOCK ONE (1), OAKVIEW ESTATES (PLAT NO 840), TULSA COUNTY, STATE OF OKLAHOMA; THENCE N 81° 29' 05" E, ALONG THE NORTH LINE OF SAID LOT SEVEN (7), A DISTANCE OF 75.00 FEET; TO THE MID POINT OF THE NORTH LINE OF SAID LOT SEVEN (7); THENCE S 01° 02' 30" E, A DISTANCE OF 284.30 FEET; THENCE S 81° 02' 30" W, A DISTANCE OF 74.07 FEET, TO A POINT ON THE WEST LINE OF SAID LOT SEVEN (7) THAT IS 285.40 FEET FROM THE NORTHWEST CORNER OF SAID LOT SEVEN (7); THENCE N 01° 49' 45" W, ALONG THE WEST LINE OF SAID LOT SEVEN (7), A DISTANCE OF 285.40 FEET, TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINING 0.4879 ACRES / 21,251.59 SQUARE FEET.

THIS LEGAL DESCRIPTION WAS CREATED ON MAY 10, 2018 BY ALBERT R. JONES, III, OK PLS #1580, WITH THE BASIS OF BEARING BEING N 88° 29' 05" E ALONG THE NORTH LINE OF LOT SEVEN (7), BLOCK ONE (1), OAKVIEW ESTATES, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, RECORDED AS PLAT NUMBER 840.

Legal Description (Tract B)

A PART OF LOT SEVEN (7), BLOCK ONE (1), OAKVIEW ESTATES, BEING A SUBDIVISION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SW/4 NW/4) AND THE NORTH HALF OF THE SOUTHWEST QUARTER (SW/2 SW/4) OF SECTION TWENTY (20), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST OF THE ROCKY MOUNTAIN AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, RECORDED AS PLAT NUMBER 840.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT SEVEN (7), BLOCK ONE (1), OAKVIEW ESTATES (PLAT NO 840), TULSA COUNTY, STATE OF OKLAHOMA; THENCE N 81° 29' 05" E, ALONG THE NORTH LINE OF SAID LOT SEVEN (7), A DISTANCE OF 75.00 FEET; TO THE MID POINT OF THE NORTH LINE OF SAID LOT SEVEN (7); THENCE S 01° 02' 30" E, A DISTANCE OF 284.30 FEET; TO THE NORTH-EAST CORNER OF SAID LOT SEVEN (7); THENCE S 01° 25' 19" E, ALONG THE EAST LINE OF SAID LOT SEVEN (7), A DISTANCE OF 284.30 FEET; THENCE S 85° 05' 38" W, A DISTANCE OF 74.07 FEET; THENCE N 01° 32' 30" W, A DISTANCE OF 284.30 FEET, TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINING 0.4889 ACRES / 21,210.42 SQUARE FEET.

THIS LEGAL DESCRIPTION WAS CREATED ON MAY 10, 2018 BY ALBERT R. JONES, III, OK PLS #1580, WITH THE BASIS OF BEARING BEING N 88° 29' 05" E ALONG THE NORTH LINE OF LOT SEVEN (7), BLOCK ONE (1), OAKVIEW ESTATES, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, RECORDED AS PLAT NUMBER 840.

Notes

1. ABSTRACT OF TITLE OR ATTORNEY'S TITLE OPINION NOT AVAILABLE TO SURVEYOR AT DATE OF SURVEY.
2. THIS FIRM WAS NOT CONTRACTED TO RESEARCH EASEMENTS OR ENCUMBRANCES OF RECORD. NO ATTEMPT TO RESEARCH THE COUNTY RECORDS OR OTHER RECORD OFFICES WAS PERFORMED BY THIS FIRM, THEREFORE EASEMENTS MAY AFFECT THE SUBJECT TRACT THAT ARE NOT REFLECTED BY THIS PLAT.
3. THE BASIS OF BEARING IS BASED ON THE NON-ASTRONOMICAL GRID BEARINGS OF THE OKLAHOMA STATE PLANE COORDINATE SYSTEM NAD83 - ZONE NORTH 3501.

Surveyor's Statement

I, ALBERT JONES III, 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.

ALBERT JONES III
ALBERT JONES III
PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1580
5-15-18



PREPARED FOR:	JOHN DREHME
CHECKED BY:	ARJ
DRAWN BY:	JMH
SURVEY DATE:	05/09/18
JOB NUMBER:	11237
BOOK/PAGE:	DIGITAL
FILE NUMBER:	1913-2000



THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS OF THE STATE OF OKLAHOMA. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE COUNTY RECORDS AND OTHER RECORD OFFICES AND HAS DETERMINED THAT THERE ARE NO EASEMENTS OR ENCUMBRANCES OF RECORD THAT AFFECT THE SUBJECT TRACT. THE SURVEYOR HAS ALSO REVIEWED THE RECORDS OF THE COUNTY RECORDS AND OTHER RECORD OFFICES AND HAS DETERMINED THAT THERE ARE NO EASEMENTS OR ENCUMBRANCES OF RECORD THAT AFFECT THE SUBJECT TRACT.

RECORD YOUR JOB
CONTACT US TODAY
1-800-422-4543
LET US HELP YOU WITH YOUR SURVEYING NEEDS
TO THE BEST OF OUR ABILITY



2630 E 36th St.



WHITE SURVEYING COMPANY

9936 EAST 66TH PLACE TULSA, OKLAHOMA 74146 (918) 663-0924



1"=40'

MORTGAGE INSPECTION REPORT

LEGEND

- F- FENCE
- U/E UTILITY EASEMENT
- D/E DRIVEWAY EASEMENT
- M/P METERING POINT
- B/E BURIED ELECTRIC & TELEPHONE CABLE EASEMENT (APPROXIMATE LOCATION)
- B.L. BUILDING LINE
- O.B.L. OUTBUILDING LINE



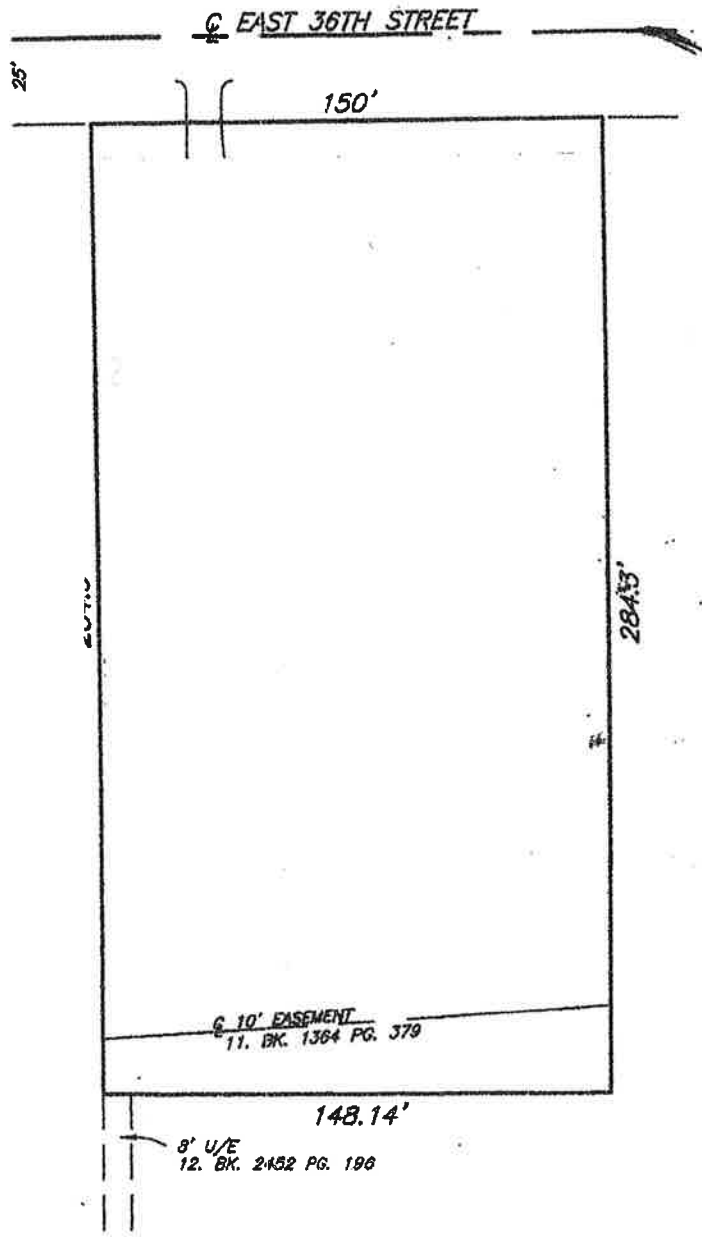
BEFORE YOU DIG, CALL ONE 1-800-522-6543

INVOICE NO.: FTA 17-86381
MORTGAGOR: THE CATHERINE ALLISON GREENE REVOCABLE TRUST

CLIENT: FIRSTTITLE & ABSTRACT SERVICES, LLC.
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
116222

THIS PROPERTY LIES IN ZONE "X-UNSHADED" FLOOD HAZARD AREA PER F.I.R.M. NUMBER 40143C0352L, AS LAST REVISED 10/16/12.

existing Lot



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