



**Board of Adjustment**

**Staff Report  
BOA-23856**

**Hearing Date:** February 25, 2025  
**Prepared by:** Erin Roark  
eroark@cityoftulsa.org  
918-596-7618

**Owner and Applicant Information**

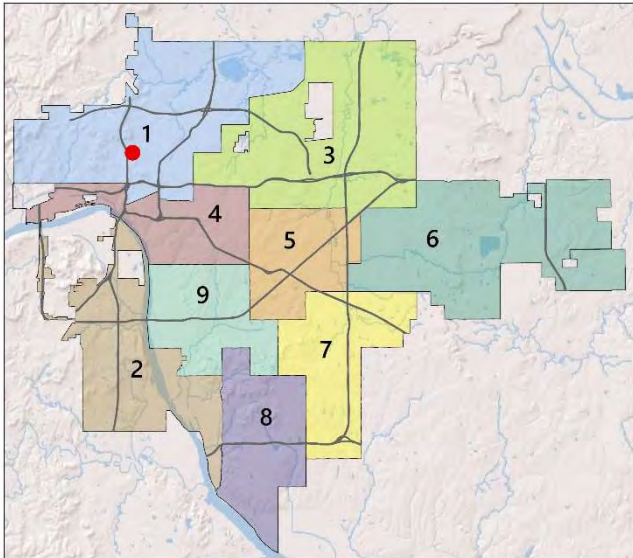
Applicant: Bell Land Use, LLC, Robert Bell  
Property Owner: Homes by Blas, LLC

**Property Location**

1448 North Main Street West  
Tract Size: ±0.24 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-4  
Zoning Overlays: HNO, NIO

**Comprehensive Plan Considerations**

**Land Use**

Land Use Plan: Neighborhood  
Small Area Plans: Unity Heritage  
Development Era: Streetcar Era

**Transportation**

Major Street & Highway Plan: Secondary Arterial,  
Residential Collector  
planitulsa Street Type: Multi-Modal Street  
Transit: Regular Route  
Existing Bike/Ped Facilities: Sidewalks, Buffered Bike Lane,  
Bike Lane  
Planned Bike/Ped Facilities: , Bike Lanes

**Environment**

Flood Area: N/A  
Tree Canopy Coverage: 10-19%  
Parks & Open Space: N/A

## Staff Analysis

The applicant is requesting a special exception to increase the permitted fence height of 4 feet within the street setback (Section 45.080-A). The proposed fence would run along the perimeter of the property and would be 6 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

- BOA-20274, May 9, 2006; The board of adjustment voted to approve a special exception to permit a single-family residence on two lots in the OL and CH districts.

## Comprehensive Plan Considerations

### Land Use Plan

The 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	CH, HNO, NIO	Neighborhood	Residential
East	CH, OL, HNO, NIO	Neighborhood	Residential
South	RS-4, HNO, NIO	Neighborhood	Residential
West	RS-4, HNO, NIO	Neighborhood	Residential

### Small Area Plans

The subject property is located within the Unity Heritage small area plan.

### Development Era

The subject property is in an area developed during the Streetcar Era (1910s-30s), prior to the proliferation of automobiles, when streetcars facilitated growth beyond downtown. Land uses range from fully integrated to somewhat separated, on a half-mile grid, with a mix of housing options. Priorities in these areas include walkability, bikeability, access to public transit, historic preservation, housing type variety, mixed-use development, transit-oriented development, commercial districts, and well-designed streetscapes.

**Transportation**

Major Street & Highway Plan: Pine Street runs parallel to the north 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: Pine Street is designated as a Multi-Modal Street. Multi-modal streets support commercial and residential development along major arterial streets. These streets align with the recommendations for on-street bicycle infrastructure established in the 2015 GO Plan, and they should be evaluated for feasibility with regard to the reallocation of street space for bicycle facilities.

Transit: Regular Route 110 runs along East Pine Street and North Main Street.

Existing Bike/Ped Facilities: A buffered bike lane runs along Pine Street. A bike lane runs along North Main Street West. Sidewalks are present along street frontages.

Planned Bike/Ped Facilities: The 2015 GO Plan recommends bike lanes along Pine Street and North Main Street West.

Arterial Traffic per Lane: Pine Street has an average annual daily traffic (AADT) of 4,599 vehicles per lane.

**Environmental Considerations**

Flood Area: N/A

Tree Canopy Coverage: Tree canopy on the subject property is 17%. 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: N/A

**Sample Motion**

I move to approve or deny a special exception to increase the permitted fence height within the street setback in the RS-4 district (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): \_\_\_\_\_.

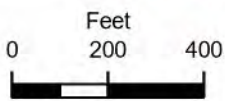
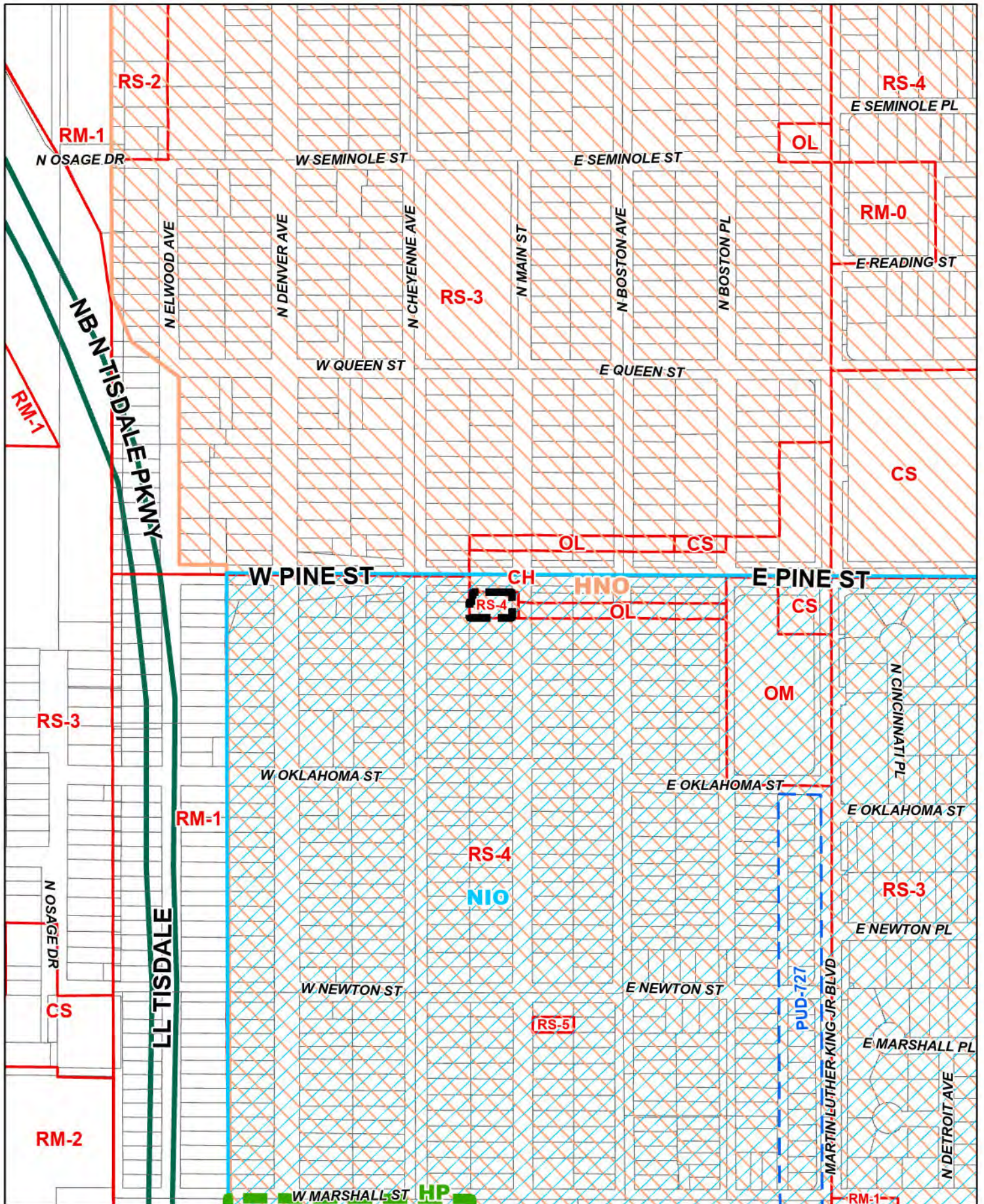
The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

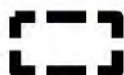
**Property Description**

LT 1 LESS BEG NEC TH W137 S50 E10 N30 E127 N20 POB & LT 2 BLK 4, LLOYD ADDN, City of Tulsa, Tulsa County, State of Oklahoma

**Exhibits**

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



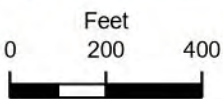
 Subject Tract

**BOA-23856**

20-12 35



15.5



Subject Tract

**BOA-23856**

20-12 35

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

Aerial Photo Date: 2024



15.6

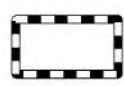
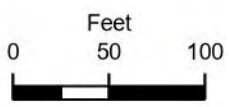


W PINE ST

E PINE ST

N CHEYENNE AVE

N MAIN ST



Subject Tract

**BOA-23856**

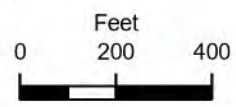
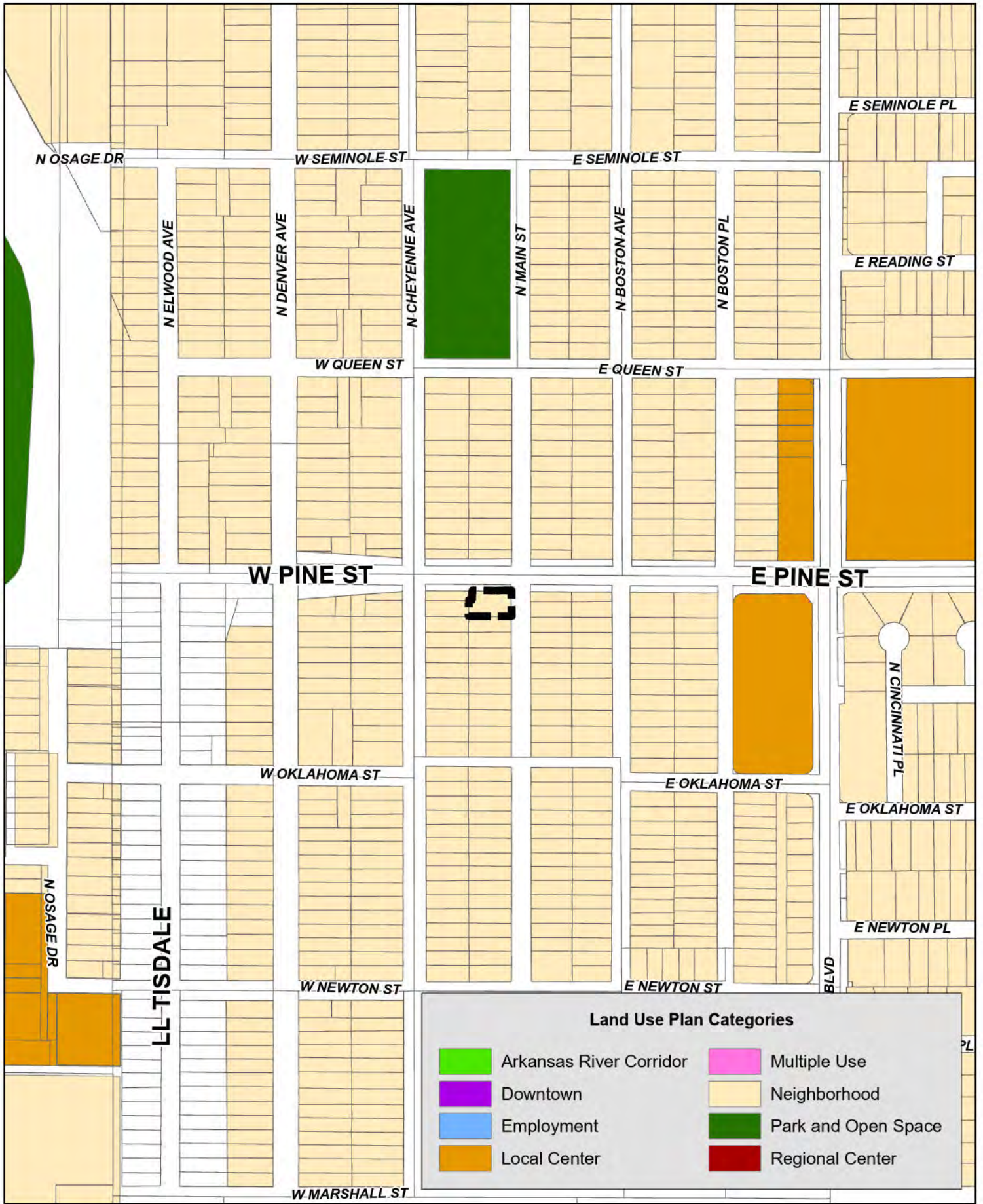
20-12 35

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Aerial Photo Date: 2024



15.7



 Subject Tract

**BOA-23856**  
20-12 35





1448 N Main Street  
Tulsa OK 74106  
Special Exception  
6-Foot-High Fence Front Yard

Criteria:

1. The special exception will be in harmony with the spirit and intent of the Zoning Code.
2. The special exception will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Findings:

1. The intent of the Zoning Code is to protect the Streetscape of the neighborhood and to minimize the impacts of privacy fences 12 feet from a public road.
2. Section 45.080 Tulsa Zoning Code Specifies-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.
3. The properties on the north side of Pine at this location are constructed with privacy fences along Pine Street. There is no uniform look or fence location on Pine Street. These properties do stop the privacy fences at the front building lines associated with those properties. As seen in the accompanied photo this is actually a distraction to the streetscape of Pine Street.
4. The residential tract located at the northeast corner of North Main and Pine Street has a 6 foot privacy fence that continues along Pine Street to the right of way boundary of Main Street. This property has constructed a 4-5 feet high wrought iron and masonry fence along Main Street.
5. Beginning at Denver Avenue to Boston Avenue along Pine the City has purchase 20 feet of right of way which may be used for utilities but appears to be a land separation from pine Street.
6. The subject property is constructed with a tri-plex that has 3 garage doors facing Pine with a driveway from Main Street. It is in the best interest of Pine Street motorist to develop a separation between this driveway and the Arterial Road.
7. It is also equally important to provide a separation from the Arterial Roadway to the tri-plex structure.
8. The residential property to the west is now faced with three backyards backing to the side property line. The privacy fence along the west boundary provides a protection the adjacent owners and the residential nature of their property.

Summary:

The Board of Adjustment is allowed to modify the fence and wall regulations in accordance with the Special Exception procedures.

The zoning code is designed to protect the integrity of the street scape of residential neighborhoods. Pine Street is not a neighborhood roadway but an Arterial Street.

The applicant is proposing a 6 foot high privacy fence along the entire side properties of the subject tract. He is proposing a 6 foot high wrought iron fence with a wrought iron gate along the Main Street Frontage of the property.

The intent of the wrought iron is to provide an open feel in recognition of the frontage of the property and solve for a perceived need to provide security and safety from the adjacent arterial roadway.



Northwest corner Main and Pine.



Northeast corner of Main and Pine.



Frontage Northeast corner Main and Pine.



Property along the South Property Line. The stone house on the north has been removed.





15.14