



CITY OF
Tulsa
Board of Adjustment

Case Number: BOA-23551

Hearing Date: 07/25/2023 1:00 PM

Case Report Prepared by:

Austin Chapman

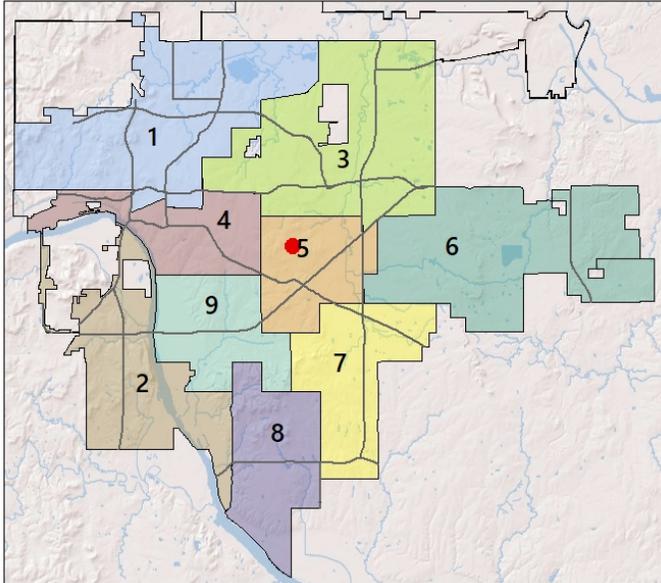
Owner and Applicant Information:

Applicant: Dustin Alphin

Property Owner: ARCE CONSTRUCTION LLC

Action Requested: Special Exception to increase the allowed fence height from 4-feet to 7-feet inside the street setback (Sec. 45.080-A)

Location Map:



Additional Information:

Present Use: Office

Tract Size: 0.46 acres

Location: 2122 S. 67 E. Ave.

Present Zoning: IM

**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9314

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CD: 5

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APPLICANT: Dustin Alphin

ACTION REQUESTED: Special Exception to increase the allowed fence height from 4-feet to 7-feet inside the street setback (Sec. 45.080-A)

LOCATION: 2122 S 67 AV E

ZONED: IM

PRESENT USE: Office

TRACT SIZE: 20159.65 SQ FT

LEGAL DESCRIPTION: BEG 210S & 14W NEC NE NE NW NW TH W168 S120 E168 N120 POB SEC 14 19 13 .463AC, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Local Center" Land Use designation.

Local Centers serve the daily needs of those in the surrounding neighborhoods. This designation implies that the center generally does not serve an area beyond the nearby neighborhoods. Typical uses include commercial or retail uses that serve the daily needs of nearby residents. In order to introduce a regional trip generator, the entire local center designation should be amended to be Regional Center with significant input from all affected properties and nearby neighborhoods.

STAFF ANALYSIS: Applicant is requesting a Special Exception to increase the allowed fence height from 4-feet to 7-feet inside the street setback (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 70.120](#).

Applicant is seeking permission for a 7-foot fence.

SAMPLE MOTION:

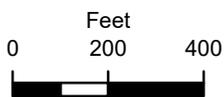
Move to _____ (approve/deny) a Special Exception to increase the allowed fence height from 4-feet to 7-feet inside the street setback (Sec. 45.080-A):

- 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.



Subject property



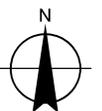
Subject
Tract

BOA-23551

19-13 14

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

Aerial Photo Date: 2021



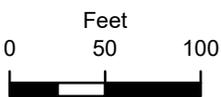


E 21ST ST S

S 69TH E AVE

S 67TH E AVE

E 21ST PL S



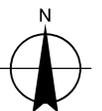
Subject Tract

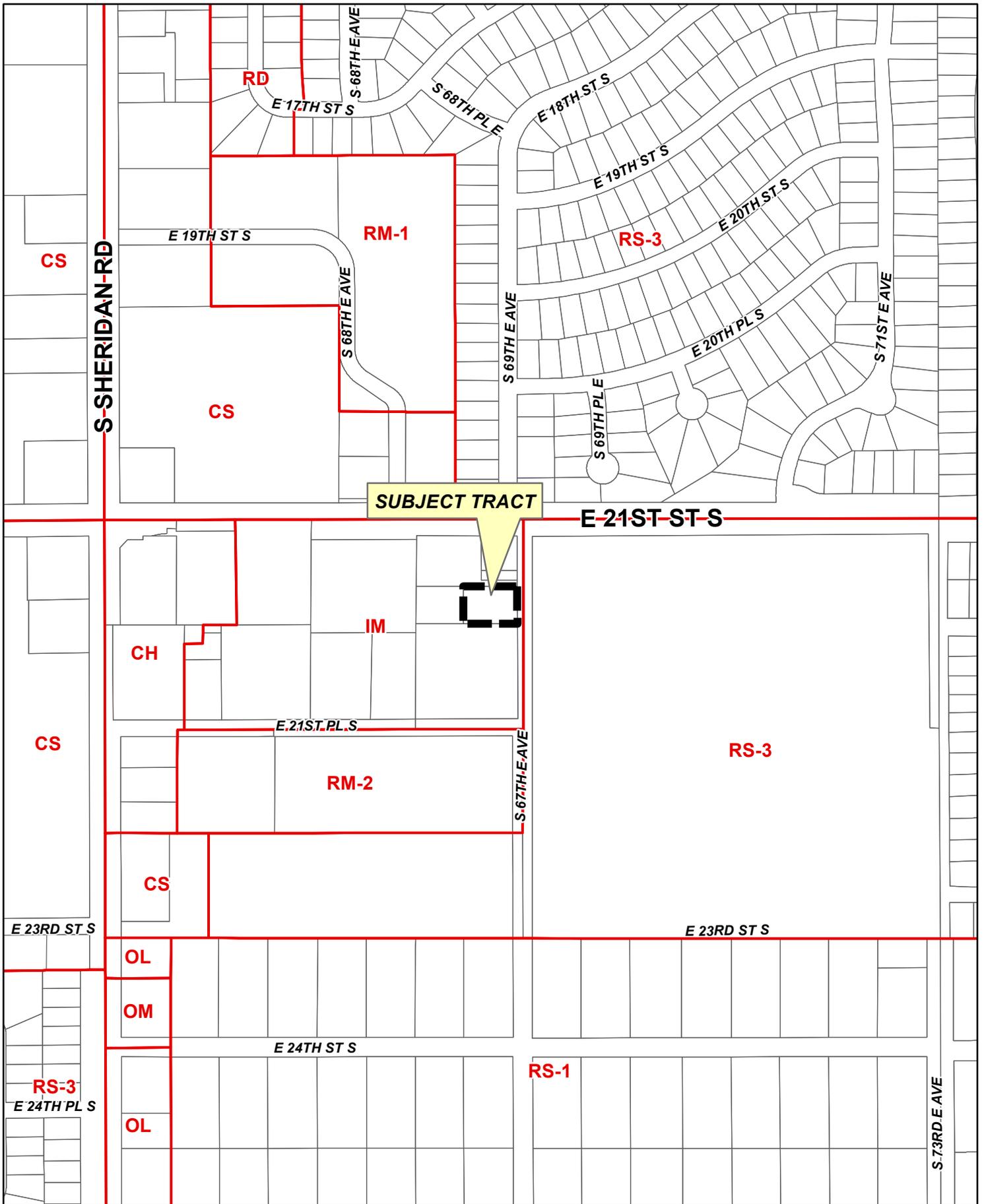
BOA-23551

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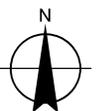
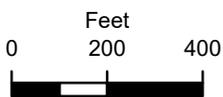
Aerial Photo Date: 2021

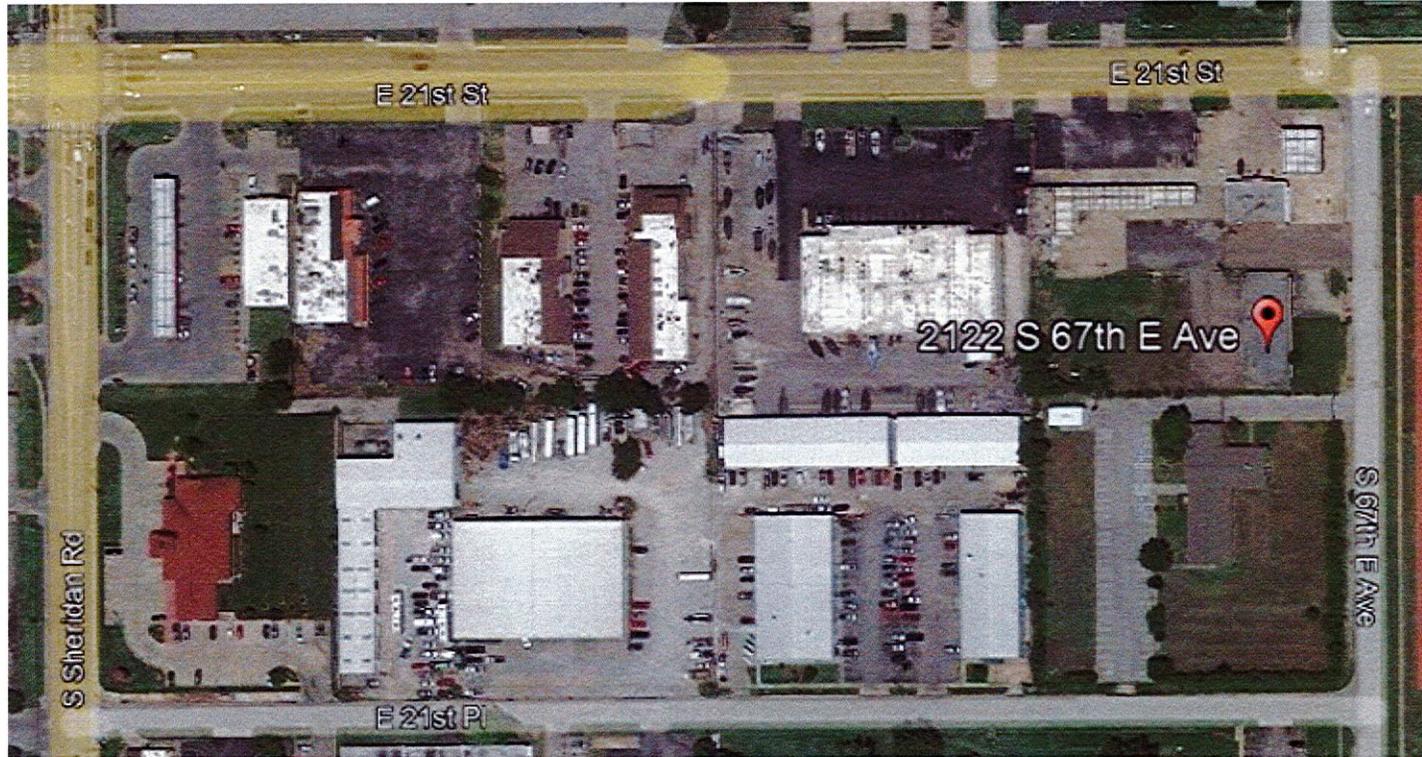




BOA-23551

19-13 14





2122 South 67 Avenue East

Arce Construction

Legend



Google Earth

© 2023 Google



5.65 ft



LOD RESPONSE LETTER

Date: May 16, 2023
LOD No: 01
Project: Arce Construction Fence
2122 S 67th Ave
Tulsa, OK
Project No: AR2301
COT Application: BLDC-142817-2023

1. **Section 107.2.6 Site plan.** Revise plans to identify all easements on property. Identify all fencing to be out of any easements unless an agreement from Engineering Services is approved. Contact Chris Kovac @ (918) 596-9649.
 - **Please see revised A101. The only easement shown is the sewer easement. Please advise if we need to route the Northern Fence around the easement.**
2. **Section 107.1 General.** Provide manufactures installation manual for gate system proposed unless gate is not on an electrical gate system.
 - **The gate system is a manual sliding system and is not electrical. Please see revised A101.**
3. Section 107.1 General. Provide details of fence proposed. How are the columns, column footings made? How deep are footings? An elevation of the fence is needed. revise accordingly.
 - **Please see revised A101 details B and C.**
4. The submitted Site Plan shows square columns as part of the fence assembly but there is no information explaining what this is.

Required Revision: Add notes to the Site Plan explaining what the columns are. If the columns are masonry 7' tall please provide Site Plan layout and Section drawings sealed and signed by a licensed engineer. If the columns are masonry 7' tall please provide a Statement of Special Inspections prepared by a licensed engineer.

- **Please see revised A101 details B and C. All fencing components are metal.**
5. The property is not platted and we must determine if there are any easements on the site.

Required Revision: Hire a surveyor and provide an Alta Survey of the property showing all easements and encumbrances. If the proposed fence and masonry columns are located in any easement then please contact Chris Kovac CKOVAC@cityoftulsa.org regarding the Construction Agreement needed to build in an easement. Provide a copy of the fully executed Construction Agreement with your revised drawings.

- **Please see attached survey.**



6. **Sec.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. The board of adjustment is authorized to modify these fence and wall regulations in accordance with the special exception procedures of Sec.70.120.

Review comment: Your proposed fence along the east property is within the street setback and is approximately 7 feet in height. Submit a revised site plan providing a fence 4 feet in height or you may consider submitting a special exception, reviewed and approved by the Board of Adjustment per Sec.70.120, to increase the height to 7 feet. Contact INCOG/Tulsa Planning Office at 918-584-7526 for further instructions and next steps.

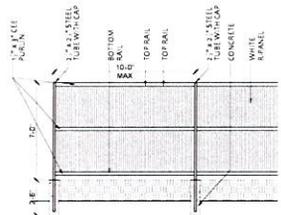
- **We understand per table 15-3 in the Tulsa Zoning Code, that the setback under IM for street is 10ft. We understand that the property line is setback from the street $\pm 11'-10 \frac{3}{4}"$. The owner's intent is to stay with the 7ft high fence.**

END OF RESPONSE

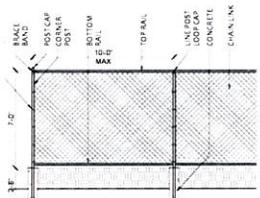


D VICINITY MAP
SCALE: N.T.S.

LEGEND	
PROPERTY	---
NEW FENCE	---
NEW CONCRETE	---
PARCEL:	99314 93 14 0440
ADDRESS:	2122 S 67th AVE TULSA 74128
LEGAL:	SUBDIVISION: UNPLATTED (88934) LOCAL: SEC. 2, T28S N 44W R1E NE NE NW NW 1/4 W1/8 S1/2 E1/8 N1/2 PDR SEC. 14 SECTION 14 (TOWNSHIP: 19 RANGE: 13)
ZONING:	INDUSTRIAL
HISTORIC ZONING:	NO HISTORIC PRESERVATION ZONING
DEVELOP PLAN:	NOT PART OF A DEVELOPMENT PLAN



C FENCE DETAIL
SCALE: N.T.S.



B CHAINLINK FENCE DETAIL
SCALE: 1/8\"/>



A SITE PLAN
SCALE: 1/8\"/>



NativeFusion
17897 S 45th West Ave
Mounds, Oklahoma 740
Phone: 918.378.9293

SEAL:

PROJECT:

ARCE CONSTRUCTION
2122 S 67TH E AVENUE
TULSA, OKLAHOMA

REVISIONS:

Δ 03.06.2023

ISSUE DATE:

12.20.2022

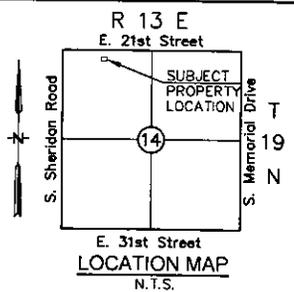
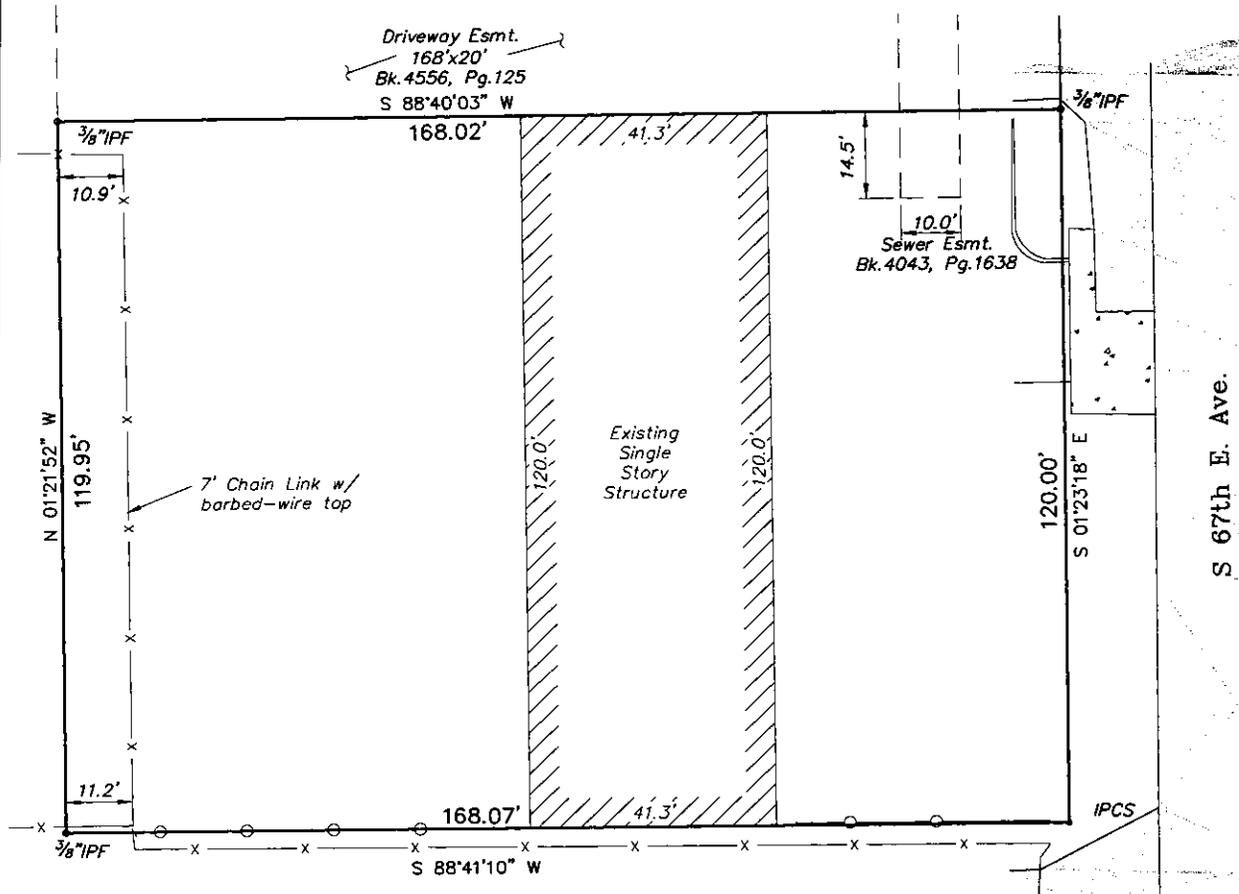
SHEET NUMBER:

A101

SITE PLAN

PLAT OF SURVEY

A TRACT OF LAND IN SECTION FOURTEEN, TOWNSHIP 19 NORTH, RANGE 13 EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA



Scale:
1 inch = 20 feet

Legend

- **IPCS** 3/8" IRON PIN W/ CAP SET 'PLS 1893'
- **IPF** IRON PIN FOUND
- ◆ **MAGS** MAG NAIL SET W/ WASHER 'PLS 1893'
- x — EXISTING FENCE
- ○ — STEEL RAIL FENCE

Legal Description: Warranty Deed, Doc.# 20230146309
 A tract of land in Section Fourteen (14), Township Nineteen (19) North, Range Thirteen (13) East of the Indian Base and Meridian, in Tulsa County, State of Oklahoma, more particularly described as follows:
 BEGINNING 210 feet South and 14 feet West of the Northeast corner of the NE/4 NE/4 NW/4 NW/4 of Section 14; thence West 168 feet; thence South 120 feet; thence East 168 feet; thence North 120 feet to the POINT OF BEGINNING.

I, E. DANE TROUT, A REGISTERED LAND SURVEYOR IN THE STATE OF OKLAHOMA, HEREBY CERTIFY THAT THE ABOVE PLAT REPRESENTS A TRUE AND ACCURATE SURVEY PERFORMED UNDER MY DIRECT SUPERVISION, AND THAT THIS PLAT OF SURVEY MEETS OR EXCEEDS THE OKLAHOMA MINIMUM STANDARDS, AS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

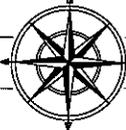
FIELD SURVEY WAS PERFORMED APRIL 10th, 2023.

WITNESS MY HAND AND SEAL THIS 24th DAY OF APRIL, 2023.



Notes:

1. BASIS OF BEARINGS: GRID NORTH AS ESTABLISHED BY STATE PLANE DATUM NAD83(2011).
2. THIS FIRM WAS NOT CONTRACTED TO RESEARCH EASEMENT OR ENCUMBRANCES OF RECORD. NO ATTEMPT TO RESEARCH THE COUNTY RECORDS OR OTHER RECORD OFFICES WAS PERFORMED BY THIS FIRM. THEREFORE, EASEMENTS MAY AFFECT THE SUBJECT TRACT THAT ARE NOT REFLECTED BY THIS PLAT. NO EASEMENTS WERE CREATED BY THE ORIGINAL SUBDIVISION PLAT.

TROUT  **LAND SURVEYING, LLC**
 918.734.3423 · 807 N. Birch St. Jenks, OK 74037
 CA 7132 (LS) Exp. 6-30-2023