



CITY OF
Tulsa
Board of Adjustment

Case Number: BOA-23626

Hearing Date: 01/23/2024

Case Report Prepared by:

Austin Chapman

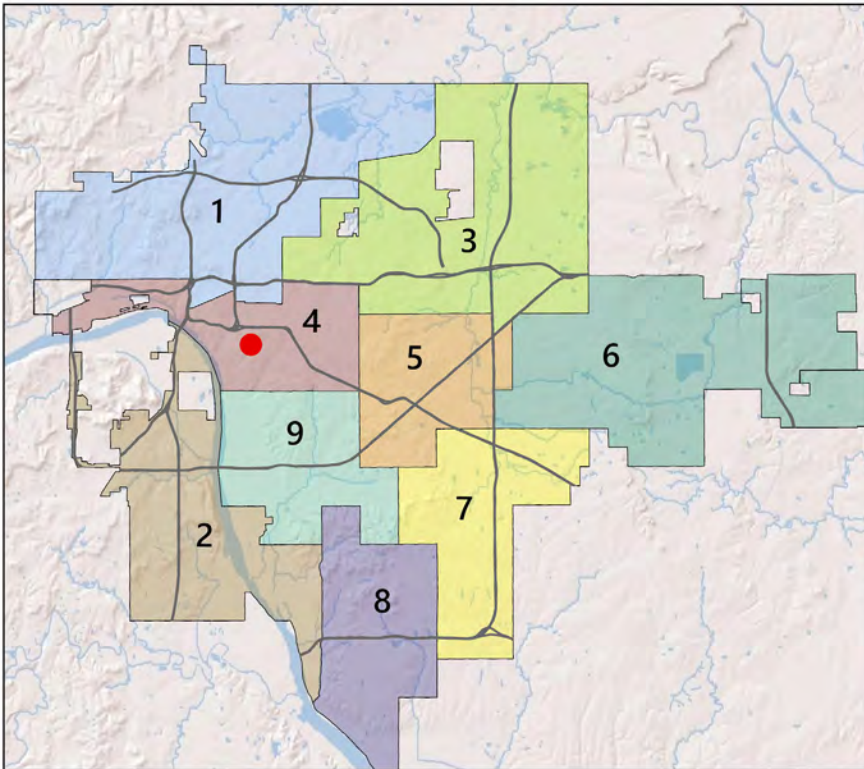
Owner and Applicant Information:

Applicant: Lou Reynolds

Property Owner: Harrington, Robert M & Morgan E

Action Requested: Variance to permit a fence within the street right-of-way (Sec.90.090-A).

Location Map:



Additional Information:

Present Use: residential

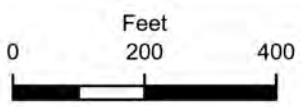
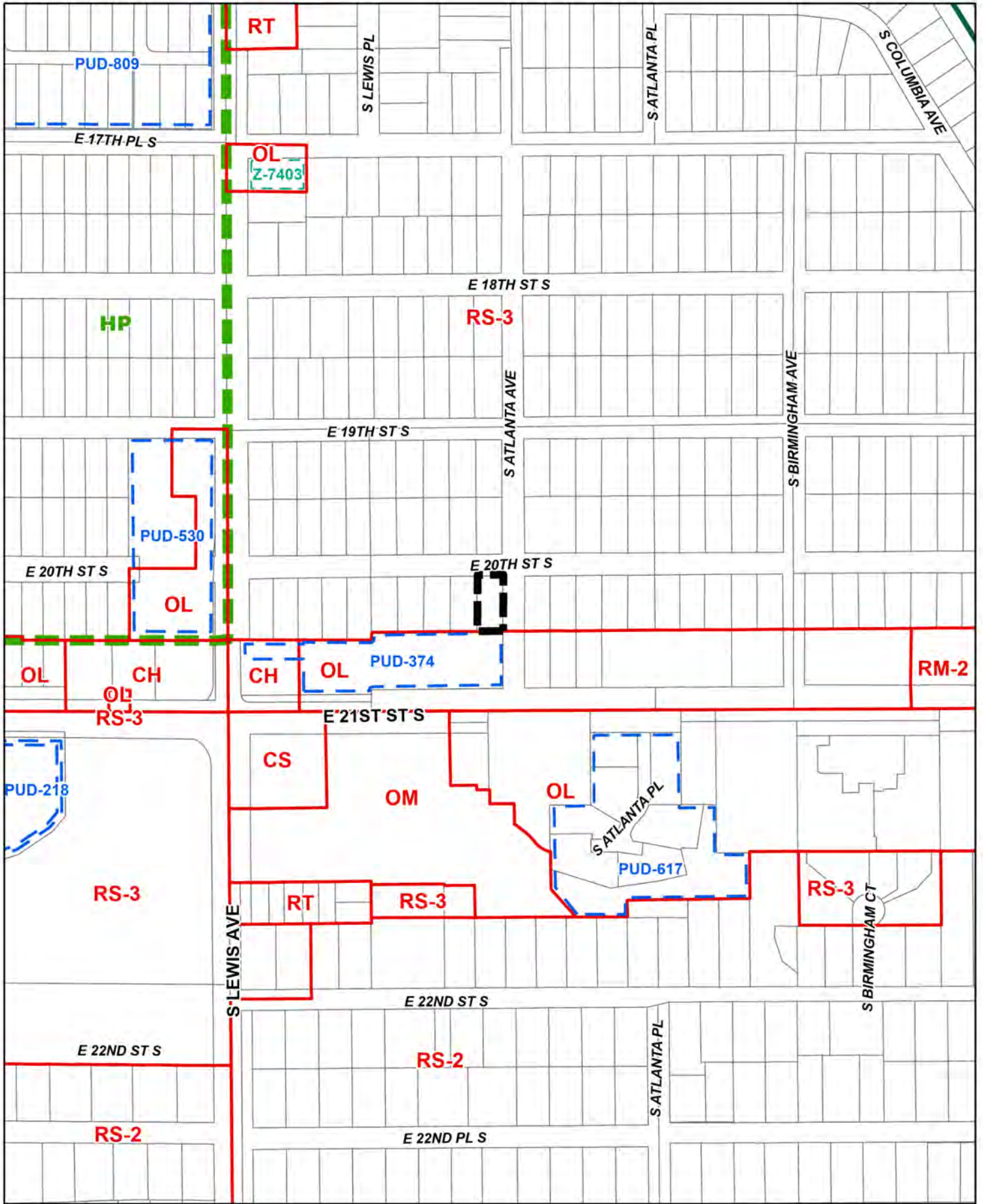
Tract Size: 0.18 acres

Location: 2448 E. 20 St. S.

Present Zoning: RS-3

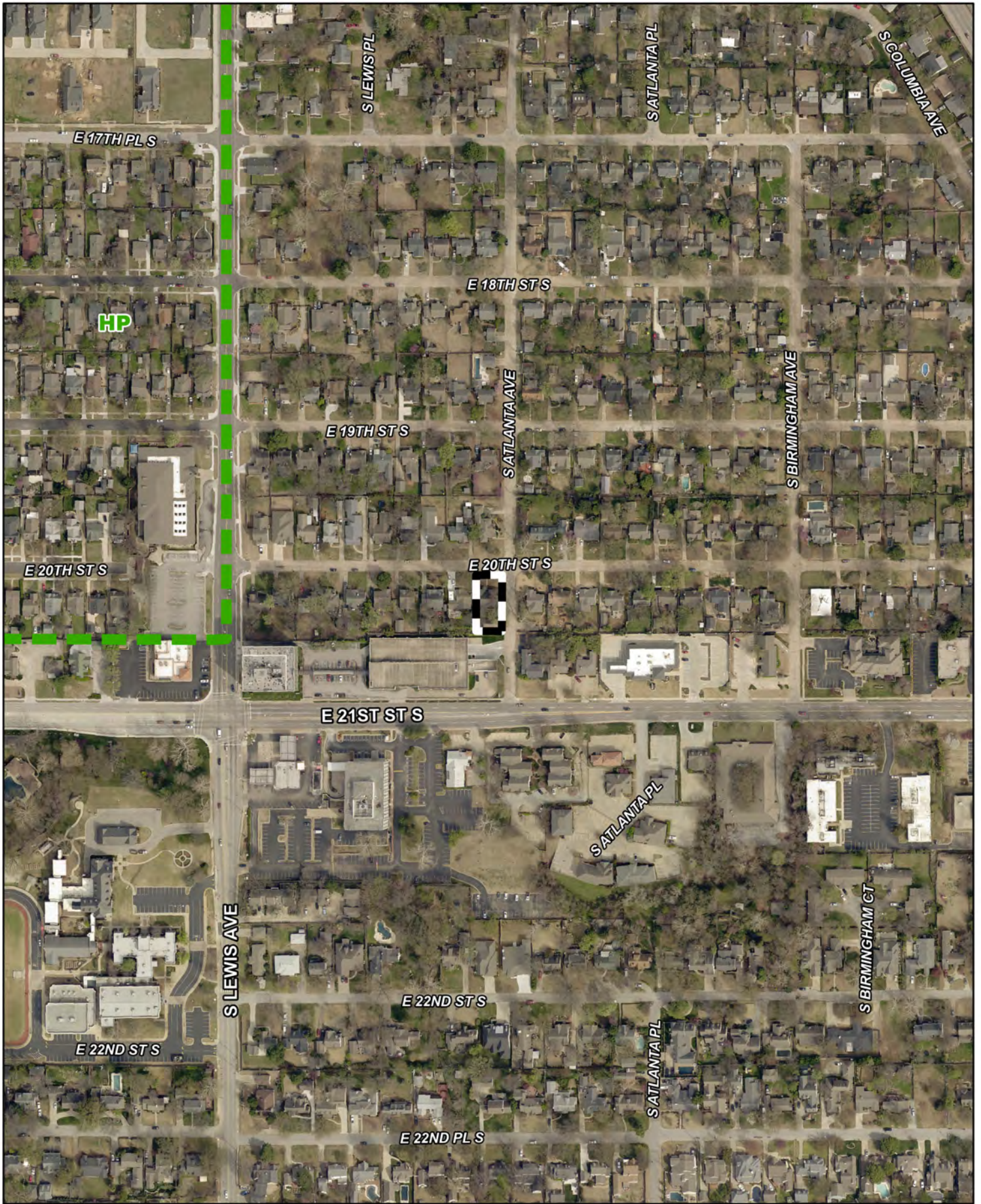
Case History:

01/09/24: First appearance on an agenda, item was continued until the 01/23/24 hearing to correct a noticing error.

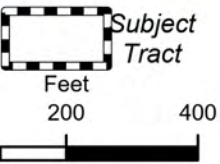


BOA-23626





HP



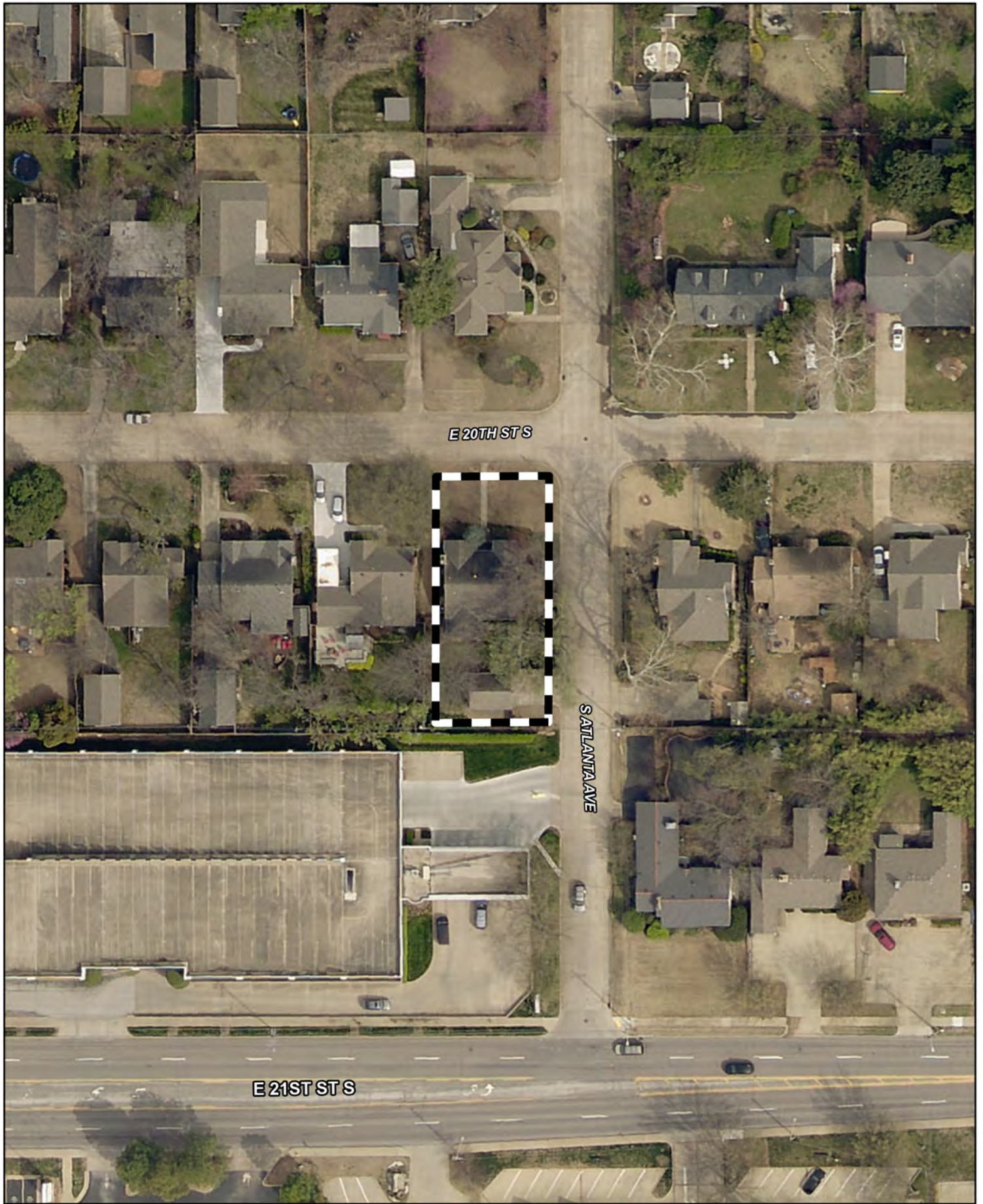
BOA-23626

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

Aerial Photo Date: 2021



4.3



E 20TH ST S

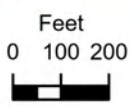
SALANT AVE

E 21ST ST S

BOA-23626

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

Aerial Photo Date: 2021



 Subject Tract



4.4

**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9308
CD: 4

Case Number: **BOA-23626**

HEARING DATE: 01/09/2024 1:00 PM

APPLICANT: Lou Reynolds

ACTION REQUESTED: Variance to permit a fence within the street right-of-way (Sec.90.090-A).

LOCATION: 2448 E. 20 St. S.

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 8049.92 SQ FT

LEGAL DESCRIPTION: LT 1 BLK 3, WILMAC-KNOLL ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS: None.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a Neighborhood.

Neighborhoods are “Mostly Residential Uses” which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low-intensity uses that support residents’ daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off of an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access off of a lower-order street separated from the arterial, then it would be considered Neighborhood.

STATEMENT OF HARDSHIP: See attached.

STAFF ANALYSIS: The applicant is requesting a Variance to permit a fence within the street right-of-way (Sec.90.090-A) to permit an existing fence to remain in place.

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.

Facts staff finds favorable for variance request:

- None.

Facts Staff find unfavorable for the variance request:

- The presence of mature trees is not unusual in midtown lots, the Board should find that the trees pose some hardship strictly unique to this lot in order to grant the variance .

SAMPLE MOTION:

Move to _____ (approve/deny) a Variance to permit a fence within the street right-of-way (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.”

Exhibit "A"

The Applicant requests a Variance of Section 90.090-A of the Tulsa Zoning Code (the "Code") to permit an existing, six-foot (6') tall wooden screening fence (the "Fence") to be located within the street right-of-way of S. Atlanta Ave. for property located at 2448 E. 20th Street (the "Property").

The Property is a corner lot located at the southwest corner of S. Atlanta Ave. and E. 20th St. with a single-family residence, built in 1939, addressing 20th street. The side and rear yards located to the south of the residence are encompassed by the Fence, which has existed in its current location since at least 2007. The current Property owner purchased the Property in 2014 and has not made any alterations to the location of the Fence. Immediately west of the Fence (within the back yard of the Property) are two large, mature trees, along with existing improvements of a stone fire pit, patio, and irrigation system.

Section 45.080-A of the Code permits fences up to eight feet in height in side street setbacks of detached houses located on corner lots. However, in August 2023, the Property owner received a Notice of Violation from the City of Tulsa for the Fence being partially located in the right-of-way of Atlanta Ave. The Property owner has executed a License Agreement for the existing Fence, the final approval of which is subject to the approval of a Variance from this Board.

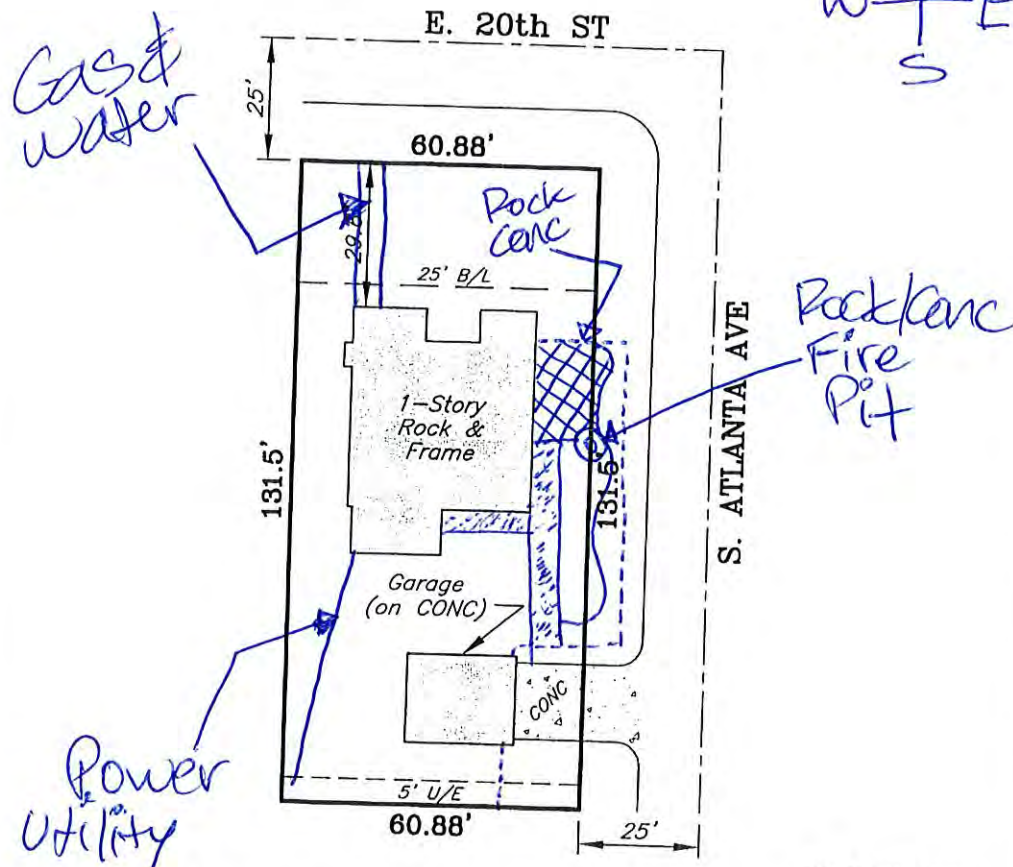
The Fence has existed in its current location for at least 16 years and the existing improvements and mature trees severely limit any other location for a screening fence, which results in unnecessary hardship to the Property owner. The City of Tulsa has reviewed the encroachments and no objections were raised to the issuance of a License Agreement. There are no utilities located within the east side yard of the Property or this area of right-of-way and the Fence does not obstruct the sight distance triangle or in any way impede the flow of vehicular or pedestrian traffic. Accordingly, the requested Variance will not cause any detriment to the public good or impair the spirit and intent of the Code.

MORTGAGE INSPECTION PLAT



PROJECT NO.: 144175-560
MORTGAGOR: Robert M. Harrington & Morgan E. Harrington
CLIENT: Executives Title & Escrow Company, LLC
 Arvest Bank
 File No. 14060381

LEGEND
 B/E BURIED ELECTRIC SERVICE CABLE ESMT (APPROX LOCATION)
 B/L BUILDING LINE
 D/E DRAINAGE EASEMENT
 U/E UTILITY EASEMENT
 EM ELECTRIC METER



PLAT NO. 1088

LEGAL DESCRIPTION AS PROVIDED:

LOT ONE (1), BLOCK THREE (3), WILMAC KNOLL, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND KNOWN AS 2448 EAST 20th STREET.

SURVEYOR'S STATEMENT

Harden & Associates, Surveying and Mapping, PC, an Oklahoma corporation, and the undersigned Registered Professional Land Surveyor, under Certificate of Authorization No. CA4656 renewal date: June 30, 2015, do hereby state that in our professional opinion the above Inspection Plat shows the dwelling as located on the premises described, that it is entirely within the described tract boundaries, and there are no encroachments thereon by visible permanent improvements, except as indicated; that the above Inspection Plat was prepared for identification purposes only for the mortgagee and is not a Land or Boundary Line Survey; that no property corners were set, and is not to be used or relied upon for the establishment of fence, building or other improvements; that underground or above ground utilities were not field located and therefore are not shown on this Inspection Plat as of this date and may not be used for any subsequent loan closing, refinance, or other transaction and that no responsibility or liability is assumed herein or hereby to the present or future land owner or occupant.

WITNESS MY HAND AND SEAL THIS DATE: July 16, 2014

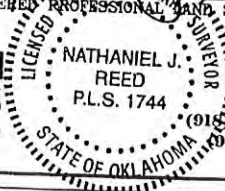
Nathaniel J. Reed
 REGISTERED PROFESSIONAL LAND SURVEYOR

REVISED: 07/18/2014

UPDATED:

2001 South H4th East Avenue
 Tulsa, Oklahoma 74128

HARDEN & ASSOCIATES
 SURVEYING AND MAPPING, PC




(918) 234-4839 Office
 (918) 437-5551 Fax

License Agreement_5-4-23-66

Privacy fencing, masonry fire pit, and concrete pavers

Legend


 2448 E 20th St



License Agreement_5-4-23-66

Privacy fencing, masonry fire pit, and concrete pavers

Legend

 2448 E 20th St

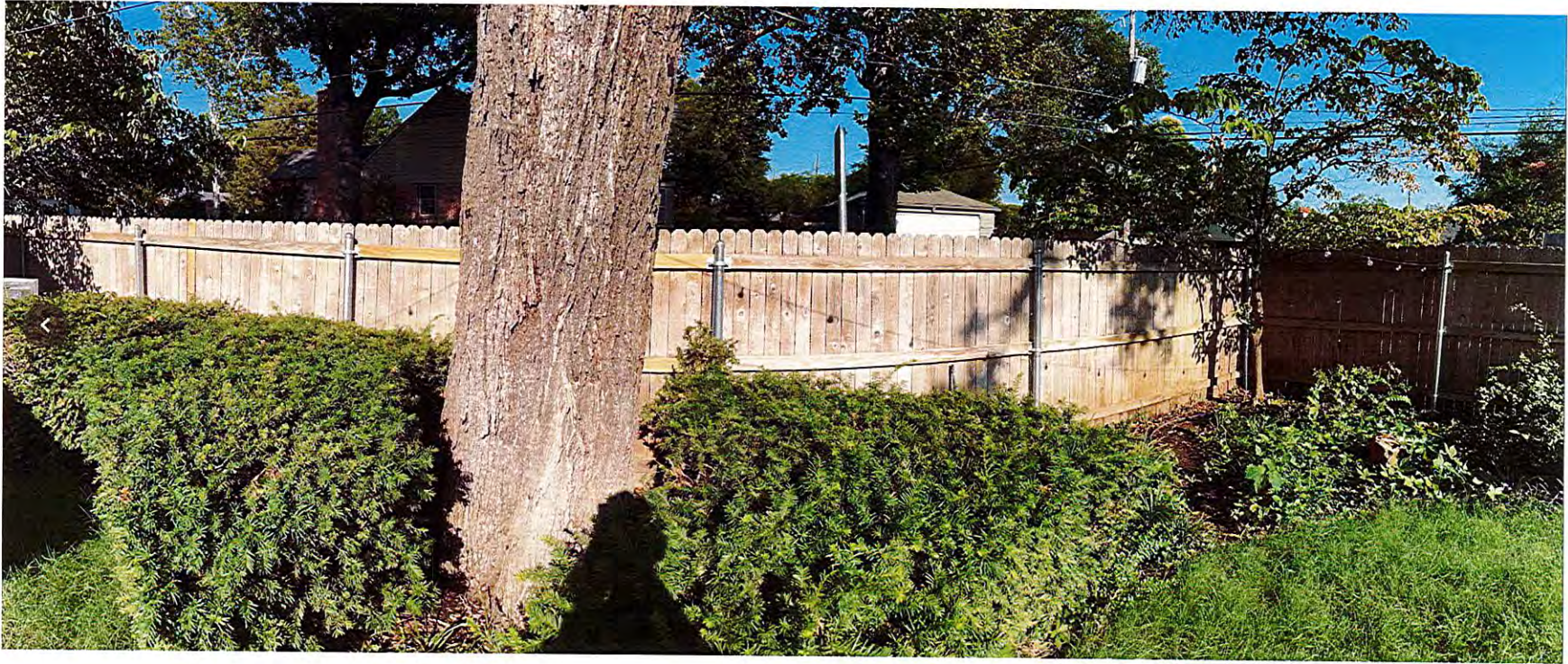


Google Earth

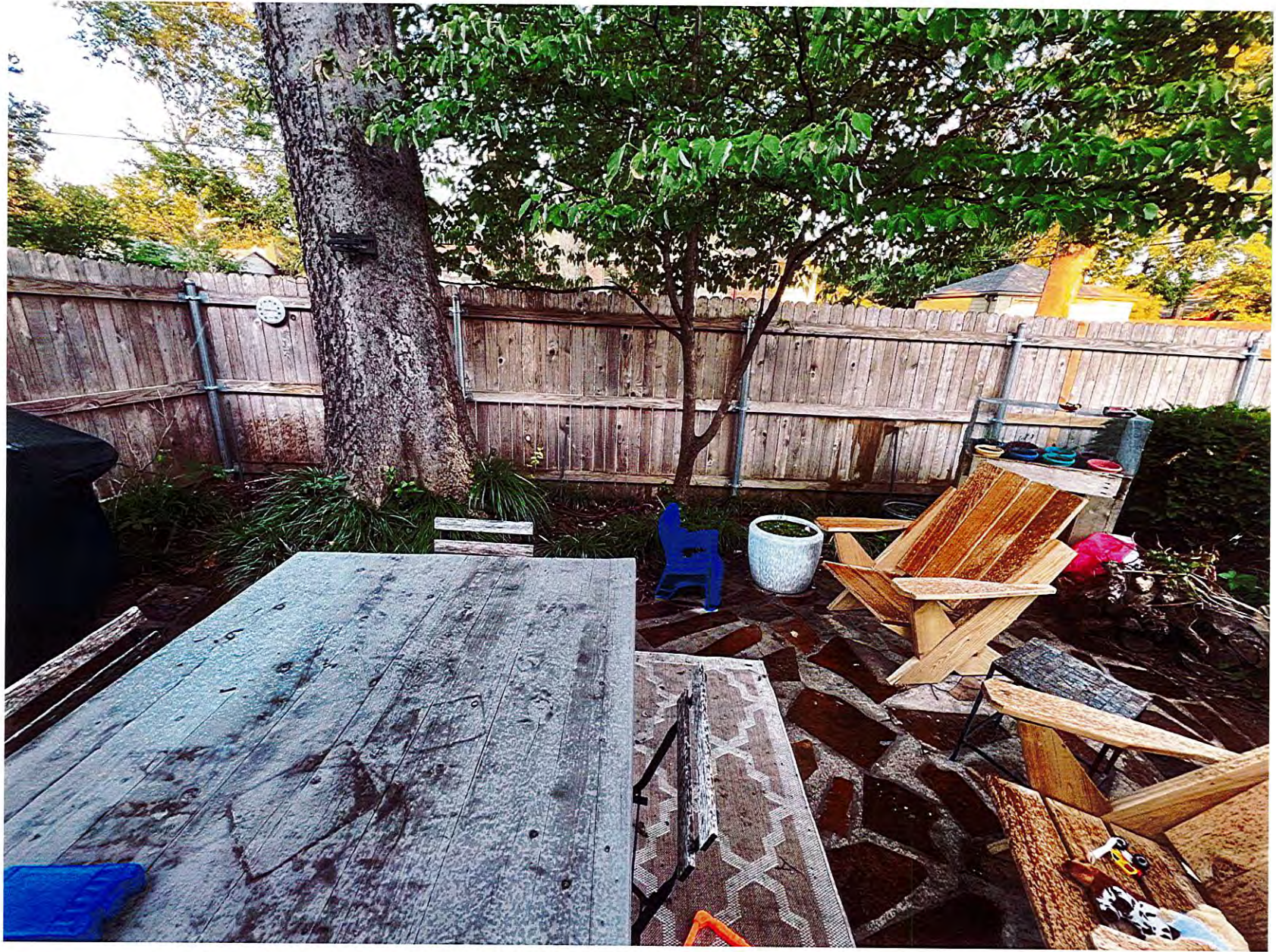
© 2023 Google



5.69 ft 4.10

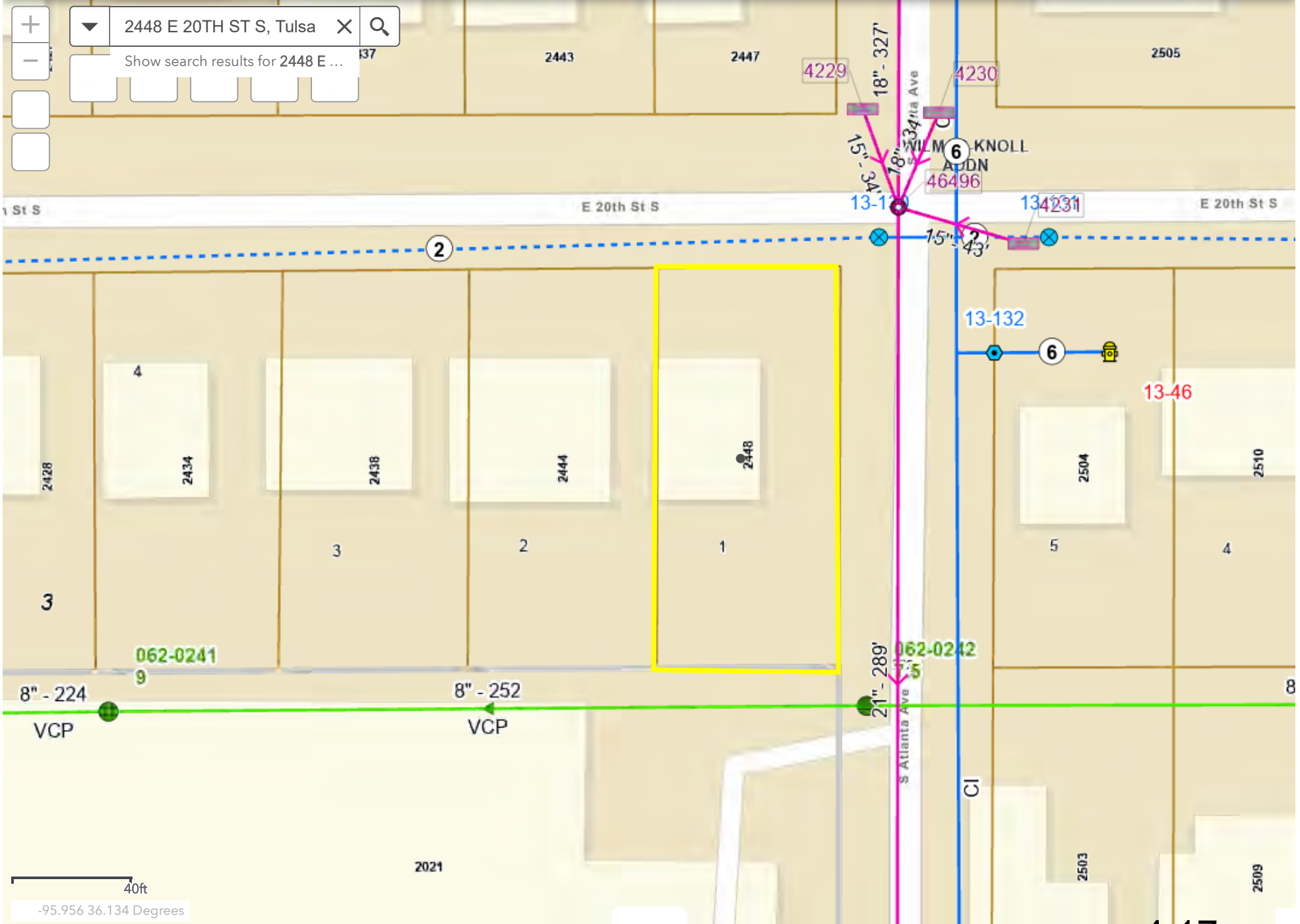












Ryan Coffman

Lewiston Gardens Neighborhood Association Treasurer

2508 E 17th Pl,

Tulsa, OK 74104

Ryan.coffman@duboischemicals.com

918-855-8496

Date:



Board of Adjustment

Tulsa Planning Office

175 E 2nd Street Suite 480

Tulsa, OK, 74103

To whom it may concern,

I am writing this letter on behalf of the Lewiston Gardens Neighborhood Association in regards to case number: BOA-21626 to fervently endorse the approval of a variance for the fence situated on the property owned by Robert and Morgan Harrington at 2448 E 20th Street. We firmly assert that this variance is not only well-deserved but also fully aligned with the underlying principles and goals of the zoning code. The granting of this variance will neither harm the neighborhood nor have any detrimental effects on the public welfare.

The request for a fence variance on the Harringtons' property is a unique and exceptional case that should be given special consideration. In a neighborhood that comprises approximately 434 properties, it is essential to highlight the statistical significance of this request. Granting this variance would set a precedent, as it represents only one of 434 properties within the neighborhood to seek such a variance, constituting a mere 0.0086% of the entire neighborhood. This minute percentage underscores the extraordinary nature of this request.

The zoning code's core objectives are to safeguard neighborhood aesthetics, enhance safety, and ensure the general well-being of its residents. In this specific case, the Harringtons' fence has stood for over a decade without causing any inconvenience or harm to their neighbors or the public. It has been a seamless and harmonious addition to the neighborhood, serving as a testament to the Harringtons' commitment to maintaining their property in excellent condition.

The Harringtons' fence, although not in strict compliance with the zoning code, stands as a distinctive feature of the neighborhood. It has not resulted in any negative consequences for the community and has not disrupted the surrounding area in any way. Therefore, approving this variance is a way to acknowledge the fence's positive impact on the neighborhood and to support the property rights of the Harringtons.

In summary, we respectfully request the City Zoning Commission to grant approval for the variance on the Harringtons' fence at 2448 E 20th Street. We firmly believe that this variance is warranted and is in the best interests of both the neighborhood and public welfare. It aligns with the core principles and intentions of the zoning code and is consistent with the prevailing harmony and positive influence the fence has had on the community over the past decade.

We genuinely appreciate your consideration of our appeal and hope that you will grant this variance, upholding the principles of fairness and preserving the distinctive character of our beloved neighborhood.

Sincerely,



Ryan Coffman

Resident of 14 Years

Treasurer

Lewiston Gardens Neighborhood Association

To: Tulsa Board of Adjustment

December 12, 2023

City of Tulsa BOA

175 E. 2nd Street, Suite 480

Tulsa, OK 74103

Greetings,

My name is John R. Starr and I am the Executor for the estate of Margaret K. Starr Revocable Trust which is the owner of the property located at 2503 E. 21st Street.

I wish to express the support of Variance Case number BOA-27626. I find that the fence discussed in this case is in harmony with the neighborhood and I don't find it detrimental to the public welfare. I have never heard of or noticed any incidences of accidents related to said fence in the nearly 10 years of the applicant's ownership.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "John R. Starr", written in a cursive style.

John R. Starr

Tige Rogers,
Lewiston Gardens Neighborhood Association President
2501 E 17th Pl
Tulsa, OK 74104
tigerodgers@gmail.com
(334)-663-4004
Date:



Board of Adjustment
Tulsa Planning Office
175 E 2nd Street Suite 480
Tulsa, OK, 74103

To whom it may concern,

I am writing to you on behalf of the Lewiston Gardens Neighborhood Association in regards to case number: BOA-27626 to strongly advocate for the approval of a variance for the fence located on Robert and Morgan Harrington's property at 2448 E 20th Street. We firmly believe that this variance is not only warranted but also completely in harmony with the spirit and intent of the zoning code. Granting this variance will not be injurious to the neighborhood or detrimental to the public welfare.

The request for a fence variance for the Harringtons' property is particularly unique and should be viewed as such. In a neighborhood consisting of 434 properties, it is important to consider the statistics surrounding this request. Granting this variance would set a precedent, as it would be just one out of 434 properties in the neighborhood to have such a variance, which amounts to a mere 0.0086% of the entire neighborhood. This minuscule percentage underscores the exceptional nature of this request.

The spirit and intent of the zoning code are to ensure that neighborhood aesthetics, safety, and the general well-being of residents are preserved. In this case, the Harringtons' fence line has existed for more than a decade without causing any harm or inconvenience to their neighbors or the public. It has been a harmonious addition to the neighborhood, and it serves as a testament to their commitment to maintaining their property in good order.

The Harringtons' fence, although not conforming to the strict letter of the zoning code, serves as a unique characteristic of the neighborhood. It has not led to any negative consequences for the community, nor has it disrupted the surrounding area in any way. Therefore, granting this variance is a way to acknowledge the positive impact it has had on the neighborhood and to support the Harringtons' property rights.

In summary, we respectfully request that the Tulsa Planning Office approve the variance for the Harringtons' fence at 2448 E 20th Street. We believe that this variance is justified, and it is in the best interest of the neighborhood and public welfare. It is in keeping with the spirit and intent of the zoning code, and it is consistent with the overwhelming harmony and positive impact the fence has had on the community over the past decade.

We appreciate your consideration of our request and hope that you will grant this variance in the spirit of fairness and to maintain the character of our wonderful neighborhood.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tige Rodgers', with a long horizontal flourish extending to the right.

Tige Rodgers

Resident of 4 Years

President

Lewiston Gardens Neighborhood Association

Chris Cone

Lewiston Gardens Neighborhood Association Secretary

1620 S Atlanta Ave,

Tulsa, OK 74104

Cc6153t@gmail.com

918-557-6980

Date:



Board of Adjustment

Tulsa Planning Office

175 E 2nd Street Suite 480

Tulsa, OK, 74103

To whom it may concern

I am writing to you on behalf of the Lewiston Gardens Neighborhood Association to strongly advocate for the approval of a variance for the fence located on Robert and Morgan Harrington's property at 2448 E 20th Street under case number BOA-21626. We firmly believe that this variance is not only warranted but also completely in harmony with the spirit and intent of the zoning code. Granting this variance will not be injurious to the neighborhood or detrimental to the public welfare.

The request for a fence variance for the Harringtons' property is particularly unique and should be viewed as such. In a neighborhood consisting of 434 properties, it is important to consider the statistics surrounding this request. Granting this variance would set a precedent, as it would be just one out of 434 properties in the neighborhood to have such a variance, which amounts to less than 1% of the neighborhood. This minuscule percentage underscores the exceptional nature of this request.

The spirit and intent of the zoning code are to ensure that neighborhood aesthetics, safety, and the general well-being of residents are preserved. In this case, the Harringtons' fence line has existed for more than a decade without causing any harm or inconvenience to their neighbors or the public. It has been a harmonious addition to the neighborhood, and it serves as a testament to their commitment to maintaining their property in good order.

The Harringtons' fence, although not conforming to the strict letter of the zoning code, serves as a unique characteristic of the neighborhood. It has not led to any negative consequences for the community, nor has it disrupted the surrounding area in any way. Therefore, granting this variance is a way to acknowledge the positive impact it has had on the neighborhood and to support the Harringtons' property rights.

In summary, we respectfully request that the Tulsa Planning Office approve the variance for the Harringtons' fence at 2448 E 20th Street. We believe that this variance is justified, and it is in the best interest of the neighborhood and public welfare. It is in keeping with the spirit and intent of the zoning code, and it is consistent with the overwhelming harmony and positive impact the fence has had on the community over the past decade.

We appreciate your consideration of our request and hope that you will grant this variance in the spirit of fairness and to maintain the character of our wonderful neighborhood.

Sincerely,

Chris Cone

Resident of 7 Years

Secretary

Lewiston Gardens Neighborhood Association

To:

Austin Chapman
Tulsa Planning Office
Board of Adjustment
175 E 2nd Street Suite 480,
Tulsa, OK 74103
Date:

From:

Stephen R. Johnson
Lewiston Gardens Resident
2521 E 20th Street
Tulsa OK, 74104

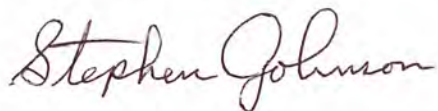
Dear Austin Chapman,

I am writing to express my support for the Harrington family's application for a variance for their fence on their property. The fence is in harmony with the neighborhood and does not pose a risk to the public. The location of the fence has been in existence for 16 years, and none of which has resulted in injury to the public. The topography of the Harrington family's lot limits the location and usage, and a variance would be justified. Removal or movement of the Harrington Family's fence would result in multiple hardships not inflicted on their own as all features of the property pre-date their ownership. The variance aligns with the spirit of the Tulsa zoning code.

Thank you for your time and consideration.

Sincerely,

Stephen Johnson



BOA-27626

Dec.12, 2023

City of Tulsa BOA;

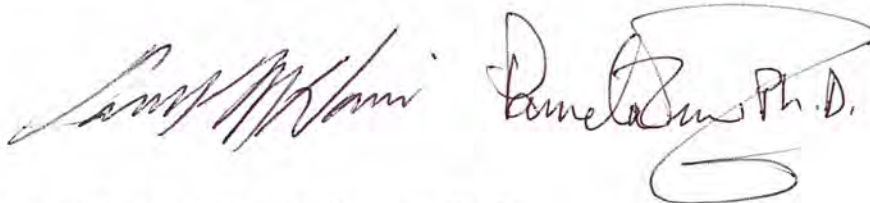
We write this letter today in support of variance request by our neighbors Robert and Morgan BOA, Case Number BOA-27626 concerning a small section of fence currently in place along South Atlanta Ave. between 20th and 21st Street.

We have lived in the neighborhood, four houses away since 2000, and have never noticed a problem with the fence that currently exists. To our recollection, any previous fences in the last 23 years have been similarly placed and were of the same height and style as exists today. Nothing about the fence stands out as being unusual, or out of character with the neighborhood. To relocate the current stockade fencing would certainly negatively affect the livability of the Harrington's property, and probably cause harm to two very large trees currently located just inside the fence. It is probable that the location of these trees were a determining factor in the original placement of the fence many years ago.

In no way does the current placement of the existing fence on the property negatively affect traffic or pedestrian safety. The Harringtons have kept the property in excellent condition and made appropriate improvements. At the location of their property, one of the busiest corners located in Lewis Gardens, I would consider a privacy fence, located in its current location and configuration, to be essential for family privacy and the safety of their child and dog.

We would urge The City of Tulsa Board of Adjustments to grant Mr. and Mrs. Harrington, the owners of the property at 2448 East 20th Street a variance granting relief from the zoning 90.090A fencing set back requirements.

Thank you for your consideration.

The image shows two handwritten signatures in black ink. The signature on the left is 'Samuel Harris' and the signature on the right is 'Pamela Vrooman Ph.D.'.

Samuel Harris and Pamela Vrooman Ph.D.

2524 East 20th Street
Tulsa, Ok. 74104

From: [Samuel Harris III](#)
To: [Tulsa Planning Office](#)
Cc: Robertharrington07@gmail.com
Subject: Case Number BOA-27626 Variance Request
Date: Tuesday, December 12, 2023 3:04:52 PM

City of Tulsa BOA;

We write this email today in support of variance requested by our neighbors Robert and Morgan BOA, Case Number BOA-27626 concerning a small section of fence currently in place along South Atlanta Ave. between 20th and 21st Street.

We have lived in the neighborhood, four houses away since 2000, and have never noticed a problem with the fence that currently exists. To our recollection, any previous fences in the last 23 years have been similarly placed and were of the same height and style as exists today. Nothing about the fence stands out as being unusual, or out of character with the neighborhood. To relocate the current stockade fencing would certainly negatively affect the livability of the Harrington's property, and probably cause harm to two very large trees currently located just inside the fence. It is probable that the location of these trees were a determining factor in the original placement of the fence many years ago.

In no way does the current placement of the existing fence on the property negatively affect traffic or pedestrian safety. The Harringtons have kept the property in excellent condition and made appropriate improvements. At the location of their property, one of the busiest corners located in Lewis Gardens, I would consider a privacy fence, located in its current location and configuration, to be essential for family privacy and the safety of their child and dog.

We would urge The City of Tulsa Board of Adjustments to grant Mr. and Mrs. Harrington, the owners of the property at 2448 East 20th Street a variance granting relief from the zoning 90.090A fencing set back requirements.

Thank you for your consideration.

Samuel Harris and Pamela Vrooman Ph.D.

2524 East 20th Street

Tulsa, Ok. 74104

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From: [Mark Wood](#)
To: [Tulsa Planning Office](#)
Cc: robertharrington07@gmail.com; morganames835@gmail.com
Subject: Variance case BOA-27626
Date: Wednesday, December 20, 2023 10:48:49 AM

Good morning,

I want to express my support for Robert and Morgan Harrington's request for a variance from city zoning code 90.090A for fence setback requirement.

The fence setback as currently configured has not proved injurious or detrimental to the neighborhood in any way as long as my wife and I have lived in Lewiston Gardens. There have been no known accidents or incidents that would support the fence's removal, nor have I heard any complaints from neighbors concerning the placement of the fence, which was installed before the Harrington's purchased the house almost a decade ago. There seems to be no logical reason after all this time to force the Harrington's to move the fence.

We support approval of the variance, which would relieve the Harrington's of rebuilding their fence and destroying their outdoor landscaping. Please approve their request at the public hearing scheduled for January 9.

Sincerely,
Mark Wood and Karen-Lee Ryan
2508 E. 19th St.
918-312-2112

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From: [Mary Billings](#)
To: [Tulsa Planning Office](#)
Subject: Variance request case #BOA-27626
Date: Thursday, December 21, 2023 3:04:32 PM

To whom it may concern,

My name is Mary Billings Oldaker. I live at 2445 E 19th Street and have been a resident in Lewiston Gardens since 2001.

I am writing as the neighbor of Robert and Morgan Harrington regarding their request for a variance, case #BOA-27626. I think that based on the hardship it will cause to the family, no accidents or incidents due to the current fencing and the good intent of this couple, they should be allowed to continue with the state of fencing they have had since they purchased their home. The fence set back requirements will be a great hardship to a good family and I support approval of the variance and hope you will grant them relief from zoning code 90.090A.

Sincerely,

Mary Billings Oldaker

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From: [Steve Walker](#)
To: [Tulsa Planning Office](#)
Cc: [Walker Family](#)
Subject: Variance Request: Case: BOA-27626
Date: Tuesday, December 26, 2023 10:25:04 AM

I am emailing in reference to the variance request (BOA-27626) for the fence setback at my neighbors house (2448 E 20th St)

We have no issues with the existing fenceline and it is our understanding that the fenceline was there when the Harringtons bought their home.

Granting a variance seems appropriate as there are no quality of life or safety impediments to the existing fence position as far as we have observed.

Thanks,
Steve Walker

2444 E 20th St
Tulsa, OK 74104

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From: [Christian C. Tiews](#)
To: [Tulsa Planning Office](#)
Cc: robertharrington07@gmail.com; [Christian C. Tiews](#); morganames835@gmail.com
Subject: Harrington, variance request # BOA-27626
Date: Friday, December 29, 2023 10:23:53 AM

To City Council of Tulsa, Oklahoma,

Dear council members,

My name is Christian Tiews, address 2505 E. 20th St., Tulsa, OK 74104. We live diagonally across the street from Robert and Morgan Harrington, 2448 E. 20th St, Tulsa, OK 74104.

My wife Lula and I are writing in support of the Harringtons' fence variance request, having been made aware of the fact that the City of Tulsa is requiring them to tear down their fence toward Atlanta Street because it is supposedly too close to the curb.

We have been living in our home on 2505 E. 20th St. since 2009. When we moved in, the previous owners of the Harrington home had their fence toward Atlanta in exactly the same place in which the Harringtons built this newer fence after they moved in. That old fence did not disturb anyone. As such, I kindly request that you would "grandfather in" the Harrington fence.

The Harringtons are sterling citizens of Lewiston Gardens and have served as president and secretary of the Lewiston Gardens Neighborhood Association several times over the years.

Removing or moving their fence toward Atlanta would result in many hardships for this family because they would have to demolish their concrete rock patio, outdoor fireplace, and irrigation system. I hope you will accept their request for a fence variance so that they can avoid unnecessary hardships and maintain the aesthetic and functional integrity of their property.

Thank you for your consideration.

Sincerely yours,

Rev. Dr. Christian C. Tiews
Pastor
Lutheran Church—Missouri Synod

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From: [Sue Norris](#)
To: [Tulsa Planning Office](#)
Subject: The Harrington's fence variance
Date: Monday, January 1, 2024 6:30:39 PM

January 1, 2024
City of Tulsa Board of Adjustment,

My name is Pamela Norris. I reside at 2438 E. 20th Street. I have lived in this resident for about 5 years. I see no problem with the Harrington's property. I haven't heard of any complaints until now. I have heard the fence was placed there long before the Harrington's moved in to the house. Like most home owners when buying a home the stress and everything sometimes makes us over look some matters we assume are ok. I also know if the fence would have been brought to their attention by the realtor or inspector reported it, it would have been addressed. As far as I know there hasn't been any accidents at this corner. Between storms and a new baby I feel this family needs our support to keep the fence where it is. Maybe, a grandfather Claus needs to be used. I would hate to see a good neighbor have to move because of a fence and having to destroy everything they have put into their yard and home.

Thank you,
Pamela Sue Norris

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From: [Bill Reeds](#)
To: [Tulsa Planning Office](#)
Subject: Application for Approval of a variance to locate a fence within the street-right-of-way by Robert and Morgan Harrington, 2448 E. 20th Street
Date: Tuesday, January 2, 2024 4:31:37 PM

My name is Bill Reeds. My wife Sarah and I are in full support of the application for the approval by the Board of Adjustment of the Harringtons' application for a variance to locate a fence within the street-right-of-way. We live at 2504 E. 20th Street, immediately across Atlanta Avenue from the Harringtons, and have lived at that address for approximately eight years. The fence in question has been in place for the entire eight years we have lived at our current address and has never been a problem. We do not understand why the issue has come up after all these years. There is no sight visibility problem. There are no overhead public utilities, and no underground public utilities between the curb and the right-of-way line that I'm aware of.

We request that the Board of Adjustment approve the Harringtons' request for a variance.

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From: [Paige V](#)
To: [Tulsa Planning Office](#)
Subject: email in regards to Case number B0A-27626
Date: Wednesday, January 3, 2024 1:56:46 PM

Hi my name is Paige Van De Wege
I live at 2428 E 20th st Tulsa, OK 74104
I live down the street from Robert and Morgan Harrington at 2448 E 20th St, and I am emailing to express my full support for their variance request for CASE # B0A-27626. Their variance request is in harmony with the spirit and intent of the zoning code and is in no way injurious to the neighborhood nor detrimental to the public welfare as there is no safety incidents or accidents to support its removal in the almost 10 years of them being a neighbor. I am in full support of them keeping the fence, as the removal of it would cause hardship to their family.
Thank you
Paige Van De Wege

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Chapman, Austin

From: Karen Smith <karensmithsmith1945@gmail.com>
Sent: Monday, January 8, 2024 11:16 AM
To: Tulsa Planning Office; Chapman, Austin
Cc: Karen Smith; RobertHarrington07@gmail.com; MorganAmes835@gmail.com
Subject: Support of variance BOA# 27626/23626

From: Karen S. Smith, 2502 East 19th St., Tulsa, OK 74104, Wilmc-Knoll Addn.
918-406-4130

To: Board of Adjustment Chair and Members:

I am writing in support of the Harringtons' request for variance approval from 90.090-A in order for them to keep their existing fence at 2448 East 20th Street.

Effective date of Code 90.090-A: I talked to Austin Chapman this morning who told me he believes the code was probably enacted in the 70's, with amendments after that. Most of the homes in Wilmac Knoll were built in the 30's, which means that first and subsequent buyers would have purchased their homes after the installation of protective fencing, and before the enactment of the code. I told Austin if it weren't raining today, I would go measure the 25' fencing requirement on all the homes along Atlanta. However, I feel quite comfortable guessing that none are compliant. That would mean that, not only the Harrington's, but all the homes along Atlanta and other north-south streets, north of 21st Street - to the whole of the city northward - would have to uproot existing fencing, gardens and patios at great personal expense and safety.

Quality of Living: I have lived in my home for 52 years. We have protected this neighborhood from commercial encroachment for that long, and never, during all those hearings, was the issue of fencing raised by commercial applicants or the city from that time until now. I have watched with immeasurable pride over these 52 years as our Lewiston Gardens neighborhood has been greatly improved by young neighbors like the Harringtons moving in. When we moved our young family into the neighborhood in 1971, we were in the minority of young couples. Now the neighborhood is an envious mix of all ages, including residents who are in Tulsa because of the grant program to bring out of state workers to Tulsa.

Fencing on all sides and backs of our properties were in place at the date of purchase of the homes in this neighborhood. Backyard fencing on all 300 of our homes is no doubt in the city's right of way as well. None of the fencing installed pre-purchase of our properties is injurious or detrimental to the public welfare. The opposite is true. Lewiston Gardens neighbors have added to the quality of living in this area and to the city in general. Elimination of existing fences, and their subsequent reconstruction, could devalue our properties and potentially prevent the sale of future homes.

I would appreciate your support of this variance and the protection of all the homes in Lewiston Gardens.

Sincerely yours,

Karen S. Smith

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From: [CINDY LAYMAN](#)
To: [Tulsa Planning Office](#)
Subject: case #boa-27626
Date: Monday, December 11, 2023 2:34:59 PM

Let Robert Harrington keep his fence. There has never been a problem. The city let him buy the house in 2014 just the way it is. Cindy Layman 2417 e 20 St, 74104

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