

AG

SUBJECT TRACT

E 161st ST S

S 145th E AVE

AG

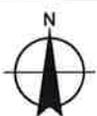
S 157th E AVE

E 169th ST S



CBOA-2773

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17-14 27

**BOARD OF ADJUSTMENT
CASE REPORT**

STR:7427

Case Number: CBOA-2773

CZM:69

PD:

HEARING DATE: 10/15/2019 1:30 PM

APPLICANT: Kyle Gibson

ACTION REQUESTED: Variance of the minimum frontage requirement on a public street/dedicated right of way from 30 ft to 0 ft in the AG district to permit a lot split. (Section 207)

LOCATION: E of the SE/c of S. 145th E. Ave. & E. 161st St. S. **ZONED:** AG

PRESENT USE: Vacant/Agriculture

TRACT SIZE: 75 acres

LEGAL DESCRIPTION: E/2 NW LESS BEG NEC NW TH W330 S660 E330 N660 POB SEC 27 17 14 75ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property: None relevant

Surrounding Property:

CBOA-2528 March 2015: The Board **approved** a *variance* of the minimum required frontage on a public street from 30 feet to 0 feet to permit a lot split creating Tract B, Tract C, and Tract D; *Variance* of the minimum lot area requirement in an AG District from 2.0 acres to permit Tract A (1.55 acres); *Variance* of the required land area per dwelling unit in the AG District from 2.1 acres to allow Tract A (1.55 acres), Tract C (2.06 acres), on property located at 15520 East 161st Street, Bixby.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by AG zoned residences and undeveloped lots.

STAFF COMMENTS:

The applicant is before the Board requesting a **Variance** to reduce the minimum required frontage on a public street or dedicated right-of-way from 30' to 0' (Sec. 207) to permit a Lot-Split. **Section 207** of the Code requires owners of land utilized for residential purposes to own 30 feet of frontage on a public street or dedicated right-of-way. The Code attempts to ensure that each parcel used for a residential purpose has public access and emergency access.

The applicant provided the following hardship: *"The current zoning of the land is AG. For the property owner of the parent tract to maintain his land in the current zoning, access needs to remain under his ownership. Owner is willing to assign a 30' Mutual Access Easement to allow access to the two lots created from the lot split."*

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The applicant is proposing to perform a lot-split of the existing 75 acre tract of property to create three tracts. Tract A will be 70 acres, Tract B will be 2.5 acres, and Tract C will be 2.5 acres. Tracts B and C do not have access to a public street or dedicated right-of-way. According to the survey the client submitted, the applicant will provide a Mutual Access Easement to Tracts B and C providing access to East 161st Street South.

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:

“Move to _____ (approve/deny) a Variance of the minimum frontage requirement on a public street/dedicated right of way from 30 ft to 0 ft in the AG district to permit a lot split. (Section 207)

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 _____.

In granting a Variance, the Board must find that 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.

Mr. Hutchinson stated that by the pictures in the Board's agenda packet there are two single wide mobile homes across the street.

Mr. Crall stated that the Board always appreciates a client coming to the Board first. His quandry is was Mr. McLaughlin given the opportunity to choose the correct housing and he did not. Or was everything so vague that he did not understand what was being told to him or asked of him.

Mr. West stated that he believes it is a misunderstanding. When the terminology "manufactured home" is used most people assume that every mobile home is a manufactured home. Once Mr. McLaughlin was advised that a single wide mobile home requires to go before the Board he immediately completed an application, he did not just try to get by with the offense.

Mr. Dillard asked Mr. West how all five lots could be tied together. Mr. West stated that Mr. McLaughlin would need to apply for a lot combination through INCOG. Mr. West suggested the Board could place the condition on an approval, if they are so inclined, to only allow one single wide mobile home on the five lots, that way in the future there would not be two, three or four mobile homes on the subject property.

Ms. Miller stated the Board could also impose a time limitation for the single wide mobile home, then the applicant would come back before the Board for an evaluation of the effects on the neighborhood. The lot combination process is a very simple process at INCOG.

Mr. Hutchinson asked Mr. West if the other three mobile homes were on a time limitation. Mr. West stated they should have been because they are in an RS District but it does not seem that they have, or had, a time limitation placed on them.

Board Action:

On **MOTION** of **CRALL**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Walker "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the request for a **Special Exception** to allow a manufactured home in the RS District (Section 410, Table 1), subject to all five lots being tied together through a lot combination. This approval will be for five years, March 2020. There is a requirement that of an all weather surface for the parking; for the following property:

LTS 9-13 BK 49, TANEHA, OF TULSA COUNTY, STATE OF OKLAHOMA

2528 – Fred Kerr

FILE COPY

Action Requested:

Variance of the minimum required frontage on a public street from 30 feet to 0 feet to permit a lot split creating Tract B, Tract C, and Tract D (Section 207); **Variance** of the

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minimum lot area requirement in an AG District from 2.0 acres to permit Tract A (1.55 Acres); Variance of the required land area per dwelling unit in the AG District from 2.1 acres to allow Tract A (1.55 acres), Tract C (2.06 acres), and Tract D (2.06 acres) (Section 330, Table 3). LOCATION: 15520 East 161st Street, Bixby

Presentation:

Mitch Ingram, 103 West Honolulu Street, Broken Arrow, OK; stated this relief is for a lot split to allow four lots for family. They would like to have the lot split to allow each family member to have land to build permanent stick and framed houses. On both sides of the lots there are single wide mobile homes, but they want to build permanent houses. The family has worked hard to clean up the land because it originally looked like a junk yard. The hardship for the land is that there is only 160 feet of frontage and in order to build a house on the front lot and requiring easements on each of the lots it would take 90 feet away just for the easements thus the request for only one 30 foot easement. On the east side of the property there are several irregular areas because the previous owner divorced causing a portion to be deeded to his ex-wife. In the rear, Tracts C and D, at least a third of the land is covered in a wooded creek area where building cannot be done.

Mr. Crall asked Mr. Ingram if an easement on the west of the property had been explored. Mr. Ingram answered affirmatively. He is friends with the western land owner and asked him if he could purchase some of the land for the easement and he is not interested in selling.

Interested Parties:

Fred Kerr, 13018 East 183rd Place South, Bixby, OK; stated the easement can be moved to either side of the property, so one straight line can be obtained on either side. He is Mitch Ingram's father-in-law and the property will be for his two daughters, a father-in-law and himself.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CRALL**, the Board voted 4-0-0 (Crall, Dillard, Hutchinson, Walker "aye"; no "nays"; no "abstentions"; Charney "absent") to **APPROVE** the request for a Variance of the minimum required frontage on a public street from 30 feet to 0 feet to permit a lot split creating Tract B, Tract C, and Tract D (Section 207); Variance of the minimum lot area requirement in an AG District from 2.0 acres to permit Tract A (1.55 Acres); Variance of the required land area per dwelling unit in the AG District from 2.1 acres to allow Tract A (1.55 acres), Tract C (2.06 acres), and Tract D (2.06 acres) (Section 330, Table 3). The Board has found the hardship to be the irregular shape of the property and the flood area in the rear; for the following property:

E/2 E/2 NW NE LESS E170 N257 & LESS S522.72 N779.72 E100 THEREOF SEC 27 17 14 7.797ACS, OF TULSA COUNTY, STATE OF OKLAHOMA



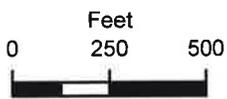
S 145th E AVE

E 161st ST S

E 169th ST S

S 157th E AVE

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 Subject Tract

CBOA-2773

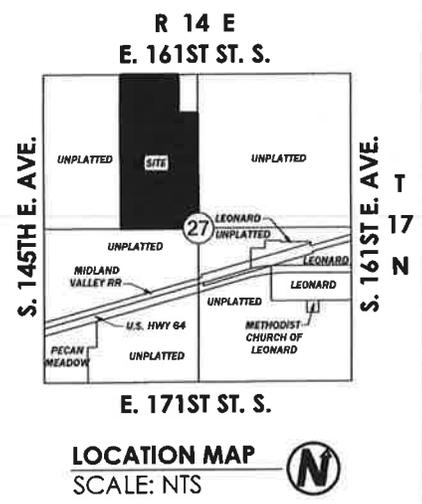
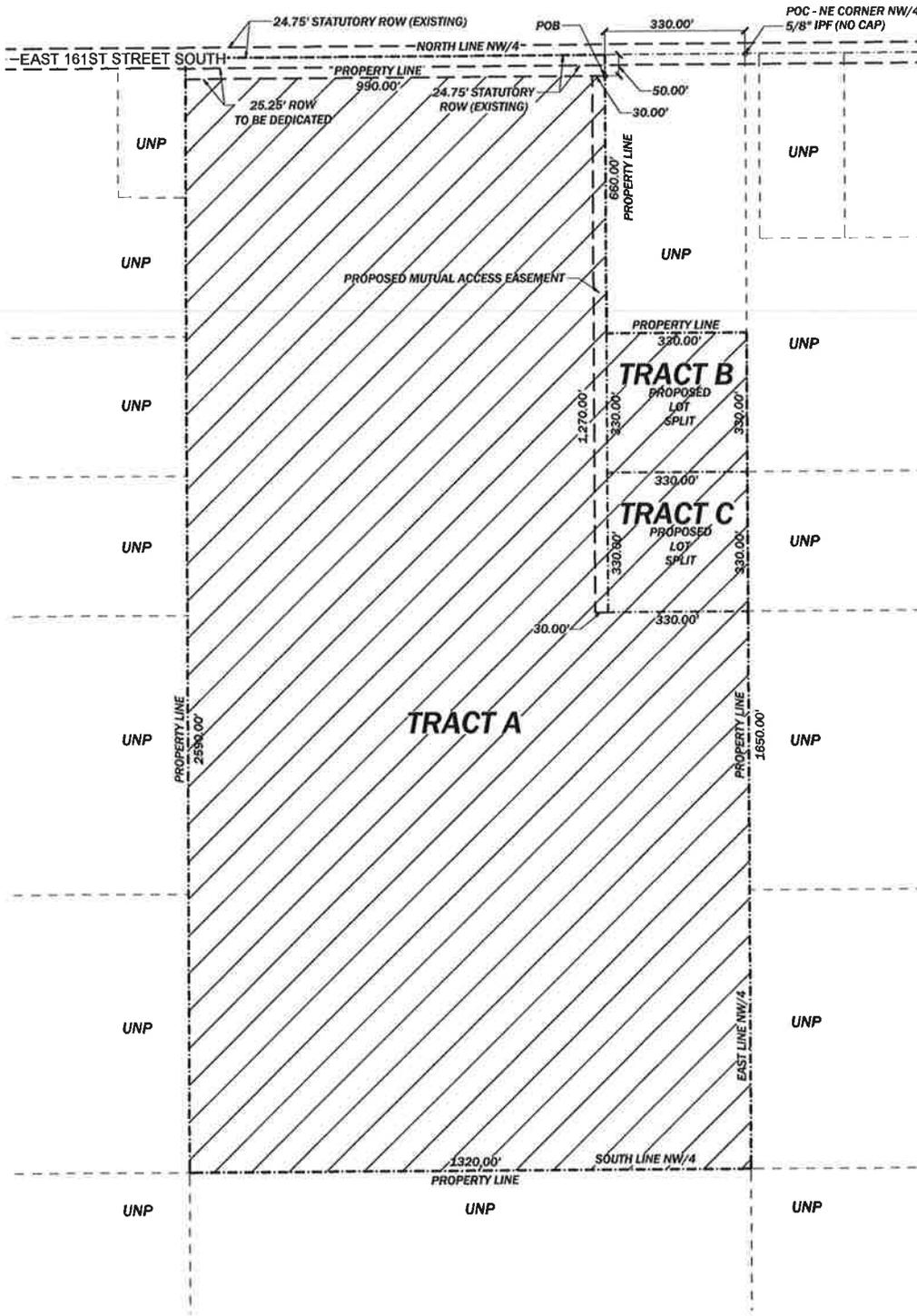
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Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

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TRACT A EXHIBIT 
 SCALE: 1"=400'

LEGEND:
 POB - POINT OF BEGINNING
 POC - POINT OF COMMENCEMENT
 NTS - NOT TO SCALE
 UNP - UNPLATTED

[19089 MYERS]
 LOT SPLIT
 8.27.2019

Exhibit "A.1"

Lot Split

ALIGN
 DESIGN GROUP
 918.499.0454
 551 South Quaker Avenue,
 TULSA OK 74120

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