

**AMENDED (6/5/2020) BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9404

Case Number: **BOA-22883**

CZM: 39

CD: 6

HEARING DATE: 04/14/2020 1:00 PM

APPLICANT: Rita Garcia

ACTION REQUESTED: Special Exception to allow a fence or wall to exceed 8' in height and 4' in height in the street setback (Sec. 45.080-A) ~~and a Variance to allow a fence or wall to be located inside the City of Tulsa planned right-of-way along E. 11th St. S. (Sec. 90.090-A)~~

LOCATION: 13401 E 11 ST S

ZONED: OL,CS

PRESENT USE: Residential

TRACT SIZE: 435601.78 SQ FT

LEGAL DESCRIPTION: E/2 W/2 SE SW SEC 4 19 14 10ACS

RELEVANT PREVIOUS ACTIONS: None

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Mixed-use Corridor " and an "Area of " Growth.

Mixed-Use Corridors are Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

ANALYSIS OF SURROUNDING AREA: The subject tract is located East of the NE/c of S 129th E Ave and E. 11th Street S.

STAFF COMMENTS: The applicant is requesting Special Exception to allow a fence or wall to exceed 8' in height and 4' in height in the street setback (Sec. 45.080-A) ~~and a Variance to allow a~~

~~fence or wall to be located inside the City of Tulsa planned right-of-way along E. 11th St. S. (Sec. 90.090-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 70.120.

~~East 11th Street is a Secondary Arterial at this location and there is 50' of planned right-of-way north of the center line. The applicant provided a site plan that shows the structure located 41' from the center line of 11th Street. If approved the applicant would need to negotiate a removal agreement with City Engineering. A previous version of this staff report indicated the fence is within the City of Tulsa right-of-way, after talking with the applicant the revised site plan indicates the structure is 53' from the center of the 11th Street right-of-way meaning it is not within the right of way and the variance request is not needed and has been withdrawn.~~

~~**STATEMENT OF HARDSHIP:** None provided by the applicant.~~

SAMPLE MOTION:

Move to _____ (approve/deny) a **Special Exception** Special Exception to allow a fence or wall to exceed 8' in height and 4' in height in the street setback (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.

~~Move to _____ (approve/deny) a **Variance** to allow a fence or wall to be located inside the City of Tulsa planned right-of-way along E. 11th St. S. (Sec. 90.090-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 _____.~~

In granting the **Variance** 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.”~~

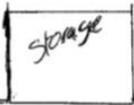
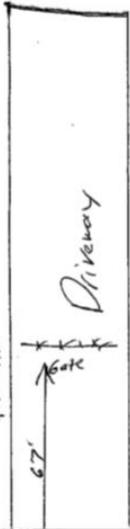
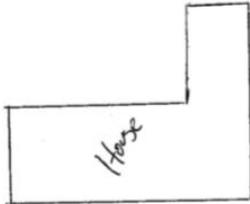


1 of 1

330

1720

1720



67'

53'

11th ST

