Board of Adjustment

Staff Report
Special Exception Case BOA-23711

Hearing Date: June 25, 2024
Prepared by: Sean Wallace
swallace@cityoftulsa.org
918-596-7585

Owner and Applicant Information
Applicant: William Aguilar
Property Owner: Church of God Jesucristo es la Solucion Assn

Property Location
2111 S. Darlington Ave.
Tract Size: ±3.9 acres

Location within the City of Tulsa
(shown with City Council districts)

Request Summary
Special Exception to increase the permitted fence height inside the street setback (Sec. 45.080-A).

Zoning
Zoning District: RS-2
Zoning Overlays: N/A

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

Transportation
Major Street & Highway Plan: Secondary Arterial & Residential Collector
planitulsa Street Type: N/A
Transit: Regular Route
Existing Bike/Ped Facilities: Sidewalks
Planned Bike/Ped Facilities: None

Environment
Flood Area: N/A
Tree Canopy Coverage: 10-20%
Parks & Open Space: The church sits on a large lot with significant open space.

Elected Representatives
City Council: District 5, Grant Miller
County Commission: District 2, Karen Keith

Public Notice Required
Newspaper Notice – min. 10 days in advance
Mailed Notice to 300’ radius – min. 10 days in advance
### Staff Analysis

The applicant is proposing to build a 7-foot fence around the perimeter of the property. The proposed fence along the north and west sides of the property is within the street setback, where the height of the fence is limited by the zoning code to 4 feet tall.

**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**

- **BOA-23111** - In April 2021, the Board approved a special exception to permit a Public, Civic & Institutional/Daycare use in a RS-2 zoning district.

### 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:**

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning/Overlay</th>
<th>Existing Land Use Designation</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>RS-2</td>
<td>Neighborhood</td>
<td>Residential</td>
</tr>
<tr>
<td>East</td>
<td>RS-2</td>
<td>Neighborhood</td>
<td>Residential</td>
</tr>
<tr>
<td>South</td>
<td>RS-2</td>
<td>Neighborhood</td>
<td>Residential</td>
</tr>
<tr>
<td>West</td>
<td>OL/RS-2</td>
<td>Regional Center/Neighborhood</td>
<td>Residential</td>
</tr>
</tbody>
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#### Small Area Plans

The subject properties are not within 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, bikeability, 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: 21st Street is classified as a Secondary Arterial, and Darlington Avenue is classified as a Residential Collector.

Comprehensive Plan Street Designation: N/A

Transit: Regular Route 150 runs along 21st Street.

Existing Bike/Ped Facilities: Sidewalks run along Darlington Avenue and a portion of 21st Street.

Planned Bike/Ped Facilities: None

Arterial Traffic per Lane: 3,647 vehicles per lane per day on E 21st St.

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

Tree Canopy Coverage: Tree canopy in the area is 11%. The area would benefit from additional trees, which also capture and treat runoff before it enters the river.

Parks & Open Space: The church sits on a large lot with significant open space.

Sample Motion
I move to approve or deny a Special Exception to increase the permitted fence height 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.

Property Description
PRT NE NW BEG 45S & 15E NWC NE NW TH S285 E430 N280 W165 N5 W265 POB SEC 15 19 13 2.79ACS, and Lots 6, 7, 8, 9, 10 of Block 2, Darlington Hills Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Exhibits
Case map
Aerial (small scale)
Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map
(Subject property looking northeast towards 21st St)
Fencing material to be 7-foot height
Fence post type
CITY OF TULSA
CORRECTIONS SUMMARY

ZCO-179295-2024 (2111 S DARLINGTON AVE E Tulsa Tulsa, OK 74114) Markup Summary #1

Zoning ZCO-179295-2024 (2)

Subject: Zoning ZCO-179295-2024
Page Label: 1
Author: Jeffrey Bush
Date: 4/24/2024 1:40:13 PM
Status:
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Layer:
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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. 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 Sec.70.120.

Review comment: Your proposed fence is labeled 7’ in height. The entire lengths of fence on the North, West, and South frontages are within the street setback. This setback is measured from the property line. Submit a revised site plan providing the fences are 4’ in height. You may consider submitting a special exception, reviewed and approved per Sec.70.120, to increase the height to 7’. If so contact the Tulsa Planning Office for further instructions at 918-596-7526 or Planning@cityoftulsa.org.

Subject: Zoning ZCO-179295-2024
Page Label: 1
Author: Jeffrey Bush
Date: 4/24/2024 1:44:54 PM
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Review Comment: On 4/27/2021 This property was granted a special exception to operate a day care use in an R zoned district. This BOA case 23111. The approval of this special exception was granted with the conditions that approval expires in 3 years(4/27/2024). If this space is still being utilized as a daycare you'll need to gain a new special exception to allow the daycare use in an R zoned district. Contact the Tulsa Planning Office to get onto the agenda for the next BOA meeting at 918-756-7526 or Planning@cityoftulsa.org.

This constitutes a Plan Review to date in response to the information submitted with and after 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 client. Any items not reviewed are still in force, and it shall be the responsibility of the owner and design professional(s) to ensure that all code requirements are satisfied.
Board of Adjustment Members,

I wanted to comment on the planned fence being discussed at the Board of Adjustment Hearing, June 11, 2024. Case BOA-23711.

The church is wanting to build a fence around the entire property located at 2111 S. Darlington Ave. My home/back fence backs up to the open field that belongs to the church. While not opposed to most of the fencing planned, I am VERY opposed to them constructing a fence that is along my back fence line. The reason, as I have explained to the pastor of the church (Angel), is that they wanted to fence along the four (4) houses on the east side but leave a gap between our current fence line and their new chain-link fence. This will create a “dead space”, for lack of a better term of approximately 18”-24” between their new fence and the existing fencing of all the homeowners on the east side. There will be no way to mow, weed eat or control the growth of the grass between the 2 fences. That will make all the property owners look bad and the church look bad, because it will look horrible with grass growing all the way down the fence row in that dead space area. Angel indicated they would use weed killer to control it, but there is no way that would work year-round.

I suggested to the pastor to just use the existing homeowner fencing as their fence on the east side. That would save him money and also not create a landscaping/upkeep nightmare.

They had also dug holes originally that were near my driveway and on my property. I am opposed to that as well.

They have asked for me to leave my gate unlocked so if the kids throw their ball over into my backyard, they can retrieve it. I will not do that, as I have an inground pool in my yard. I cannot take on that liability.

Again, I am not opposed to the entire fence, just not the fencing on the east side or on my property near my driveway.

Please call if you have any questions. 918-521-1751.
Thank you,
Stephanie Spring

**Stephanie Spring | Executive Business Director**

**cell:** 918-521-1751 | **email:** stephanie@ctjenergy.com

**CTJ Energy Solutions, Inc. | ECS (Permian Field Service Solutions)**

7908 Cotton Trail, Godley, TX 76044 | 2500 North County Road 1282 Midland, TX 79707

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6/7/24
Tulsa Board of Adjustment
175E 2nd St, Ste #480
Tulsa, Ok. 74103
George Beltz
2136 S Darlington Ave
Tulsa, Ok, 74114

Dear Board of Adjustment:

Several neighbors conferred, then asked me to convey our interests to your board. Regrettably, we would like to oppose the proposed zoning exception for case #BOA-23711. I say regrettably because the church and its members have been good neighbors and are kind to everyone. So we are happy to have the church, we only oppose a fence and the height exception.

We believe fencing the church property is bad for our neighborhood and specifically our property values. For the dozen houses facing the church on Darlington Ave and on 21st Place, it will block the nice open view from all our front windows. My realtor says an open front view like ours adds approximately $10,000 to the value of each of our homes. Several of us, like myself, are retirees, and our homes are our most valuable asset, so that's a big deal for us.

Secondly, it presents safety issues for the intersections of 21st Place and 21st Street and Darlington Ave. Any fence at the minimum distance from the center line will obscure drivers' view of traffic at the intersections. More so if it is a privacy fence or a hurricane fence that gets overgrown (like so many do around here). At the minimum distance from the center line, if a fence became obscured with vines and mulberry and such, cars would not have adequate visibility to see oncoming traffic and safely pull out onto Darlington Ave or especially 21st Street, a major thoroughfare at Yale Ave.

If they are allowed to build it, we recommend that the setback be greater and that they be required to keep it clear of vegetation.

See pictures attached - at 25' feet off the center line is only a few feet from the curb. The nose of most cars is longer than that, so to see around the fence turning onto Darlington from 21st Place, one would have to poke the nose of their car out into the intersection. That's bad on a side street, like at 21st Place, but it's just not safe to poke the front of your car from Darlington onto 21st street to check on traffic.

Nor does the minimum setback leave room for folks to walk on the north side of the street on 21st Place. Hoover Elementary School is 2 blocks south on Darlington. We have kids on both sides of every street around here twice a day. If there's not room on one side, they'll be in the street.

Aesthetically, a 7' foot hurricane fence will make the church look like a prison compound. At the very least, it is unwelcoming, which my minister says makes it a questionable choice for any church. I note that while driving around in the last week or two, none of us have seen a neighborhood church with a fence around it. It begs the question as to why a church would want to keep people out? Or make them feel trapped?

Further, there have been 4 churches in that location in the 23 years I have lived across the street, making it a very likely that this church will be gone long before the fence, leaving us
permanent residents with an eyesore. Will they agree to take it down when they leave?

Finally, we oppose the requested exception for a 7' foot fence height. We oppose the 7' foot height exception because it will look even more like a prison yard than a 6' foot fence, again negatively affecting property values and appearance.

Why have a 7' foot fence anyway? To what advantage? 6' feet is enough. Please.

Sincerely,
George S Beltz
1. We are opposed to granting a special exception to increase the permitted fence height at 2111 S. Darlington Ave.

2. Care and consideration should be exercised to ensure that site lines are not obstructed when entering E. 21st St. from S. Darlington Avenue and S. Darlington Avenue from E. 21st Place. (See attached photos.)

3. Care and consideration should be taken to ensure that any fence is placed outside any public utilities (water) and any required setbacks. (See attached City of Tulsa Atlas page with waterlines shown, and photos of waterline locations flagged and painted.)

4. Required offsets from street centerlines should be met. Per the survey attached to the notice, the offset from the centerline of 21st St. is proposed to be 50 feet, and from the street centerline of Darlington Ave. and E. 21st Place is 25 feet.

5. Numerous neighbors have expressed concerns that the proposed fence could negatively impact the value of properties in the neighborhood. We agree.

6. Had the owners of the property at 2111 S. Darlington Avenue approached their neighbors with a request PRIOR to installing the posts for the fence (inside rights of way and easements), there may not be so much resistance. Although the posts on E. 21st Place have been removed, the posts on E. 21st Street are still in the Right of Way, and the posts on S. Darlington may encroach on the 6" waterline easement.

We request that the fence NOT be allowed to be built under the current proposal.

Sincerely,

James R. Boyd
Terri L. Boyd
2143 S. Darlington Ave.
Tulsa, OK 74114
(918)749-6354
Untitled Map
Write a description for your map.

Legend
- Slipline/CIPP
- 8" SS - VCP - Point Repair (1)
Untitled Map
Write a description for your map.