BOARD OF ADJUSTMENT
CASE REPORT

STR: 9330
CZM: 47
CD: 9
HEARING DATE: 02/11/2020 (Continued from 01/28/2020) 1:00 PM

APPLICANT: John Wyrrick

ACTION REQUESTED: Special Exception to permit a fence in the street setback to exceed 4 ft in height (Sec. 45.080-A)

LOCATION: 4141 S ZUNIS AV E
ZONED: RE

PRESENT USE: Residential
TRACT SIZE: 47615.63 SQ FT

LEGAL DESCRIPTION: LT 3 BLK 1, BOLEWOOD ACRES

RELEVANT PREVIOUS ACTIONS: None.

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 Located South of the SE/c of S. Zunis Ave and East 41st Street S.

STAFF COMMENTS: The applicant is requesting Special Exception to permit a fence in the street setback to exceed 4 ft in height (Sec. 45.080-A)
Section 45.080  Fences and Walls

45.080-A Fences and walls within required building setbacks may not exceed 8 feet in height, except that in required street setbacks fences and walls may not exceed 4 feet in height. However, in R zoned districts, fences up to 8 feet in height are permitted in side street setbacks of detached houses or duplexes located on corner lots and in street setbacks abutting the rear lot line of houses or duplexes located on double frontage lots. The board of adjustment is authorized to modify these fence and wall regulations in accordance with the special exception procedures of Section 20.1201.

SAMPLE MOTION:

Move to _________ (approve/deny) a Special Exception to permit a fence in the street setback to exceed 4 ft in height (Sec. 45.080-A)

- Per the Conceptual Plan(s) shown on page(s) ______ of the agenda packet.

- Subject to the following conditions (including time limitation, if any):

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
Subject Tract, fence has already been installed

Facing South on Zunis
Subject Tract
Subject Tract

BOA-22844

19-13 30

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

Aerial Photo Date: February 2018
Tulsa County Board of Adjustment
2 West 2nd St.
Tulsa, Ok.

Ref: 4141 S. Zunis ave., Tulsa, Ok.
Lot(3) Block (1) Bolewood Acres

Re: Fence Violation Appeal / Request for Special Exception

Type of Fence: 8' Ornamental Iron with gates (auto openers)
The fence is totally see thru

Setback from road: 40' from the edge of asphalt (no curb and gutter)

Other properties in Bolewood Acres with Fences that are in violation of Estate Zoning violations with regard to fences:

4222 S. Victor ave. - Fence is solid, 5' tall, is only 26' to 27' back from the edge of the street

4111 S. Wheeling ave. - Fence is 6' tall, solid, 10' back from the edge of the street

2120 E. 46th st. - Masonry wall is 6' to 8' tall, 15 to 20' from the edge of the street

1810 and 1833 E. 43rd - Gates and fences outside setback limits, taller than 4'

* None of these properties applied for or received special exemptions or variances from The Tulsa County Board of Adjustment or INCOG

** Bolewood Acres and the RE Zoning extends (in part) into the south side of E. 46th st to 41st. and from Lewis ave. to just west of Victor Ave.

Request: Special Exception due to the following

- the fence is for security purposes due to the health condition of one of the property owners. This fence will allow his dogs to be in the front yard as needed for security
- the fence does not obstruct the view of the house unlike some of the others in violation
- the fence is ornamental in nature and sets well back from the road and is in keeping with the original building guidelines set forth by the property owner/developer.
- The fence is 40' back from the road and Estate Zoning has a 35' set back
- For all practical purposes, the HOA is non-existent and inactive
- The owners visited with their neighbors to their south and they approved of the fence
Mr. Chapman

Kendall said I could email photos regarding this case to you. The first 4 are of the subject property. The fifth one is of 4222 S. Victor Ave. The 6th one is of 2120 E. 46th st. Both of these are in Bolewood and both are much closer to the road, both are solid, and both are taller than 4’ in height. Thank you for your time and if you have any questions please don’t hesitate to call.

Sincerely

John Wyrrick
Applicant
Sent from my iPhone
Tulsa Board of Adjustment,

Nowhere in our neighborhood is there a fenced in front yard (especially six or seven feet).

I thought there were rules and regulations (codes) that prohibited such an eyesore. What's next portable storage buildings? We have to follow the rules, why doesn't Mr. Wyrrick?

Robert Moore, Bolewood Resident for 33 years
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