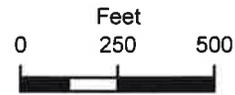


BOA-22883

22.1



19-14 04



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

22.2

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.

Section 90.090 Setbacks

90.090-A Measurement

Required setbacks are measured from the applicable lot line, right-of-way, planned right-of-way or location referred to below. Building setbacks are measured to the nearest exterior building wall. Minimum setbacks that apply to other features (parking areas, fences, storage areas) are measured from the nearest point of the area or feature for which a setback is required. See §90.090-C for information on structures and building features that are allowed to occupy setback and yard areas in R zoning districts. Unless otherwise expressly stated, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan. If a variance of the prohibition against location of a structure within the right of way or planned right of way is granted by the Board of Adjustment, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan, unless a license has been granted by the city, in the case of the right-of-way, or a removal agreement has been entered into, in the case of the planned right-of-way.

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 sturture located 41' from the center line of 11th Street. If approved the applicant would need to negotiate a removal agreement with City Engineering.

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)

22.3

- 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."*



Facing West on 11th Street



Subject Property

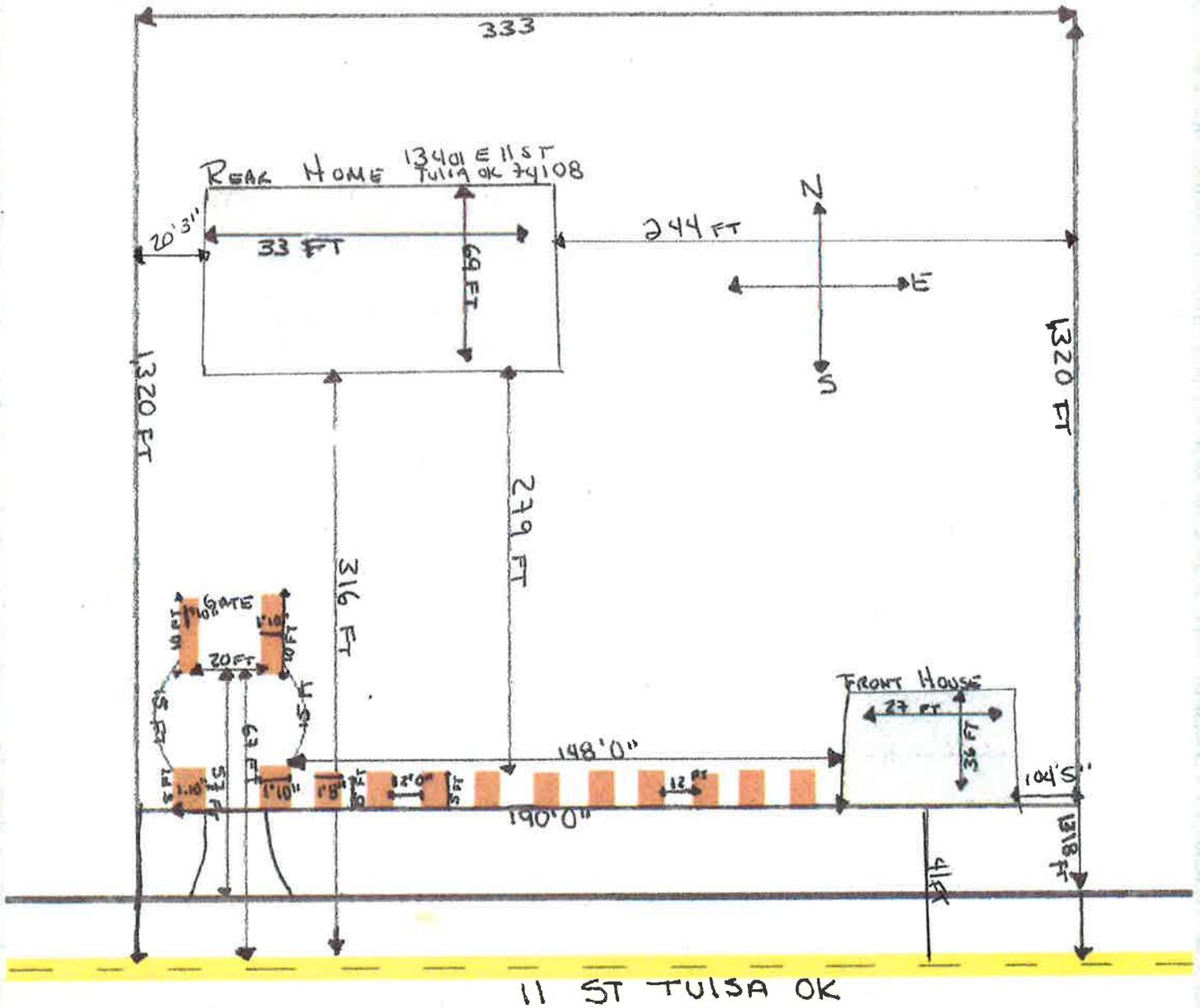


Subject Property



Facing East on 11th Street

SITE PLAN



PROJECT LOCATION AND LEGAL DESCRIPTION

The E/2 of the W/2 of the SE/4 of the SW/4 in Section 4, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, also known as 13401 East 11th Street.

379⁰²

Jeff S. Taylor
Zoning Official
Plans Examiner III
TEL(918) 596-7637
jstaylor@cityoftulsa.org



DEVELOPMENT SERVICES

175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103

ZONING CLEARANCE PLAN REVIEW

RITA YAMIRA GARCIA
yamiragrc2@yahoo.com

1/30/2020

APPLICATION NO: BLDR-51698-2019

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 13401 E 11th st s

Description: Entry Fence

INFORMATION ABOUT SUBMITTING REVISIONS

OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

REVISIONS NEED TO INCLUDE THE FOLLOWING:

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.

IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
3. A COPY OF A "RECORD SEARCH" IS ~~IS NOT~~ INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.)

(continued)

22.8
1

REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT WWW.CITYOFTULSA-BOA.ORG

Application No. **BLDR-51598-2019**

Note: As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

45.080-A Fences and walls within required building setbacks may not exceed 8 feet in height, except that in required street setbacks (front setback) 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 and duplexes located on double frontage lots.** The board of adjustment is authorized to modify these fences and wall regulations in accordance with the special exception procedures of Section 70.120.

Review Comments- Provide documentation indicating the proposed fence will not exceed 4' in height in the front setback and not exceed 8' in height measured from grade or apply to BOA for a special exception to allow a fence to exceed 8' in height.

This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter. A hard copy of this letter is available upon request by the applicant.

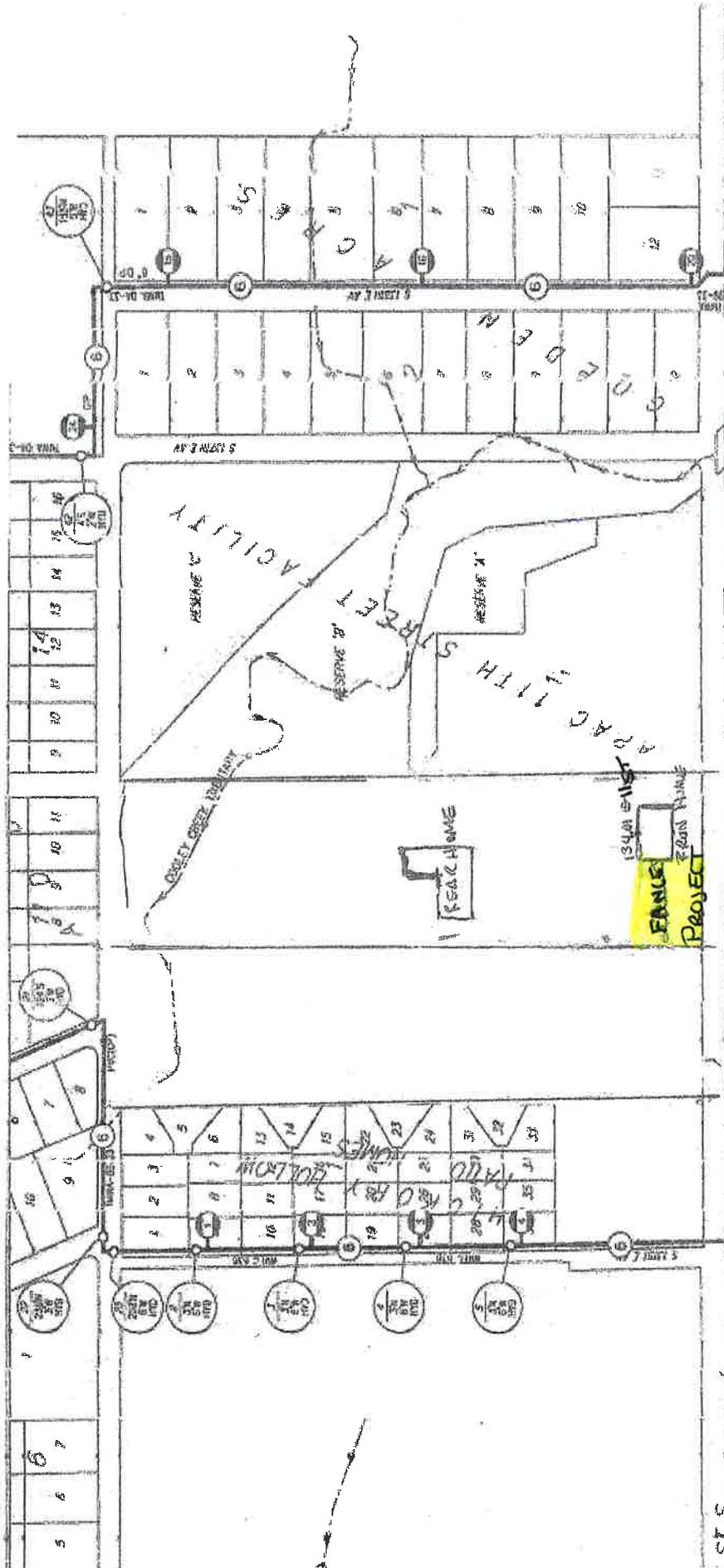
Please Notify Plans Examiner By Email When You Have Submitted A Revision. If you originally submit paper plans, revisions must be submitted as paper plans. If you submit online, revisions must be submitted online

END -ZONING CODE REVIEW

NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.

FANCES PROJECT
13401 E 11 ST TULSA OK 74108



11 ST TULSA OK 74108

S 1/2 SEC 4

22.10



110"

2'6"
3'6"

15 FT

4'8" 3/4"

10 FT

110"

2'6" UNDERGROUND FOOTING

3'6"
FOOTING

22.11

RANCHO LOS PINOS

20 Ft

STOP

5 Ft

190 Ft

7 Ft

5.0

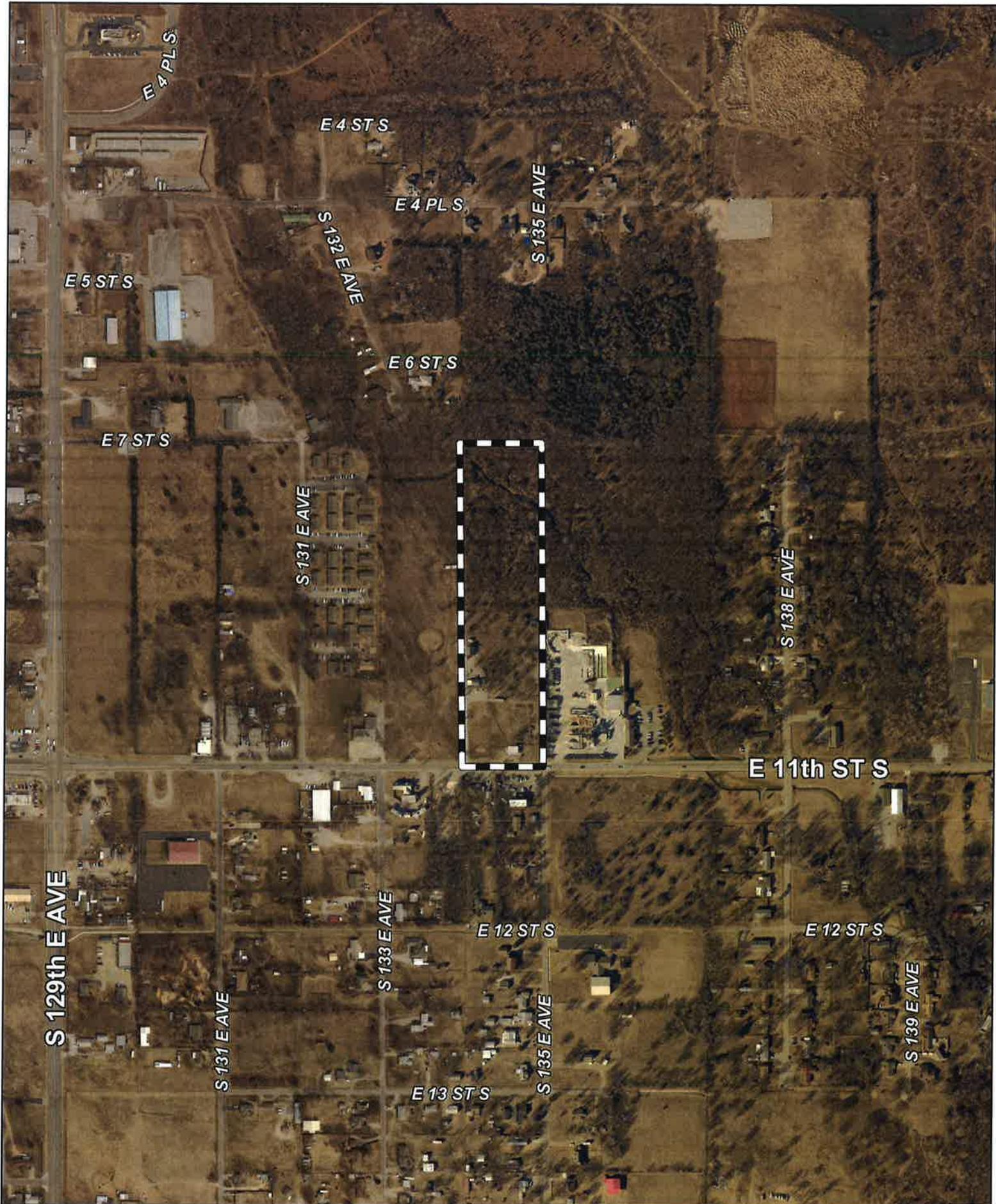
4.5

1.8

22.12



22.13



E 4 PLS

E 4 ST S

E 4 PLS

S 135 E AVE

E 5 ST S

S 132 E AVE

E 6 ST S

E 7 ST S

S 131 E AVE

S 138 E AVE

E 11th ST S

S 129th E AVE

E 12 ST S

E 12 ST S

S 131 E AVE

S 133 E AVE

S 135 E AVE

S 139 E AVE

E 13 ST S



 Subject Tract

BOA-22883

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

19-14 04

Aerial Photo Date: February 2018

