



Board of Adjustment

**Staff Report
Special Exception Case BOA-23641**

Hearing Date: February 13, 2024
Prepared by: Sean Wallace
swallace@cityoftulsa.org
918-596-7585

Owner and Applicant Information

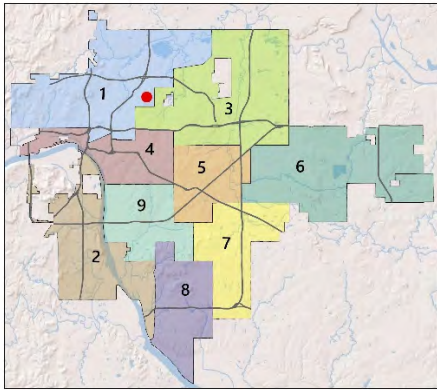
Applicant: Dustin Alphin
Property Owner: Karina Gaspar

Property Location

2024 N Harvard Ave E
Tract Size: ±.9 acres

Location within the City of Tulsa

(shown with City Council districts)



Elected Representatives

City Council: District 1, Vanessa Hall-Harper.
County Commission: District 1, Stan Sallee.

Public Notice Required

Newspaper Notice – min. 10 days in advance
Mailed Notice to 300’ radius – min. 10 days in advance
Posted Sign – min. 10 days in advance

Request Summary

Special exception to increase the allowed fence height of 4 feet inside the street setback (Sec.45.080-A).

Zoning

Zoning District: RM-1
Zoning Overlays: None

Comprehensive Plan Considerations

Land Use

Land Use Plan: Neighborhood
Small Area Plans: None
Development Era: Early Automobile

Transportation

Major Street & Highway Plan: Multimodal Corridor
planitulsa Street Type: Multimodal Corridor
Transit: N/A
Existing Bike/Ped Facilities: None
Planned Bike/Ped Facilities: Bike Lane

Environment

Flood Area: N/A
Tree Canopy Coverage: 10-20%
Parks & Open Space: Clinton Park nearby

Staff Analysis

The applicant has an existing 6-foot high fence in the street setback and 4 feet is the maximum allowed per code.

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](#).

Relevant Case History

- None

Comprehensive Plan Considerations

Land Use Plan

The subject property is designated as 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 an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access from a lower-order street separated from the arterial, then it would be considered Neighborhood.

Surrounding Properties:

<u>Location</u>	<u>Existing Zoning/Overlay</u>	<u>Existing Land Use Designation</u>	<u>Existing Use</u>
North	RM-1	Neighborhood	Residential
East	RM-1	Neighborhood	Residential
South	RM-1	Neighborhood	Residential
West	RM-1	Neighborhood	Residential

Small Area Plans

The subject properties are not in a small area plan.

Development Era

The subject property is in an area developed during the Early Automobile Era (1930s-50s), which retained a high degree of the connectivity from neighborhood streets to the arterial network, with mostly commercial, office, industrial, and other active uses along major streets and a mix of housing options and neighborhood-based uses like schools, churches, and libraries in the interior sections. Priorities in these areas include walkability, bike ability, access to public transit, historic preservation, housing type variety, mixed-use development, commercial revitalization, compatibility of scale for neighborhood development, and transitions between commercial corridors and residential areas.

Transportation

Major Street & Highway Plan: Multimodal Corridor

Multi-modal streets support commercial and residential development along major arterial streets. These streets align with the recommendations for on-street bicycle infrastructure establish in the 2015 GO Plan, and they should be evaluated for feasibility with regard to the reallocation of street space for bicycle facilities.

Comprehensive Plan Street Designation: Multimodal Corridor

Transit: N/A

Existing Bike/Ped Facilities: None

Planned Bike/Ped Facilities: A bike lane is recommended on this portion of N Harvard Ave by the GO Plan.

Arterial Traffic per Lane: 0-2,500 per lane

Environmental Considerations

Flood Area: The subject property is not in a flood area.

Tree Canopy Coverage: Tree canopy in the area is 18%. Preserving the limited existing canopy should be encouraged, as well as measures to increase the canopy through landscaping. Street-lining trees in particular should be encouraged to spread the benefit of the tree canopy to the pedestrian realm.

Parks & Open Space: Clinton Park is nearby.

PHOTOS:



Subject Property

Property Description

Subdivision: UNPLATTED (90329)

Legal: BEG 75S NEC SE TH S113.8 W380 N113.8 E380 POB LESS E50 THEREOF SEC 29 20 13 0.862ACS

Section: 29 Township: 20 Range: 13

Exhibits

Case map

Aerial (small scale)

Aerial (large scale)

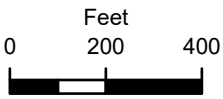
Tulsa Comprehensive Plan Land Use Map

Sample Motion

I move to approve or deny a Special Exception to increase the allowed fence height of 4 feet inside the street setback.

- 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.

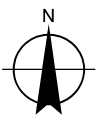


 Subject Tract

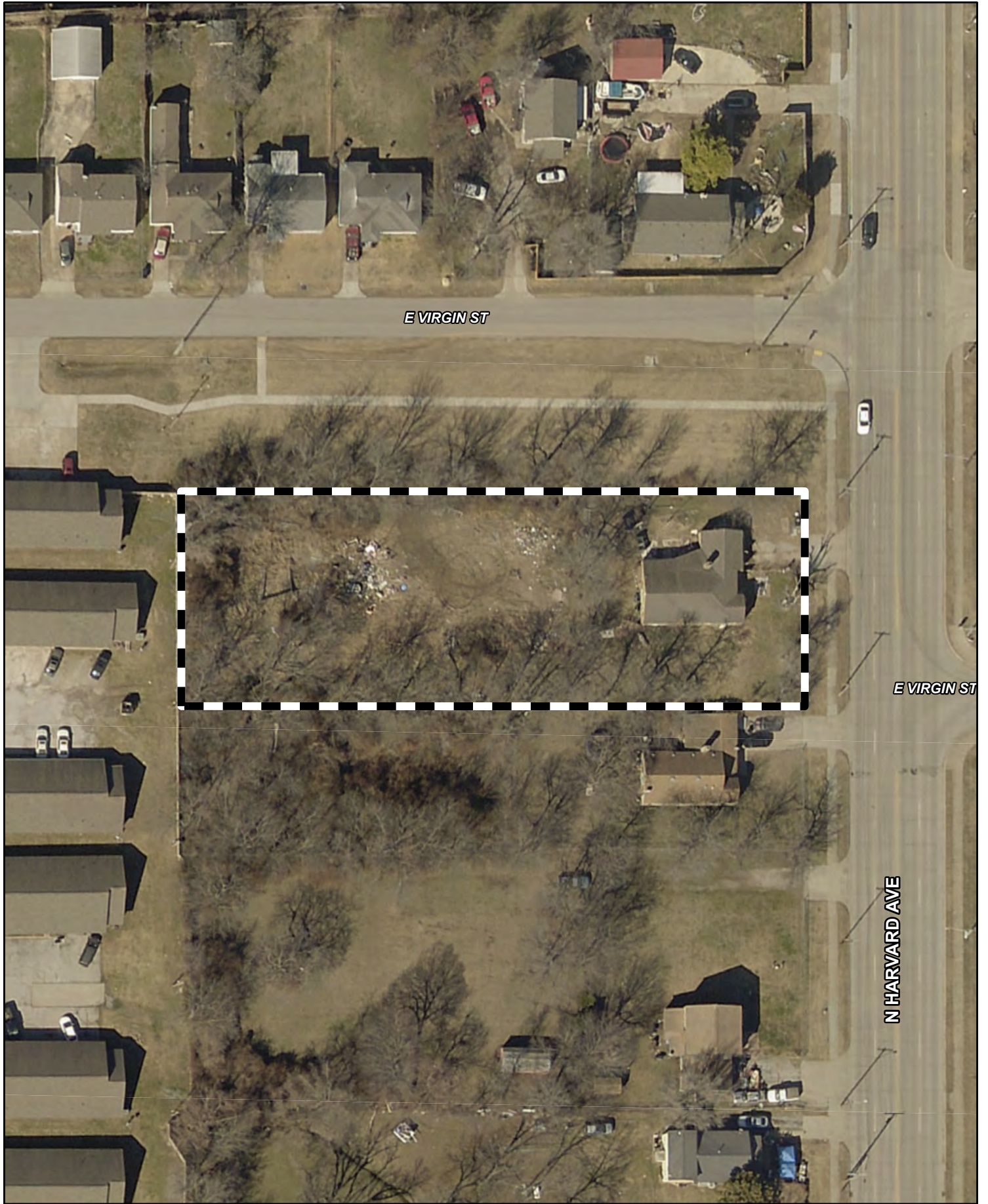
BOA-23641

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

Aerial Photo Date: 2021



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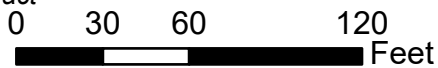
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E VIRGIN ST

N HARVARD AVE



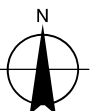
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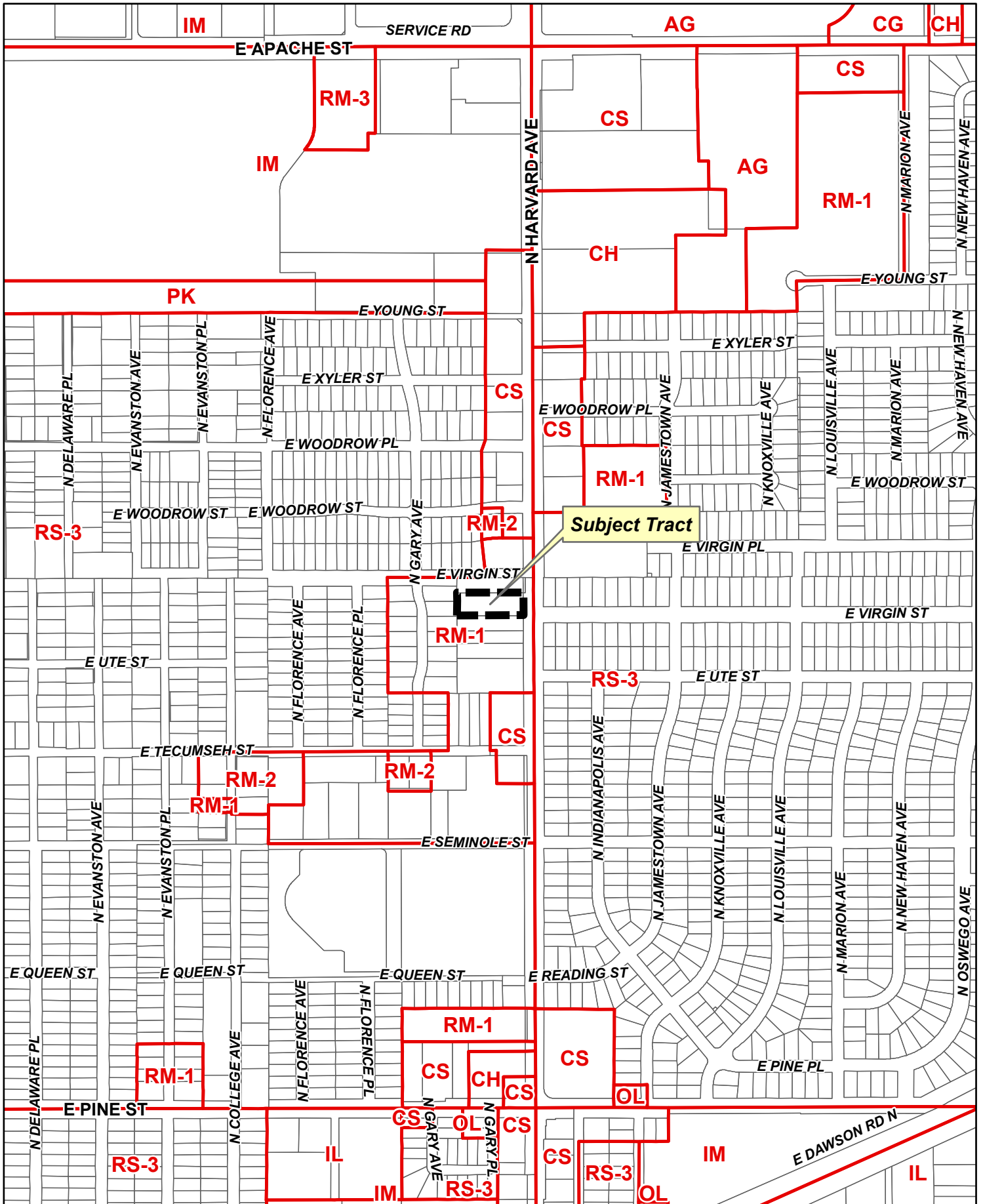
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Aerial Photo Date: 2021

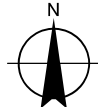
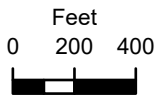


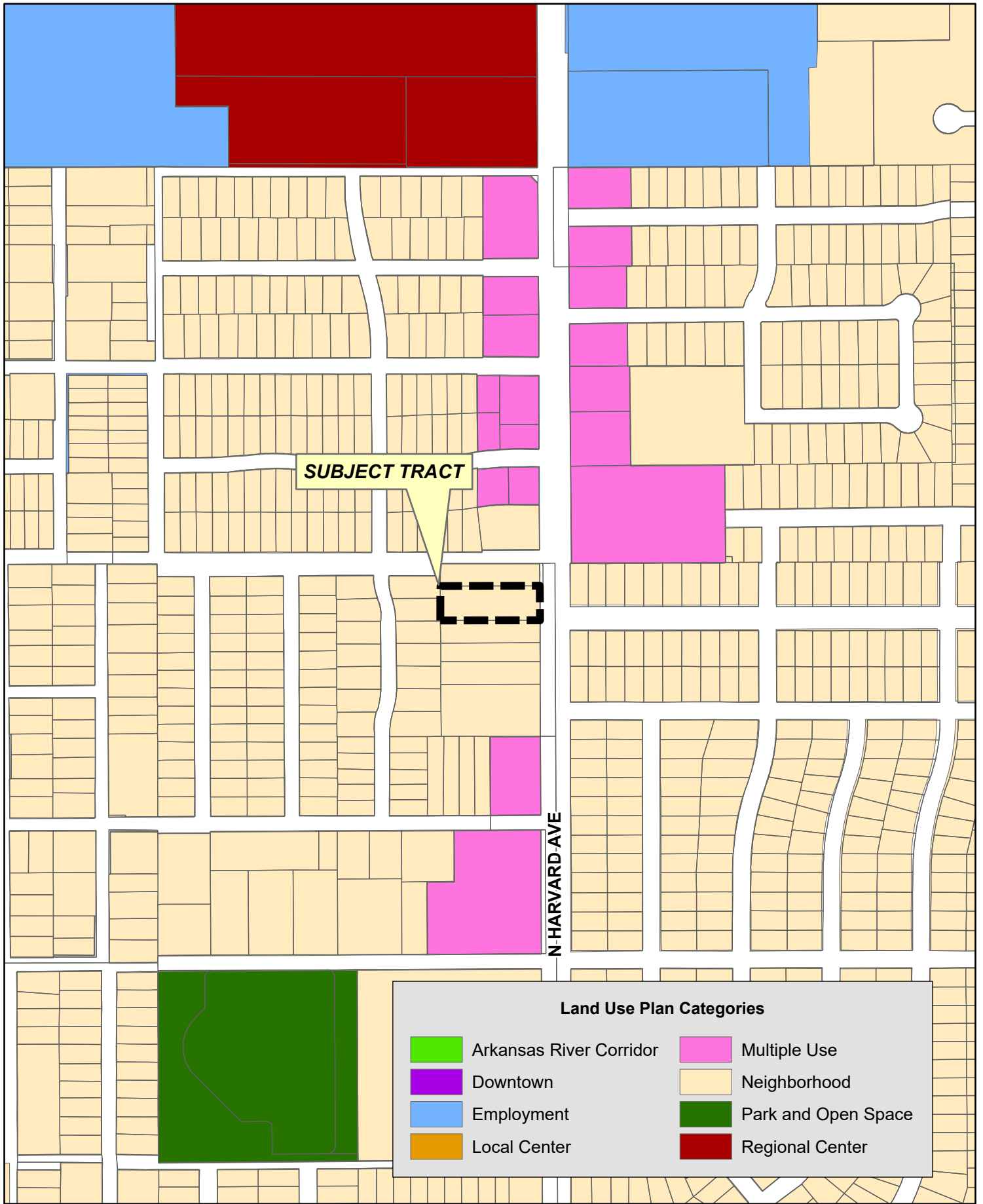
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Subject Tract

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









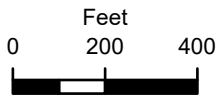


SUBJECT TRACT

N HARVARD AVE

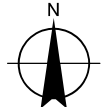
Land Use Plan Categories

 Arkansas River Corridor	 Multiple Use
 Downtown	 Neighborhood
 Employment	 Park and Open Space
 Local Center	 Regional Center



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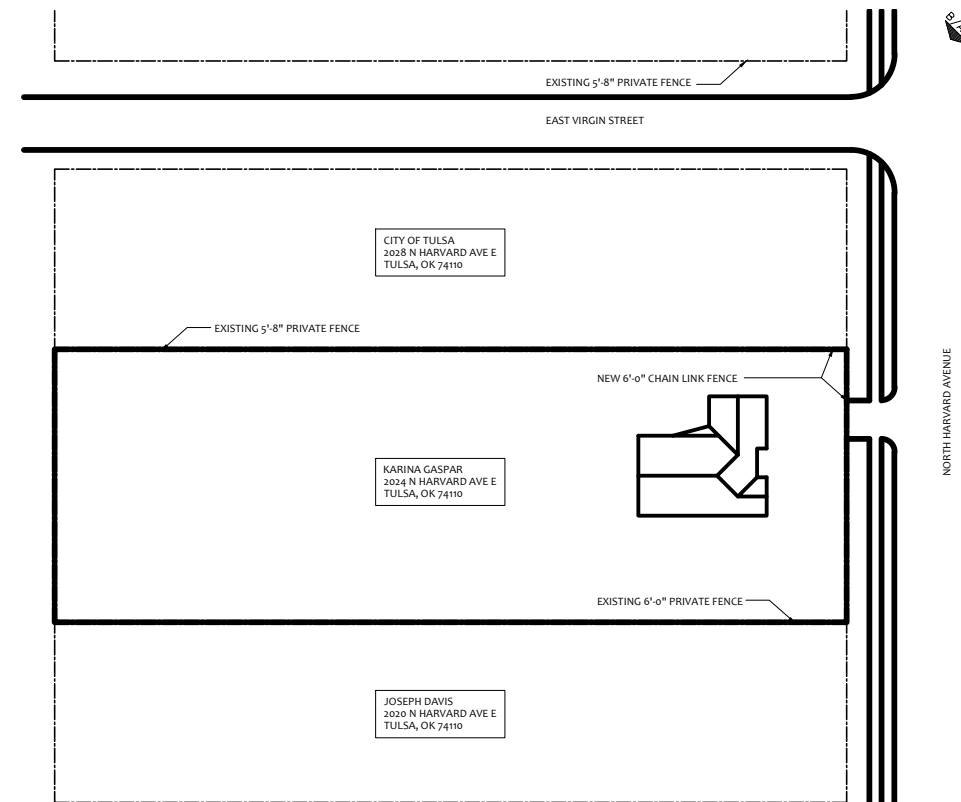
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B SITE PLAN 
SCALE: 1/32" = 1'-0"



A SITE PLAN 
SCALE: 1/32" = 1'-0"



NativeFusion
17697 S 49th West Ave
Mounds, Oklahoma 74047
Phone: 918.378.9293

SEAL:

PROJECT:

KARINA GASPAR
2024 N HARVARD AVE E
TULSA, OK 74110

REVISIONS:

ISSUE DATE:
01.10.2024

SHEET NUMBER:

A101
SITE PLAN