

To	Planning Commission
Hearing Date	September 30, 2021
Case Number	JZ 21-674
Request	Rezoning from AG to RS-3 (Agriculture to Single-family Residential)
Location	11117 S Douglas
Applicant	Andrew Garrett

Staff Report

Preparer | Marcaé Hilton

Attachments

- CASE MAP
- DIAGRAM

Preparer

INCOG
Applicant

Background Information

STAFF COMMENTARY | This lot is located within Glenwood South. The applicant was in the process of adding an addition to their house when protective inspections alerted them to a rear yard setback encroachment. Glenwood South is zoned AG (Agriculture) despite the fact it is a platted residential subdivision. This is likely due to annexation, all properties are annexed into the City with an AG zoning (Sec. 110.3 of the Jenks Zoning Code) the property owner/developer should have asked for a change of zoning. When Glenwood South was platted in 1979 it was outside of the Jenks City Limits, and it was annexed later.

PLANNING DATA

Intended Use	No change Single-family Residential house addition
Zoning	AG (Agriculture)
Zoning Request	RS-3 (Single-family Residential) to meet rear yard setback
Comprehensive Plan	Medium Intensity Single-family
General Location	South of 111 th St. and West of HWY 75
Parcel ID	56015823524300
Property Address	11117 S DOUGLAS AV W
Plat	Glennwood South Platted in Tulsa County Plat No. 3950 September 10, 1979
Legal	LT 1 BLK 2 15 ft. Easement along North and East (rear) property line

Private Covenants Private Covenants whether a Deed of Dedication or HOA rules or other document are not enforced by the City of Jenks | Staff is not aware of any such violation with this request.

Gross Acres 0.28

SUPPLEMENTAL INFORMATION

Sec. 430. - Bulk and area requirements in residential districts. Table 3. BULK AND AREA REQUIREMENTS IN THE RE, RS & AG DISTRICTS

	RE	RS-1	RS-2	RS-3	APPLICANT	AG
LOT WIDTH (Min. Ft.) One Family	150 ¹	100	75	65	101	300
LOT AREA (Min. Sq. Ft.) One Family	24,000	13,500	9,000	6,900	12,180	2 ACRES
LAND AREA PER D.U. (Min. Sq. Ft.) One Family	28,375	16,000	10,875	8,400	12,180	2.5 ACRES
STRUCTURE HEIGHT (Max. Ft.)	35	35	35	35	X	35
LIVABILITY SPACE Per D.U. (min. sq. ft.)	12,000	7,000	5,000	4,000	4,000	
Front Yard Abutting a Public Street: Arterial	35	35	35	35	NA	35
—Not an Arterial	35	35	30	25	30+-	25
All Other Yards Abutting a Public Street: Arterial	20	20	20	20	NA	NA
—Not an Arterial	15	15	15	15	?	25
Rear Yards (min. ft.)	25	25	25	20	24.9	40
Side Yards (min. ft.) ⁴ —One side yard	15	10	10	10	15+-	10
—Other side yard	15	5	5	5	39.7	10

What Constitutes Spot Zoning | <https://plannersweb.com/2013/11/understanding-spot-zoning-2/>

The “classic” definition of spot zoning is “the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and to the detriment of other owners.” 1

Spot zoning is, in fact, often thought of as the very antithesis of plan zoning. 2 When considering spot zoning, courts will generally determine whether the zoning relates to the compatibility of the zoning of surrounding uses. Other factors may include; the characteristics of the land, the size of the parcel, and the degree of the

“public benefit.” Perhaps the most important criteria in determining spot zoning is the extent to which the disputed zoning is consistent with the municipality’s comprehensive plan.

Staff Evaluation & Recommendation

Evaluation | Staff received this application from Protective Inspections; Mr. Garrett submitted an application to add on to his home but was stopped by the building inspector citing a violation/encroachment into the rear yard setback. The zoning might appear to be spot zoning if glancing at a zoning map, however, in this case staff believes the entire subdivision should have had the zoning changed as a condition of annexation. The lots inside this subdivision are non-conforming.

Staff Comments | the new structure cannot encroach the easement.

Recommendation | Staff recommends approval of change in zoning.

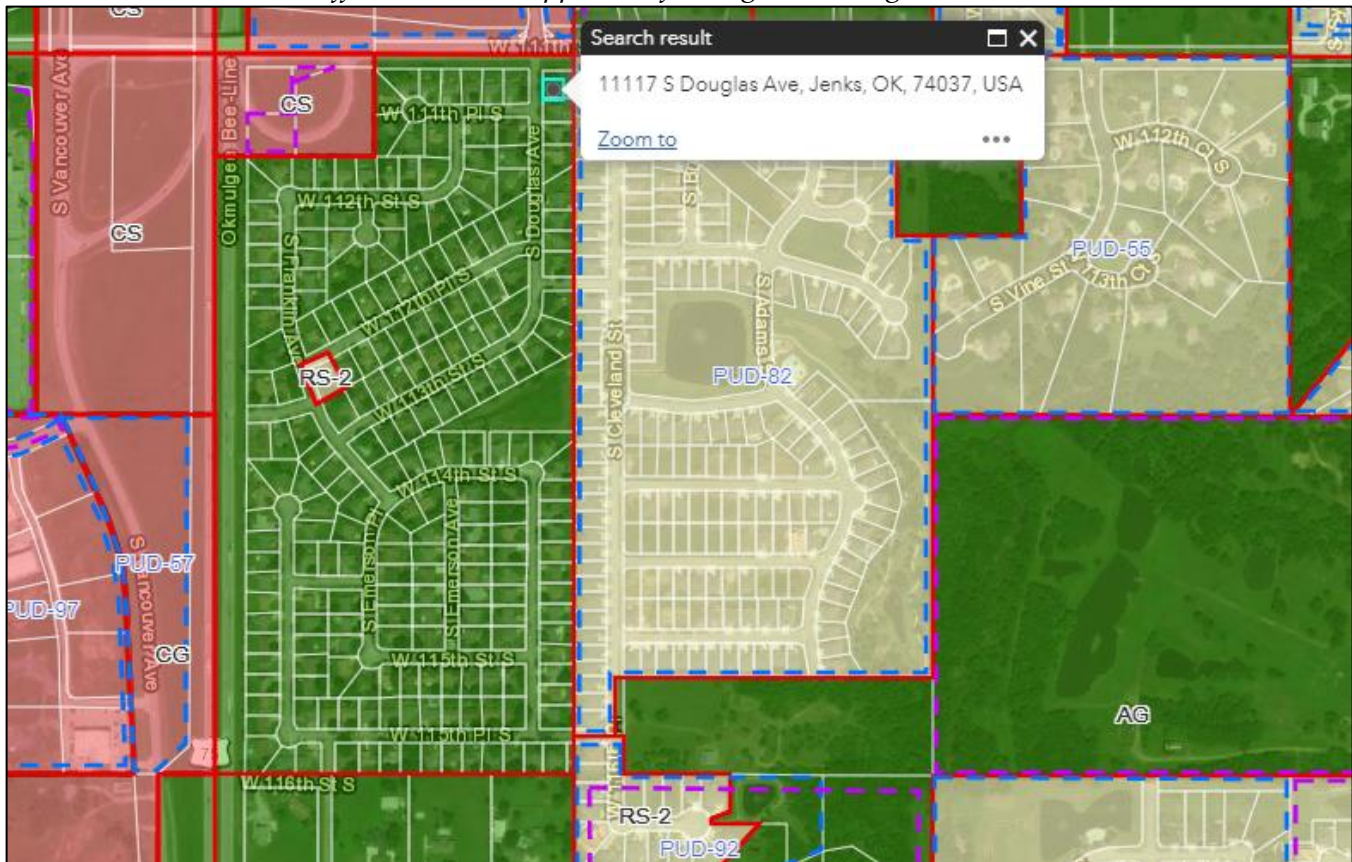


Figure 1: Zoning Map with Aerial View



Figure 2: Medium Intensity Single-family

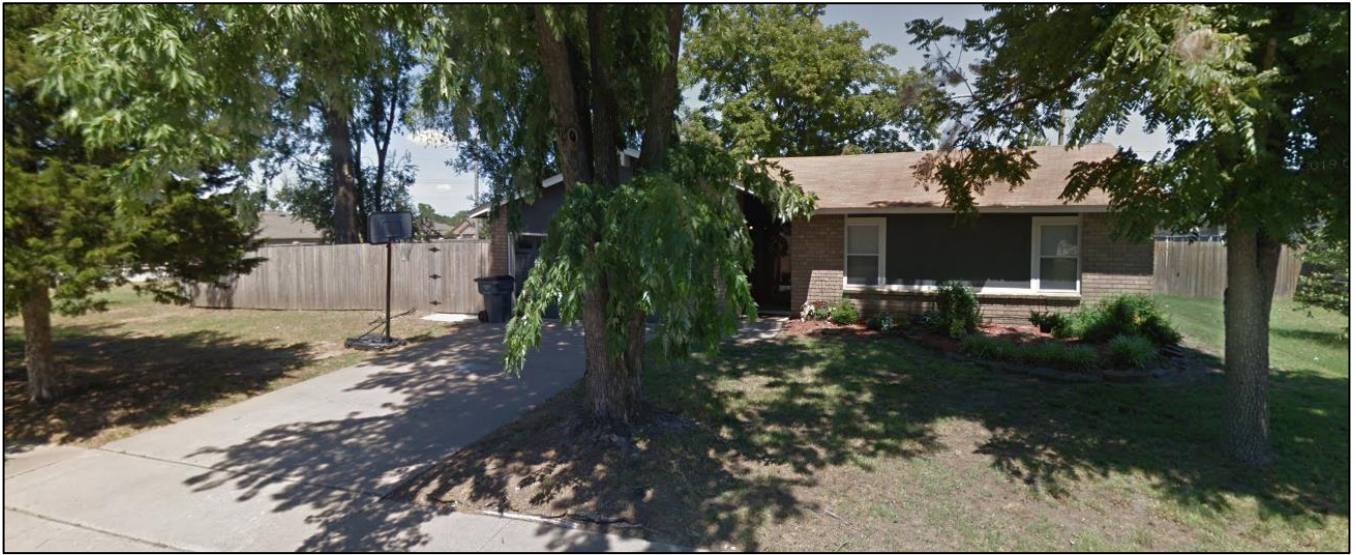


Figure 3: google earth view

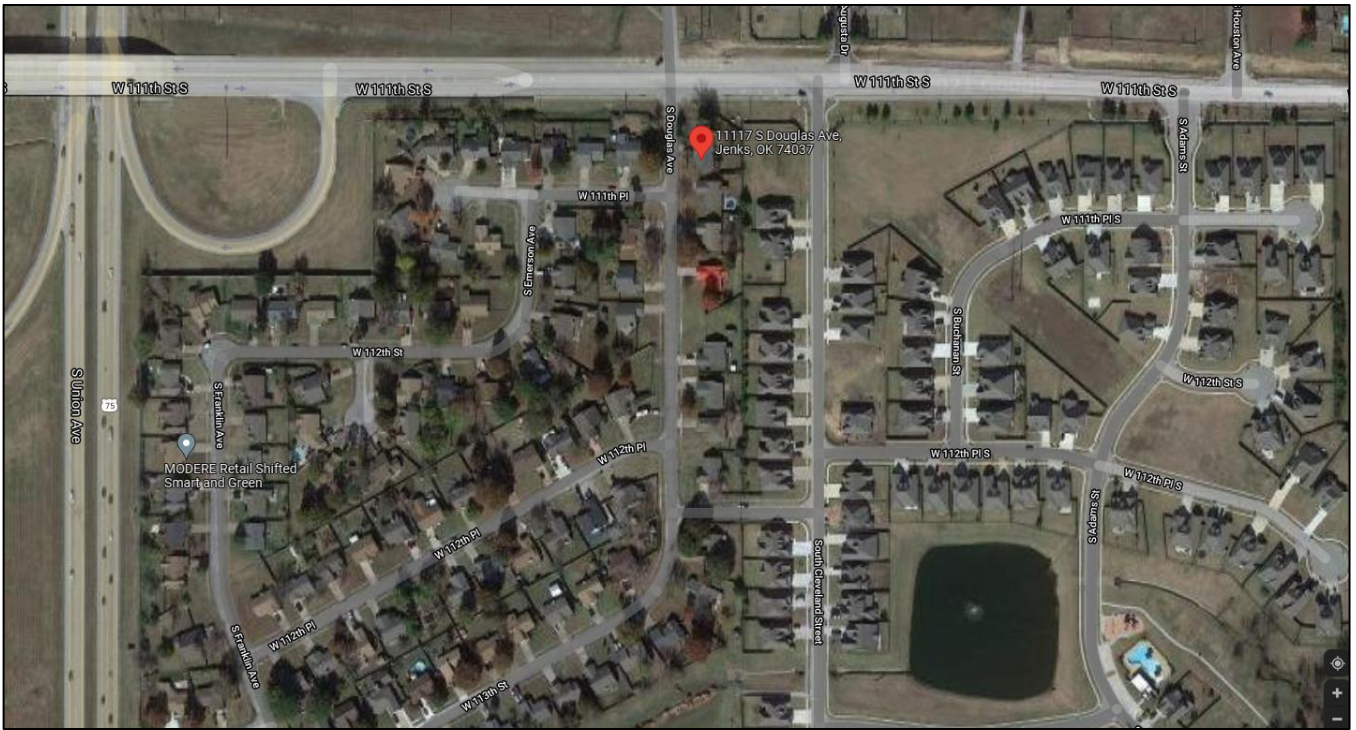


Figure 4: Haddington Heights Plat snippet



Figure 5: Google Earth view of back yard and shared screening