

BOA-22847

4.1

20-13 27



**BOARD OF ADJUSTMENT
CASE REPORT**

Case Number: **BOA-22847**

STR: 215

CZM: 30

CD: 3

HEARING DATE: 02/11/2020 1:00 PM

APPLICANT: Ken Kelly

ACTION REQUESTED: Special Exception to permit a fence in the street setback to exceed 4 ft in height (Sec. 45.080-A); Special Exception to allow a Barbed-wire fence in a Residential Zoning District (Sec. 45.080-C)

LOCATION: 6312 E VIRGIN ST N; 6238 E VIRGIN ST N; 6302 E VIRGIN ST N **ZONED:** RM-1

PRESENT USE: Multi-family

TRACT SIZE: 42693.33 SQ FT

LEGAL DESCRIPTION: LTS 1 & 2 BLK 3; LT 1 & 2 BLK 4; LTS 27 & 28 BLK 3, HOUSTON ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property: None

Surrounding Properties: 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 tracts are two separate properties located at the NW/c of E. Virgin Street and N. Norwood Pl. and Located at the NW/c of E. Virgin Street and N. Norwood Ave. The properties are multi family apartment building located immediately across Virgin from Tulsa MET Junior High and High School.

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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); **Special Exception** to allow a Barbed-wire fence in a Residential Zoning District (Sec. 45.080-C)

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 70.120.

45.080-B Electrical fence charger systems are prohibited, except for the following:

1. Electrical fence charger systems are allowed on parcels of land with an area of 10 acres or more, provided the system is not readily accessible to the public; and
2. Electrical fence charger systems are allowed on parcels of land with an area of less than 10 acres, provided that the conductors are located at least 8 feet above grade and are not readily accessible to the public.

45.080-C Barbed-wire and razor-wire fencing is prohibited in all districts except agricultural and industrial districts unless also approved in accordance with the special exception procedures of Section 70.120 (See Title 24, Sec. 103 of the Tulsa Revised Ordinances).

Title 24 Sec. 103 of the Tulsa Revised Ordinances Declares the following to be a public nuisance affecting public peace and Safety: ***All barbed wire fences which are located within three (3) feet of any public sidewalk.***

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); **Special Exception** to allow a Barbed-wire fence in a Residential Zoning District (Sec. 45.080-C)

- 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 property



Subject Property



Subject property





Subject property



Facing East on Virgin, Tulsa MET Junior High and High School is located immediately across Virgin from subject properties



Facing West on Virgin



Facing Northwest from N. Norwood Place



175. 2nd

Neighborhood Investigations
WORKING IN NEIGHBORHOODS

NOTICE OF VIOLATION – ZONING

To: AUGUSTA LLC
C/O DENNIS KELLY
9216 E 119TH PL
BIXBY, OK 74008

Date: 12/16/2019
Case: ZONV-26610-2019

Compliance Date: 1/6/2020

Dear Property Owner and/or Occupant,

You are hereby notified of zoning code violations at (legal) LTS 1 & 2 BLK 3
HOUSTON ADDN

City of Tulsa, TULSA County State of Oklahoma; And located at the address of:
6312 E VIRGIN ST N

Violations:

- | | | |
|--|---|--|
| <input type="checkbox"/> Home Occupations | <input type="checkbox"/> Mobile Storage Units | <input type="checkbox"/> Recreation Vehicles |
| <input type="checkbox"/> Commercial Vehicles | <input type="checkbox"/> Garage/Yard Sales | <input checked="" type="checkbox"/> Fences and Walls |
| <input type="checkbox"/> Accessory Uses | <input type="checkbox"/> Parking Surface | <input type="checkbox"/> Permit Needed |

Additional comments, descriptions or directions: Title 42 45.080-C
Barbed-wire and razor-wire fencing is prohibited in all districts except agricultural and industrial districts unless also approved in accordance with the special exception procedures of Section 70.120
Title 24 103 L All barbed wire fences which are located within three (3) feet of any public sidewalk; and

See back of page for what the resolution of each violation requires.

You still have time to correct the issue(s) at your property. To comply, must correct all violations prior to the compliance deadline listed on this notice above. If you are unable to correct any or all the violation(s) listed above, contact the Code Official listed below to work out an acceptable plan to bring your property into compliance. Ensure that all family members, employees, and/or contractors, etc. are familiarized with and adhere to these regulations. Additional notices will not be sent if recurring violations are found in the future.

Failure to make the correction may result in the issuance of a criminal citation or civil remedial penalties not to exceed \$1,000.00 per day. Failure to comply may also result in revoking or withholding permits, certificates or other forms of authorization issued by the City of Tulsa; and/or any other remedies allowed by law.

Your property is an important investment for you and the community. I urge you to make the necessary corrections to eliminate all violations so that no further enforcement will be necessary.

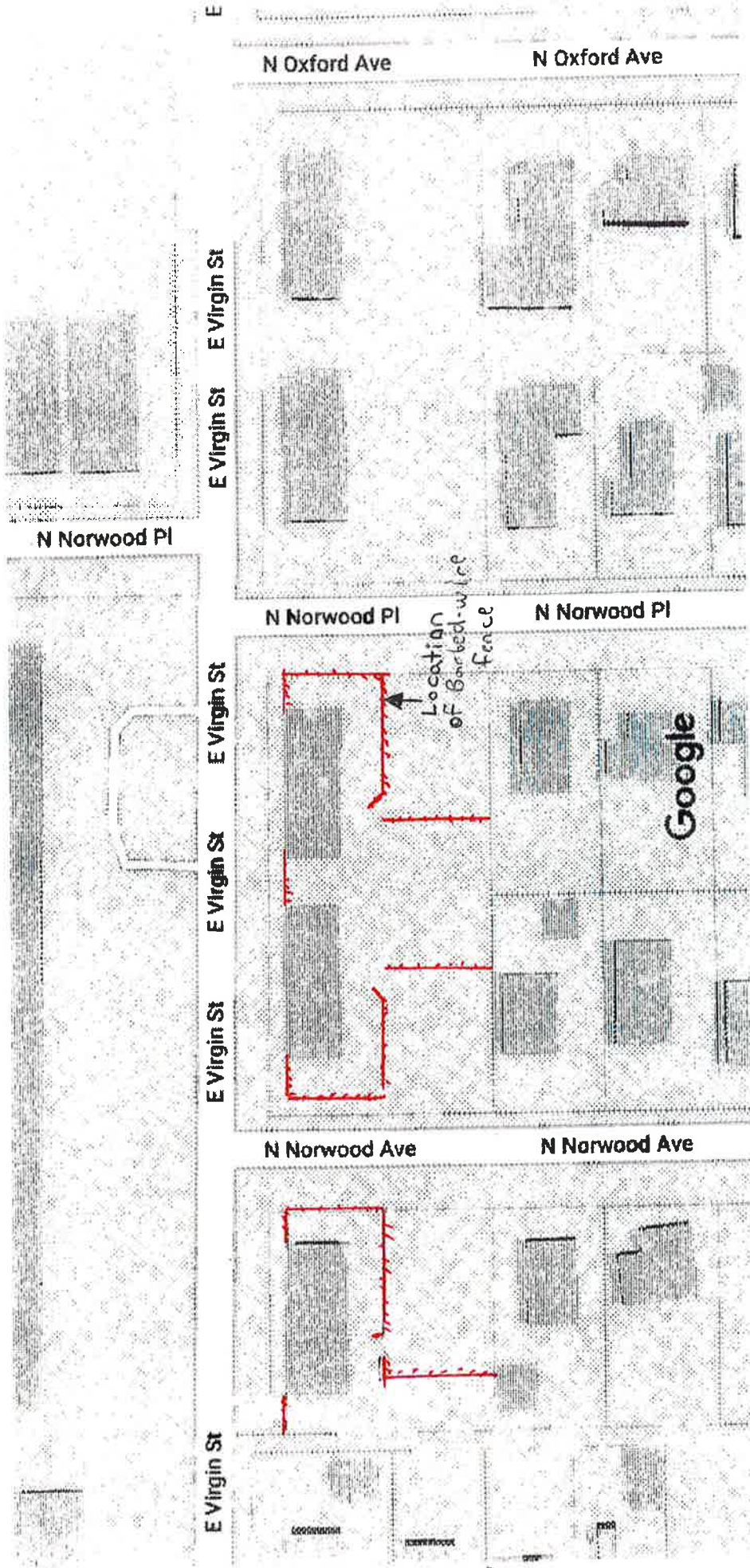
Please understand that it is ultimately the responsibility of the owner to ensure these violations are corrected. Any civil agreements or rental agreements do not alleviate the owner of this responsibility.

Thank you,

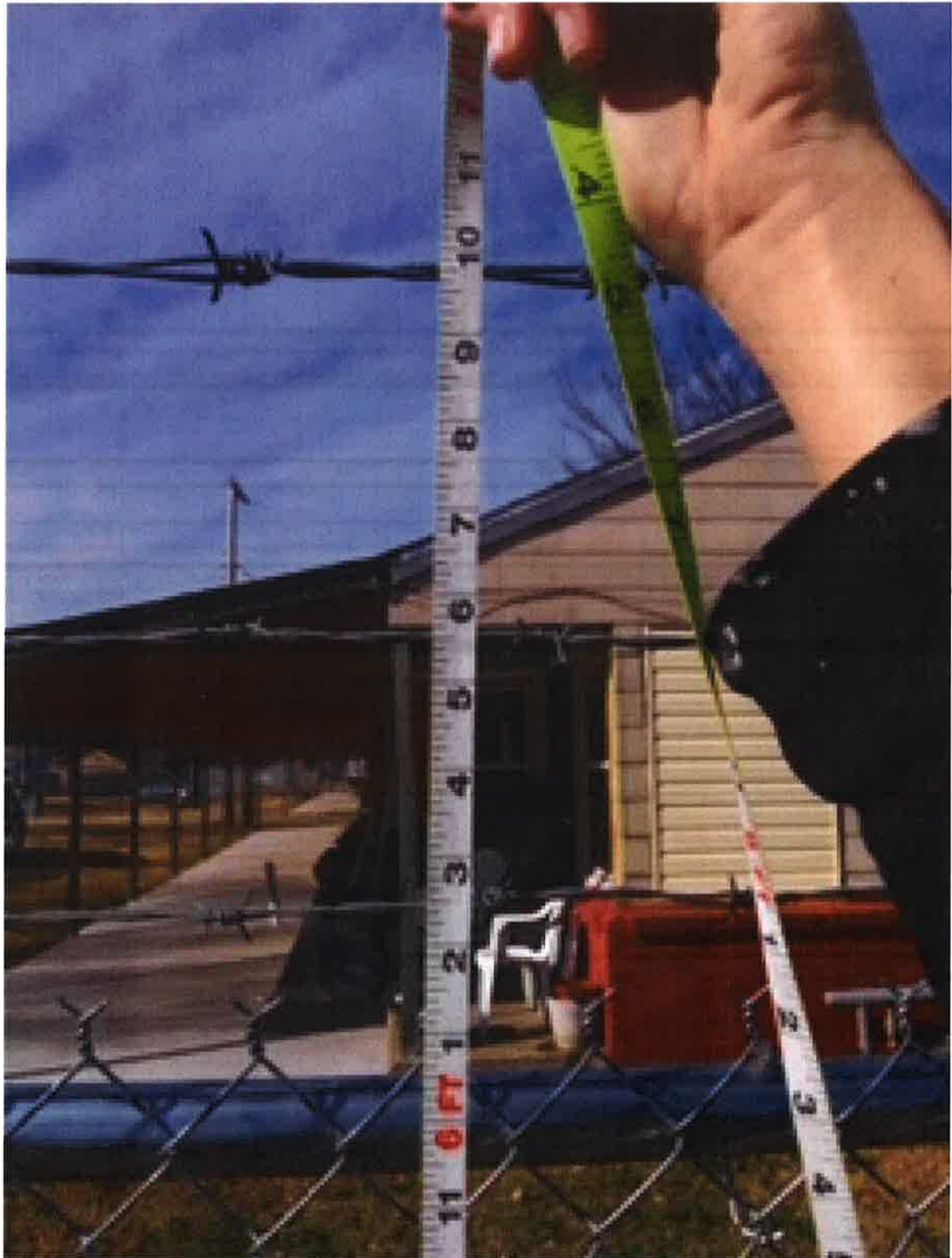
Tim Mills
City of Tulsa – Working in Neighborhoods
tmills@cityoftulsa.org
918-576-5694

Augustalcc
Ken Kelly 9186270345

Google Maps



Map data ©2020 50 ft



BOA-22847

N

Augusta, LLC

Virgin ST

10ft GRASS SIDE WALK 46feet

17feet

fence 17ft

6302 E Virgin ST

28.5ft fence

81.5ft

25ft 6312 E Virgin ST

32ft To fence

AWNING

51.5 fence

Property Line

Center Nonwood pt

W

Property Line

52 ft fence

25ft To Prop Line

43.5 fence

120.74 ft

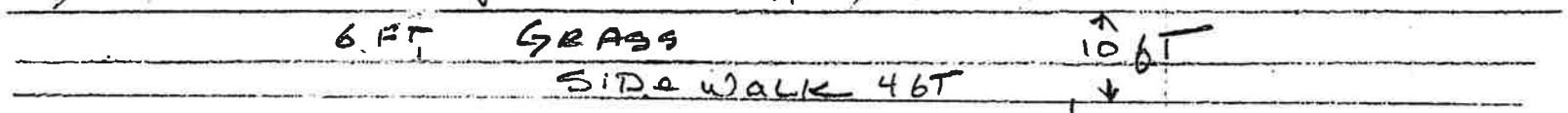
Street 24 ft

N

U

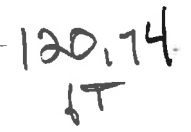
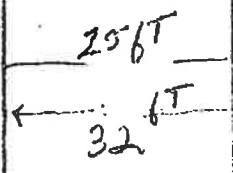
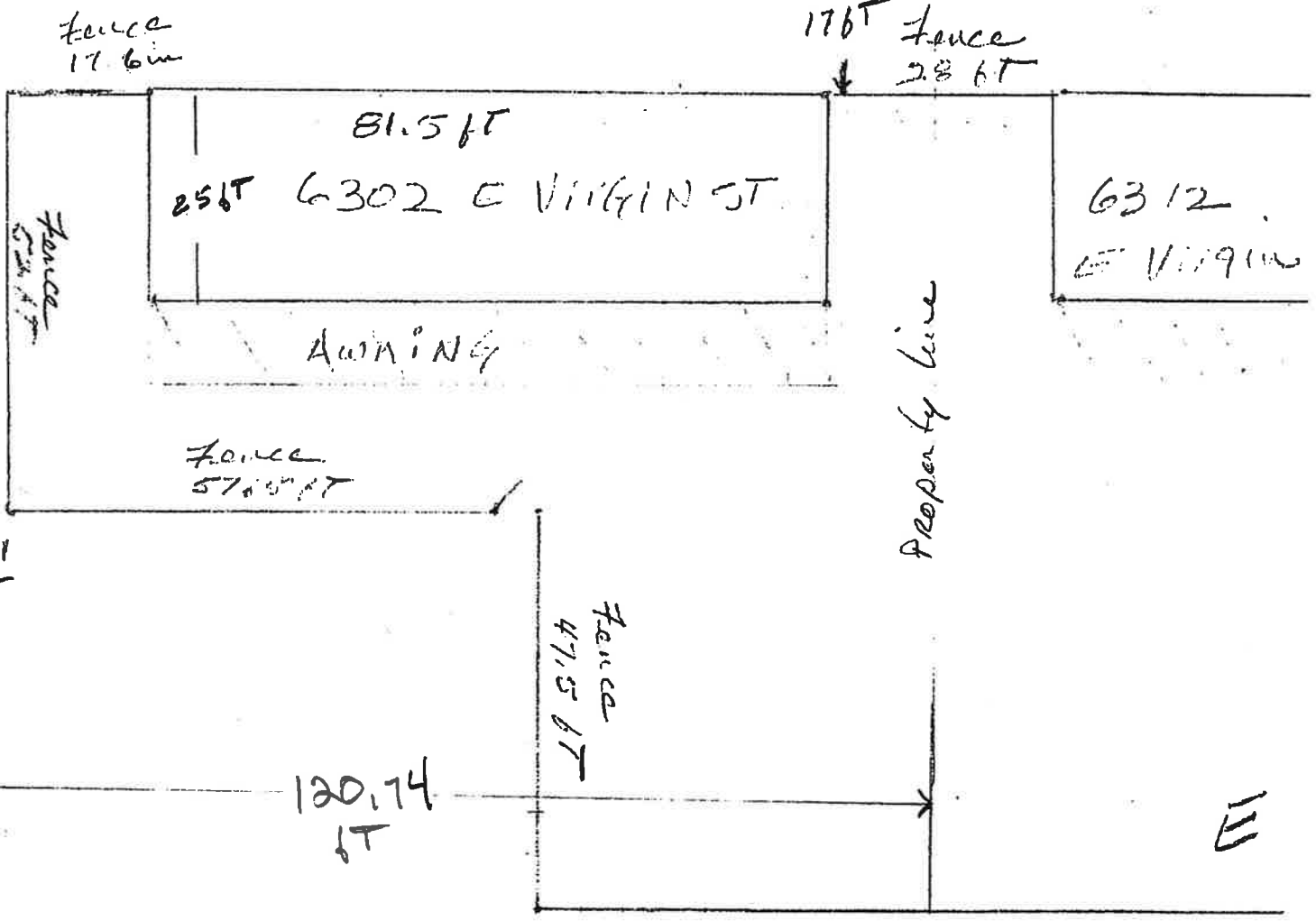
N BOA-22847 Augusta LLC

Virgin St



Center of 57 Norwood Ave

Property Line



S

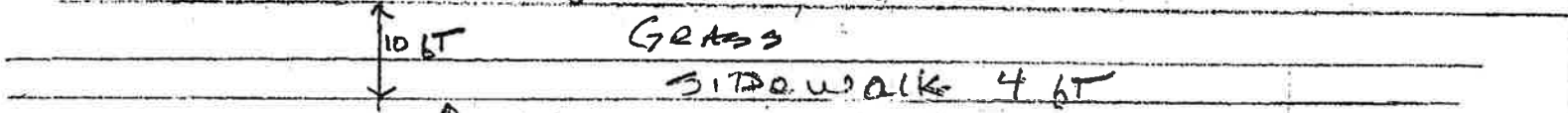
E

W

BOA 22847

Augusta GA

VIRGIN ST



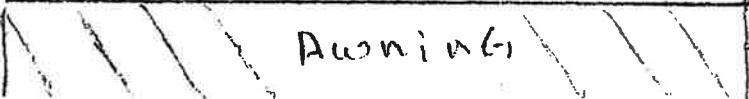
Fence 19 ft

17 ft

Fence 17 1/2 ft

81.4 Feet
6238 E VIRGIN ST

25 ft



Fence 55 ft

Neighbors Fence

Fence 25 ft

Fence 55 1/2 ft

Property line

32 ft

25 ft

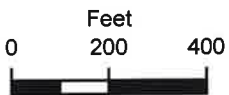
Norwood St

Center of Street

S

W

U



Subject Tract

BOA-22847

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

Aerial Photo Date: February 2018

4.14





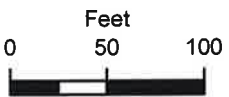
E VIRGIN ST

N NORWOOD PL

N MAPLEWOOD AVE

N NORWOOD AVE

N NORWOOD PL



Subject Tract

BOA-22847

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

Aerial Photo Date: February 2018

4.15



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