



Board of Adjustment

**Staff Report
BOA-23808**

Hearing Date: December 10, 2024

Prepared by: Erin Roark

eroark@cityoftulsa.org

918-596-7618

Owner and Applicant Information

Applicant: Maria Sanchez

Property Owner: Maria Guadalupe Sanchez Vazquez

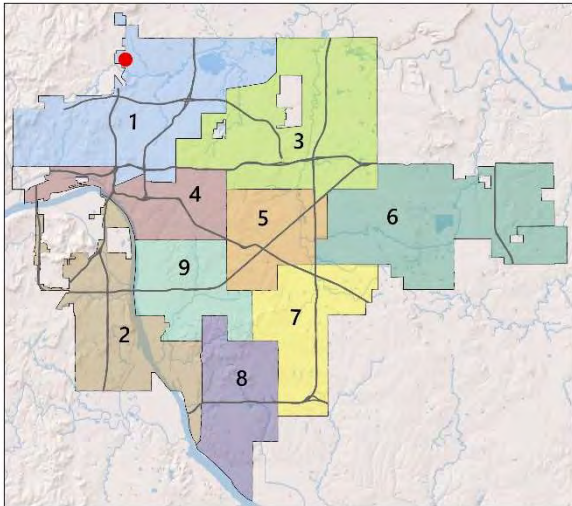
Property Location

4665 & 4669 North Boston Place East

Tract Size: ±0.32 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

Request Summary

Special Exception to increase the permitted fence height of 4 feet within the street setback (Section 45.080-A).

Zoning

Zoning District: RS-3

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

planitulsa Street Type: N/A

Transit: Regular Route

Existing Bike/Ped Facilities: N/A

Planned Bike/Ped Facilities: Signed Route

Environment

Flood Area: N/A

Tree Canopy Coverage: 10-20%

Parks & Open Space: Chamberlain Park

Staff Analysis

The applicant requests a special exception to increase the permitted fence height of 4 feet within the street setback (Section 45.080-A). A 6-foot high metal fence currently encloses the property. A portion of the fence is located within the street setback of both Boston Place and Martin Luther King Jr. Boulevard, where fences and walls may not exceed 4 feet in height.

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 found.

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 | RS-3 | Neighborhood | Residential |
| East | RS-3 | Neighborhood | Religious |
| South | RS-3 | Neighborhood | Residential |
| West | RS-3 | Neighborhood | Residential |

Small Area Plans

The subject property is not located 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: Martin Luther King Jr. Boulevard runs parallel to the east side of the subject property and is classified as a Secondary Arterial, which has a planned minimum right-of-way width of 100 feet.

Comprehensive Plan Street Designation: N/A

Transit: Regular Route 110 runs parallel to the east side of the subject property along Martin Luther King Jr. Boulevard.

Existing Bike/Ped Facilities: N/A

Planned Bike/Ped Facilities: The 2015 GO Plan recommends a signed route along Martin Luther King Jr. Boulevard.

Arterial Traffic per Lane: Martin Luther King Jr. Boulevard has an average annual daily traffic (AADT) count of 2,594 vehicles per lane.

Environmental Considerations

Flood Area: The subject property is not located within a floodplain.

Tree Canopy Coverage: Tree canopy in the area is 10%. 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. The area would benefit from additional trees, which also capture and treat runoff before it enters the river.

Parks & Open Space: Chamberlain Park is located nearby to the northeast of the subject property.

Sample Motion

I move to approve or deny a special exception to increase the permitted fence height within the street setback (Section 45.080-A), from 4 feet to 6 feet,

- per the conceptual plan(s) shown on page(s) _____ of the agenda packet.
- subject to the following conditions (including time limitation, if any): _____.

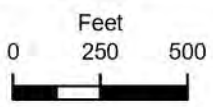
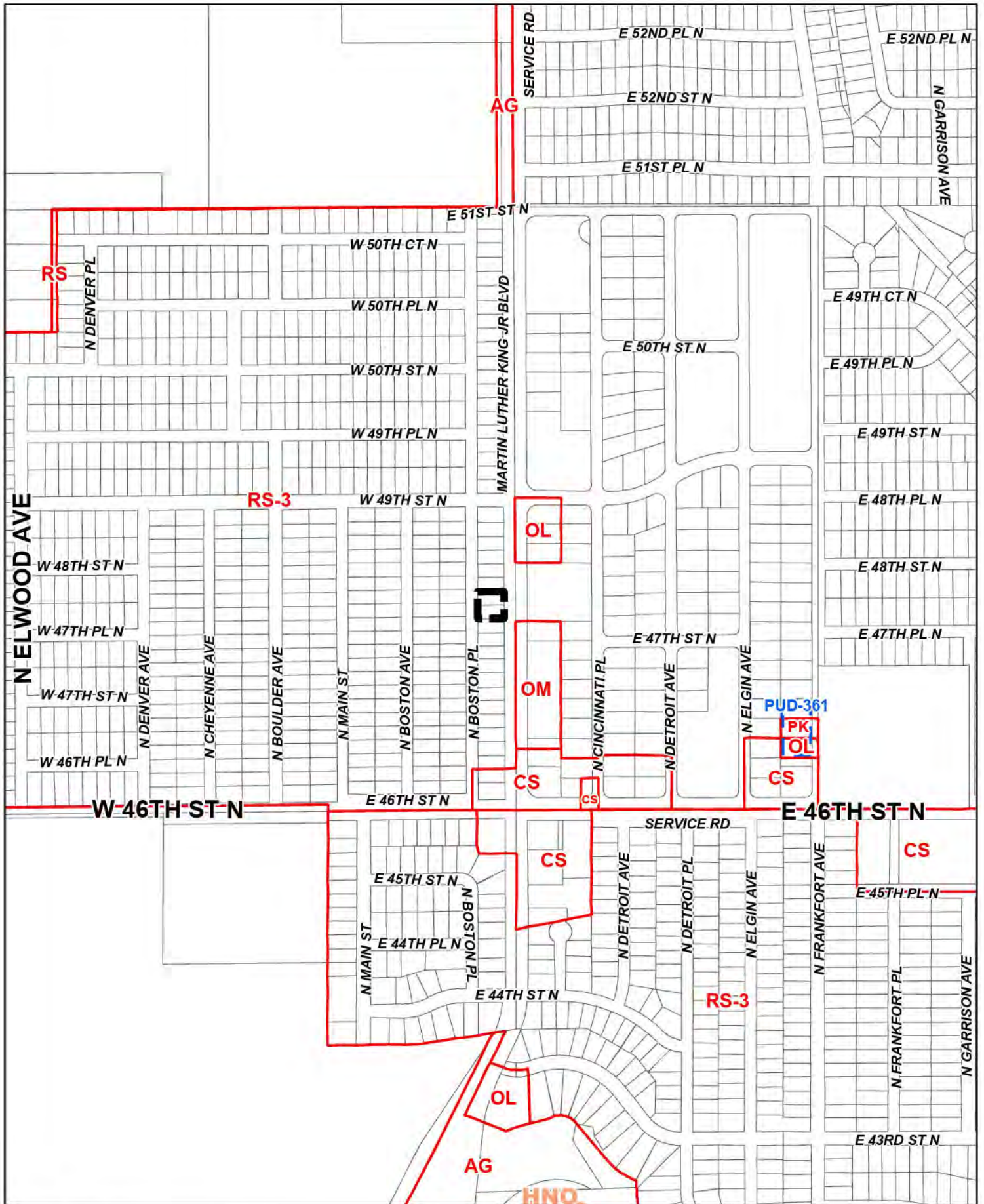
The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Property Description

LTS 7 & 8 BLK 14, VALLEY VIEW ACRES, City of Tulsa, Tulsa County, State of Oklahoma

Exhibits

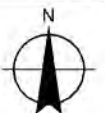
- Case map
- Aerial (small scale)
- Aerial (large scale)
- Tulsa Comprehensive Plan Land Use Map



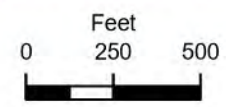
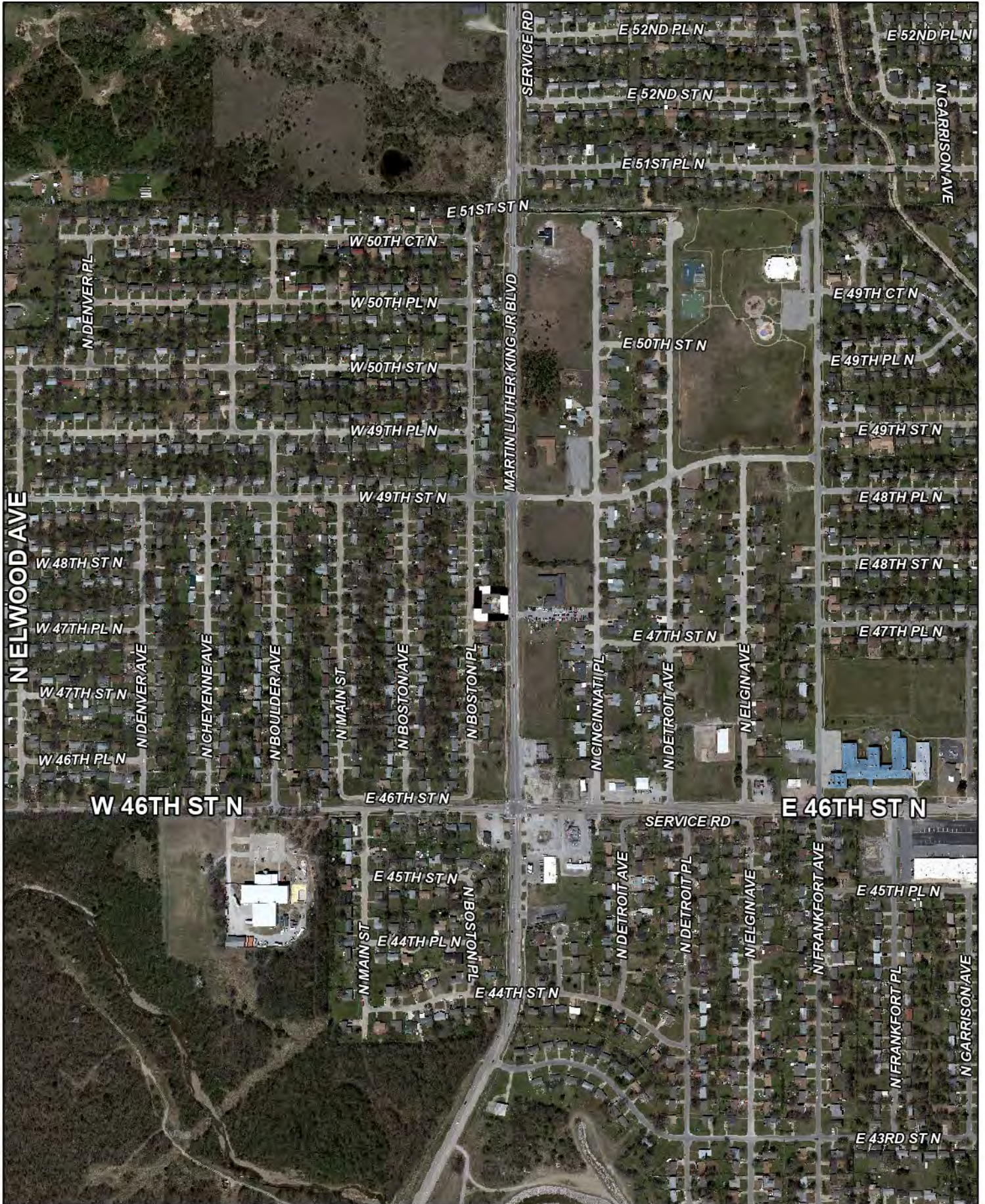
 Subject Tract

BOA-23808

20-12 11



11.5



 Subject Tract

BOA-23808

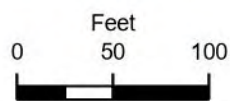
20-12 11

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

Aerial Photo Date: 2022



11.6



Subject Tract

BOA-23808

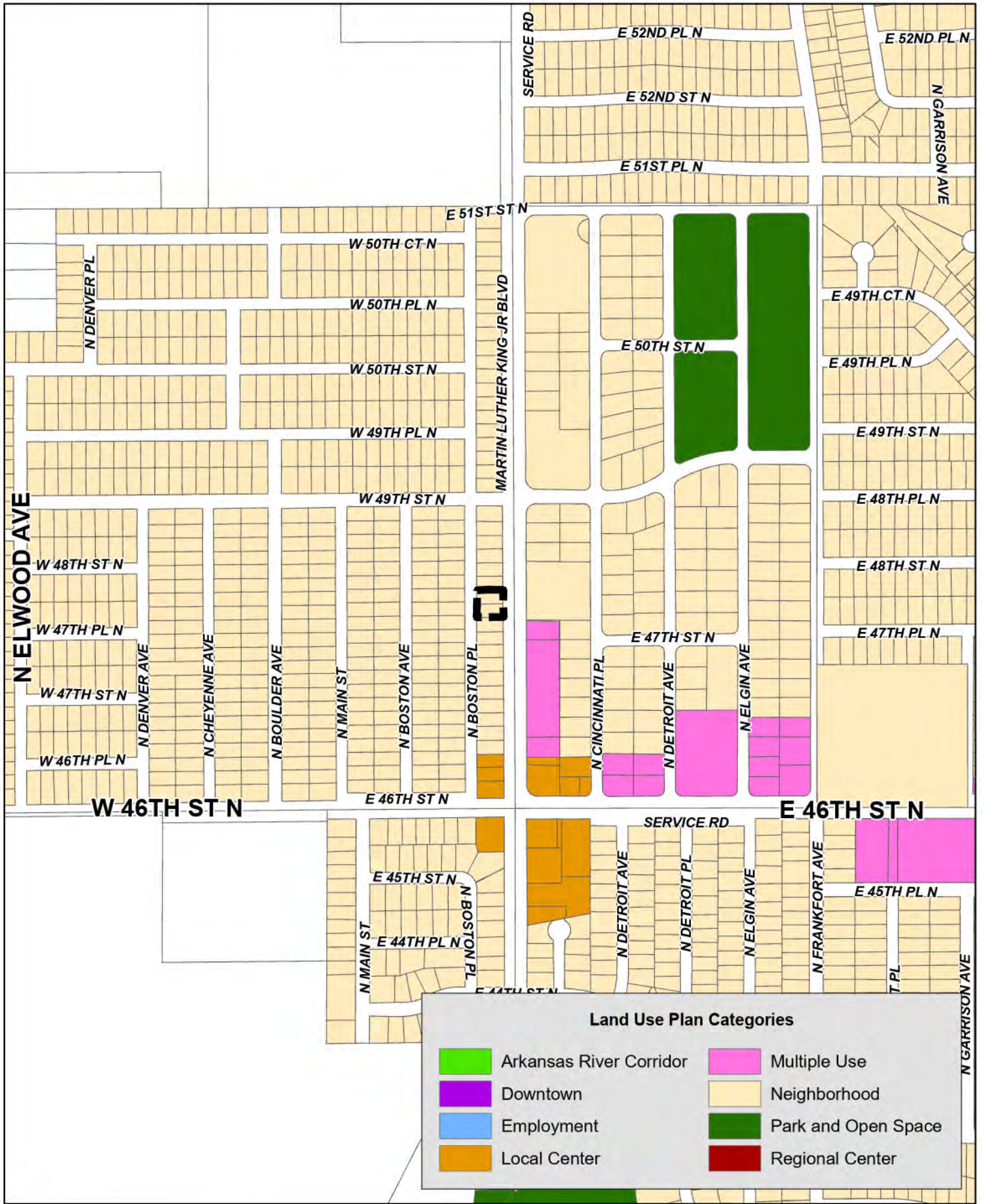
20-12 11

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



Aerial Photo Date: 2022

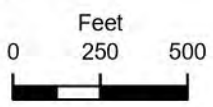


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Land Use Plan Categories

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



 Subject Tract

BOA-23808
20-12 11



Center of MLK, 50 FT

Fence Sheet metal 6 ft height

W 119 FT long



Fence Sheet metal 6 ft height
S 118 ft long

E 119 ft long

6 ft height Fence Chain link

Center of Boston PI
25 FT

11.9 N

Fence Sheet metal 6 ft height
N 118 ft long



CITY OF TULSA
Code Enforcement

NOTICE OF VIOLATION – ZONING

To: Vazquez, Maria Guadalu Sanchez
4665 N Boston PL
Tulsa, OK 74126-3141

Date: 5-3-24
Case: 70700

Compliance Date: 5-17-24

Dear Property Owner and/or Occupant,

You are hereby notified of zoning code violations at (legal) Lt 7 Blk 14 Valley View Acres

City of Tulsa, Tulsa County State of Oklahoma; And located at the address of:
4665 N Boston Pl E

Violations:

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Home Occupations | <input type="checkbox"/> Mobile Storage Units | <input checked="" type="checkbox"/> Fences and Walls |
| <input type="checkbox"/> Commercial Vehicles | <input checked="" type="checkbox"/> Parking Surface | <input checked="" type="checkbox"/> Permit Needed |
| <input checked="" type="checkbox"/> Accessory Uses | <input checked="" type="checkbox"/> Recreation Vehicles | <input type="checkbox"/> |

Additional comments, descriptions or directions: Cease All Use on Vacant lot until permit issued

See back of page for what the resolution of each violation requires.

You still have time to correct the issue(s) at your property. To comply, must correct all violations prior to the compliance deadline listed on this notice above. If you are unable to correct any or all the violation(s) listed above, contact the Code Official listed below to work out an acceptable plan to bring your property into compliance. Ensure that all family members, employees, and/or contractors, etc. are familiarized with and adhere to these regulations. Additional notices will not be sent if recurring violations are found in the future.

Failure to make the correction may result in the issuance of a criminal citation or civil remedial penalties not to exceed \$1,200.00 per violation each day. Failure to comply may also result in revoking or withholding permits, certificates or other forms of authorization issued by the City of Tulsa; and/or any other remedies allowed by law.

Your property is an important investment for you and the community. I urge you to make the necessary corrections to eliminate all violations so that no further enforcement will be necessary.

Please understand that it is ultimately the responsibility of the owner to ensure these violations are corrected. Any civil agreements or rental agreements do not alleviate the owner of this responsibility.

Thank you,

R Dougherty
City of Tulsa - Code Enforcement
175 E 2nd Street
Tulsa OK 74103
918-596-7594
rdougherty@cityoftulsa.org

Appeals: You may appeal the administrative official's decision by filing a complete appeal application with the Clerk of the City of Tulsa Board of Adjustment at the Tulsa Planning Office **AND** by filing a copy of the completed appeal application with the Tulsa City Clerk. Appeals must be filed within **10 DAYS** of the date of this Notice, and all applicable fees must be paid at the time the appeal application is submitted to the Tulsa Planning Office. Appeals are heard by the City of Tulsa Board of Adjustment. For more information related to appeals, see Chapter 70, Section 70.140 of the Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances, Appeals of Administrative Decisions.

Addresses to file appeals:

| Clerk of the City of Tulsa Board of Adjustment | | Office of the Tulsa City Clerk | |
|---|----------------------------------|---|----------------------------------|
| c/o Tulsa Planning Office 175 E 2 nd St, 4 th Floor Tulsa, OK 74103 918.596.7526 | Monday-Friday 8 a.m. – 5 p.m. | Tulsa City Hall 175 E 2 nd St, Suite 260 Tulsa, OK 74103 918.596.7513 | Monday-Friday 8 a.m. – 5 p.m. |

To view the entire Zoning Code (Title 42), visit: tulsaplanning.org/resources/plans/

SEE BACK FOR IMPORTANT INFORMATION

Zoning(1) – 7/1/23 bp

Home Occupations

- 42.45.100 F The following uses are expressly prohibited as home occupations:
- 42.45.100 F1 Any type of assembly, cleaning, maintenance, painting or repair of vehicles or equipment with internal combustion engines or of large appliances (such as washing machines, clothes dryers or refrigerators);
- 42.45.100 F2 Dispatch centers or other businesses where employees come to the site and are dispatched to other locations;
- 42.45.100 F3 Equipment or supply rental businesses;
- 42.45.100 F4 Taxi, limo, van or bus services;
- 42.45.100 F5 Tow truck services;
- 42.45.100 F6 Taxidermists;
- 42.45.100 F7 Restaurants;
- 42.45.100 F8 Funeral or interment services;
- 42.45.100 F9 Animal care, grooming or boarding businesses; and
- 42.45.100 F10 Any use involving the use of storage of vehicles, products, parts, machinery or similar materials or equipment outside of a completely enclosed building; and
- 42.45.100 F11 Any use that does not comply with regulations of this section.

Parking and Storage of Commercial Vehicles

- 42.45.130A A commercial vehicle, for the purpose of determining compliance with Section 45.130, is any vehicle, including but not limited to a car, van, truck, bus, semi-truck, or tow truck, that includes any of the following characteristics:
1. More than two (2) axles;
 2. A cab height greater than eighty-four (84) inches;
 3. Any part or attachment to the vehicle capable of exceeding the height of ninety (90) inches;
 4. A gross vehicle weight rating greater than twelve thousand (12,000) pounds;
 5. An overall length of more than twenty-five (25) feet;
 6. A commercial sign or message exceeding four (4) square feet per side; or
 7. A tow sling or other device specifically designed to tow another vehicle.
- 42.45.130B No commercial vehicle as defined in in §45.130-A may be parked or stored outdoors within a residential zoning district. This provision is not intended to prohibit the following:
1. Vehicles accessory to a permitted non-residential use and parked on the lot containing the use;
 2. Deliveries and pickups by common carrier delivery vehicles or service vehicles being actively used, loaded, or unloaded (e.g., postal service, UPS, FedEx, et al.) of the type typically used in residential neighborhoods;
 3. Recreational vehicles (See §45.150);
 4. Vehicles registered to a governmental body or utility provider and used for law enforcement, emergency response, or repair of public infrastructure; or
 5. Vehicles accessory to a construction project or an active building or construction permit

Accessory Uses

- 42.45.010A Accessory uses and structures are allowed only in connection with lawfully established principal uses.

Mobile Storage Units

- 42.50.030F Temporary mobile storage units, subject to the following supplemental regulations:
1. Temporary mobile storage units are allowed in R zoning districts, subject to compliance with all of the following regulations:
 - a. Temporary mobile storage units are permitted for a period not to exceed a total of 90 days within any calendar year unless a valid building or construction permit is in place for the subject property, in which case the temporary mobile storage unit may remain in place for a maximum of 120 days or until the permit expires, whichever occurs first. If a dwelling unit on the subject lot has been damaged by natural disaster act of God, the development administrator is authorized to grant time extensions of otherwise applicable temporary mobile storage unit time limits.
 - b. No more than one temporary mobile storage unit may be located on any lot.
 - c. Temporary mobile storage units may not exceed 16 feet in length, 8 feet in width, and 8.5 feet in height.
 - d. Temporary mobile storage units must be set back at least 5 feet from all property lines.
 - e. Temporary mobile storage units must be placed on an improved all-weather surface, generally asphalt, brick pavers, or concrete
 - Units are prohibited within landscape areas, open spaces, stormwater basins, or any other location that may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to surrounding land uses and development.
 - f. No materials may be stacked or stored on the exterior of the mobile storage unit and no running gear or transport trailer may be stored on site outside of a completely enclosed building.

Parking Surfaces

- 42.55.090F1 All off street parking areas must be surfaced with a dustless, all weather surface unless otherwise expressly stated in this zoning code. Pervious pavement of pervious pavement systems are allowed subject to the supplemental regulations of §55.090 F4. Parking area surfacing must be completed prior to initiation of the use to be served by the parking.
- 42.55.090F2 All motorized vehicles designed for travel upon public streets and that are being parking, stored or displayed for sale must be parking, stored or displayed on dustless, all weather surface. This surfacing requirement does not apply to junk or salvage yards. The board of adjustment is authorized to grant a special exception permitting the storage or display of motorized vehicles on a surface other than one consisting of a dustless, all weather surface if the location complies with all applicable minimum building setbacks.

Recreational Vehicles

- 42.45.150A Other than for purposes of loading and unloading, which must take place within a 48 hour period, recreational vehicles located in an AG, R or MX district may be parked or stored only in the following locations:
1. Within a garage;
 2. Within a rear building setback, provided it is set back to at least 3 feet from all lot lines;
 3. Within a side yard but not with a required side building setback;
 4. Within a side building setback if the recreational vehicle is no more than 6 feet in height, excluding the height of any outboard motor or windshield, and the recreational vehicle is screened along the lot line nearest to the vehicle and extending for the vehicle's full length by an F1 screening fence or wall in accordance with §65.060 C2; or
 5. Within the street yard, provided that the development administrator determines that all of the following conditions exist:
 - a. Space is not available or there is no reasonable access to either the side yard or rear yard;
 - b. Parking inside the garage is not possible due to the height or width of the recreational vehicle;
 - c. The recreational vehicle is parked perpendicular to the street lot line;
 - d. The body of the recreational vehicle is at least 12 feet from the face of the curb or travel lanes of the street and does not extend over a sidewalk; and
 - e. No more than one recreational vehicle is parked or stored in the street yard.
 6. For purposes of these provisions:
 - a. A corner lot is always deemed to have reasonable access to the rear yard;
 - b. A fence does not necessarily prevent reasonable access to a yard; and
 - c. A boat loaded on a boat trailer is considered one recreational vehicle.
- 42.45.150B The parking and storage of recreational vehicles in an R district is permitted in accordance with §45.150 A provided that:
1. The vehicle is not used for dwelling purposes;
 2. The vehicle is not permanently connected to sewer lines, water lines or electricity; and
 3. The vehicle is not used for storage of goods, materials, or equipment other than those items considered to be a part of the recreational vehicle or essential for its use as a recreational vehicle

Fences and Walls

- 42.65.060C When located in the required street setback, fences and walls may not exceed 4 feet in height

Permit Needed

- 42.70.080A Property owners or their authorized agent must obtain a zoning clearance permit from the development administrator before constructing, moving, or structurally altering any building or structure or establishing or changing the use of any building or lot.

A copy of this notice has been sent to: (if applicable)



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| <input type="checkbox"/> Accessory Uses | <input type="checkbox"/> Recreation Vehicles | <input type="checkbox"/> |

Additional comments, descriptions or directions: Fences that exceed 4ft in Street
Setback require a permit

See back of page for what the resolution of each violation requires.

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|------------|--|

Parking Surfaces

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|------------|---|
| 42.45.150A | Other than for purposes of loading and unloading, which must take place within a 48 hour period, recreational vehicles located in an AG, R or MX district may be parked or stored only in the following locations: <ol style="list-style-type: none">1. Within a garage;2. Within a rear building setback, provided it is set back to at least 3 feet from all lot lines;3. Within a side yard but not with a required side building setback;4. Within a side building setback if the recreational vehicle is no more than 6 feet in height, excluding the height of any outboard motor or windshield, and the recreational vehicle is screened along the lot line nearest to the vehicle and extending for the vehicle's full length by an F1 screening fence or wall in accordance with §65.060 C2; or5. Within the street yard, provided that the development administrator determines that all of the following conditions exist:<ol style="list-style-type: none">a. Space is not available or there is no reasonable access to either the side yard or rear yard;b. Parking inside the garage is not possible due to the height or width of the recreational vehicle;c. The recreational vehicle is parked perpendicular to the street lot line;d. The body of the recreational vehicle is at least 12 feet from the face of the curb or travel lanes of the street and does not extend over a sidewalk; ande. No more than one recreational vehicle is parked or stored in the street yard.6. For purposes of these provisions:<ol style="list-style-type: none">a. A corner lot is always deemed to have reasonable access to the rear yard;b. A fence does not necessarily prevent reasonable access to a yard; andc. A boat loaded on a boat trailer is considered one recreational vehicle. |
| 42.45.150B | The parking and storage of recreational vehicles in an R district is permitted in accordance with §45.150 A provided that: <ol style="list-style-type: none">1. The vehicle is not used for dwelling purposes;2. The vehicle is not permanently connected to sewer lines, water lines or electricity; and3. The vehicle is not used for storage of goods, materials, or equipment other than those items considered to be a part of the recreational vehicle or essential for its use as a recreational vehicle |

Fences and Walls

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| 42.65.060C | When located in the required street setback, fences and walls may not exceed 4 feet in height |
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Permit Needed

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| 42.70.080A | Property owners or their authorized agent must obtain a zoning clearance permit from the development administrator before constructing, moving, or structurally altering any building or structure or establishing or changing the use of any building or lot. |
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A copy of this notice has been sent to: (if applicable)