

AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level
One Technology Center
Tuesday, October 10, 2023, 1:00 p.m.

Meeting No. 1325

If you wish to present or share any documents, written comments, or exhibits during the hearing, please **submit them by 9:00 a.m. the day of the hearing.** Remember to reference the case number and include your name and address.

Email: planning@cityoftulsa.org

Mail or In Person: City of Tulsa BOA, 175 E. 2nd St., Suite 480, Tulsa, OK 74103

Minutes

1. Approval of **Minutes** of July 11th, 2023 (Meeting No. 1319)
2. Approval of **Minutes** of July 25th, 2023 (Meeting No. 1320)

UNFINISHED BUSINESS

3. **23572 – Atul Sood**
Action Requested: Special Exception to permit the alteration, expansion, or enlargement of a structure with an existing non-conforming street setback (Sec. 80.030-D)
Location: 4216 S. 25th W. Ave. **(CD 2)**

NEW APPLICATIONS

4. **23580 – Ryan Neurohr, Image Builders**
Action Requested: Special Exception to permit a Dynamic Display sign in a Residential District containing a School Use (Sec. 60.050-B.2.c); Special Exception to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F)
Location: 525 E. 46th St. N. **(CD 4)**
5. **23581 – Saul Pena**
Action Requested: Special Exception to permit a Large Assembly and Entertainment Use (greater than 250-person capacity) in IM and CH Districts (Sec. 15.020, Table 15-2)
Location: 1150 S. Sheridan Rd. **(CD 5)**
6. **23582 – Wallace Design Collective**
Action Requested: Special Exception to amend a previously approved site plan for a Country Club in an RS-1 District (Table 5.020, Table 5-2; Sec.70.120)
Location: 2636 E. 61st St. S. **(CD 9)**
7. **23583 – Conner Van Holten**
Action Requested: Variance to permit a dynamic display sign to exceed 48 square feet (Sec. 60.080-E); Variance to permit a dynamic display sign within 50-feet of a signalized intersection (Sec. 60.100-D)
Location: 924 S. Boulder Ave. **(CD 4)**

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

Website: tulsaplanning.org **E-mail:** planning@cityoftulsa.org

CD = Council District

NOTE: If you require special accommodation pursuant to the Americans with Disabilities Act, please notify Tulsa Planning Office at 918-596-7526. Exhibits, Petitions, Pictures, etc., presented to the Board of Adjustment may be received and deposited in case files to be maintained by the Tulsa Planning Office at Tulsa City Hall. All electronic devices must be silenced.

BOARD OF ADJUSTMENT
Minutes of Meeting No. 1319
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, July 11, 2023, 1:00 P.M.

Meeting No. 1319

Members Present

Radney, Vice Chair
Wallace
Barrientos
Stauffer

Members Absent

Bond, Chair

Staff Present

A. Chapman
S. Wallace

Others

A. Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on July 6, 2023, at 4:45 p.m.

Ms. Radney called the meeting to order at 1:04 p.m.

Mr. Wallace read the rules and procedures for the Board of Adjustment Public Hearing.

MINUTES

On **MOTION** of **Barrientos**, the Board voted 4-0-0 (Stauffer, Barrientos, Wallace, Radney "ayes", no "nays"; no "abstentions", bond "absent") to **APPROVE** the **Minutes** of April 25, 2023 (Meeting No. 1315)

On **MOTION** of **Barrientos**, the Board voted 4-0-0 (Wallace, Barrientos, Stauffer, Radney "ayes", no "nays"; no "abstentions", Bond "absent") to **APPROVE** the **Minutes** of May 9, 2023 (Meeting No. 1316)

On **MOTION** of **Barrientos**, the Board voted 4-0-0 (Wallace, Barrientos, Stauffer, Radney "ayes", no "nays"; no "abstentions", Bond "absent") to **APPROVE** the **Minutes** of May 23, 2023 (Meeting No. 1317)

Unfinished Business

23530 – Nathalie Cornett

Action Requested:

Special Exception to permit a Small (up to 250-person capacity) Indoor Commercial Assembly and Entertainment use in the CS District serving alcohol within 150-feet of a residential zoning district (Sec.15.020, Table 15-2); Special Exception to permit an alternative compliance parking ratio to reduce the required number of parking spaces (Sec. 55.050-K) Location: 1330 E. 15th St. (CD 4)

Presentation:

Nathalie Cornett, 2727 E. 21st St., Ste. 200, stated that last meeting was a little robust but with there being two new board members present she would keep her comments brief and try to give an overview of what is happening. The first special exception pertains to the Lincoln Plaza at the southeast corner of 15th Street and Peoria Avenue, where Jason's Deli, Chimi's, and Nola's are located. On the second floor above Nola's, they want to open an event center. It is permitted there by right because of its size; however, it is located within 150 feet of an RM2 district directly east of it and Marquette School. That had triggered a Special Exception for the event center to serve alcohol.

The second special exception is to permit an alternative parking ratio for the entire Lincoln Plaza of 230 parking spaces, which is what currently serves the center. For retail centers like this, required parking is always a moving target because parking spaces depend on use. Each tenant had its own number of parking spaces and that required parking number changes as the tenant changes. This parking lot had had numerous variances and special exceptions granted in the past to address parking in the entire center and parking for individual tenants, so instead of seeking another parking variance for the center, they would like to establish an alternative parking ratio of 230 parking spaces.

Ms. Cornett indicated that she was asked at the last meeting to bring a letter of agreement to the board to show that the parking situation would be able to be resolved. She brought an agreement from Christ the King Church to use one of the parking lots to use for the valet parking.

Ms. Cornett indicated that there were concerns from neighbors with even having an agreement with Christ the King Church, since they already struggle with parking, asking what would happen if they had a funeral or a service on the day of an event. To address that, another letter of agreement was given to the event center from the Tulsa Fertility Center at 15th and Boston, which would allow traffic to be away from Cherry Street.

Ms. Radney asked Ms. Cornett what events would be happening at the event center.

Ms. Cornett stated that it would be private events that would be booked through a third party (Watershed Hospitality). Some of the things that may be booked include catered business lunches, cocktail parties in the evening, or a reception.

Tom Prikner, 1336 E. 15th St., with Watershed Hospitality, stated that that this will be a small event center that is only about 2,500 square feet of usable space that people would be in. He stated that it was originally an office building, so there is a small catering kitchen. The other rooms would be for storage, and the part that they would be using frequently is a small conference room where business lunches will be held.

Ms. Cornett stated that she is happy to answer any further questions that the board may have.

Mr. Wallace thanked Ms. Cornett for bringing the letter of agreement to the board.

Interested Parties:

Terry Eichor, 1601 S. Quaker Ave., stated that he would like to look at the agreement that was given to the board, because he never heard anything about this. He mentioned that in looking at the agreement, he does not see a signed agreement and asked if it had been filed with the county clerk land management division.

Ms. Cornett stated that it had not been filed with the county clerk.

Mr. Eichor stated that it is not enforceable then, which brings up a concern to him. He reiterated that there is an overflow of traffic in that area and in the neighborhood. He appreciates that Ms. Cornett took the time to get these agreements but believes that since it is not signed nor filed that it is not enforceable. Another concern of his is that the Tulsa Fertility Center is a long uphill walk and people would not want to park there and then walk all the way to the event center. He stated that he is still opposed to it.

Denise Da Ros-Voseles, 1308 E. 16th St., stated that in the neighborhood there are duplexes, single family dwellings, and other dwelling places that allow for parking to already be an issue. She stated that she walks in that area with her dogs three times a day and she has seen the workers from the different areas park in the street, which causes a safety problem. Not only is she concerned about parking but also about the trash that is in that area.

Shelby Navarro, 1434 S. Quincy Ave., stated that there is a real issue with parking as well as noise issues in that area. He stated that there is already an event center that is about 700 feet away from this one. He stated that he is grateful for the plan parking plan that Ms. Cornett presented but added that he is concerned about the allowance of alcohol. He stated that there are already several businesses in this area that serve alcohol, and just adding more and more is a bit scary for him. He stated that he is also concerned about the noise that this may bring. He stated that if everything goes through and there are problems with parking agreements, or the event center is a problem, it is hard to fix anything, especially if it goes through a process such as this.

Rebuttal:

Ms. Cornett clarified that the fertility center would not be a place for the people to park to then walk to the event center, but that valet would be parking the cars at the center, or shuttle service would be provided. She stated that speaking to the owner of many of the businesses on Cherry Street, she understands that there are problems with parking. While that is true, the owner would like to see the area continue to prosper. She stated that problem with parking in this area is not something that is just a recent thing, but it has been for decades. She stated that we should not just freeze or become paralyzed by the parking issues to state that nothing else should be in this location.

She stated that she does feel like everything that was brought to the table does satisfy what is required for an alternative compliance parking.

Comments and Questions

Ms. Radney asked Ms. Cornett if she is now requesting that the alternative compliance parking ratio be limited to the event center, and to clarify the address to the event center.

Ms. Cornett stated that yes, it is limited to the event center and the address is 1336 E. 15th St., but she does not know what the suite number is.

Ms. Radney asked if everything will be contained on the third floor.

Mr. Cornett stated that yes, everything is on the third floor.

Ms. Radney asked if there are any other binding agreements other than what is provided.

Ms. Cornett stated the letters that were given to each board member is all that she had.

Ms. Radney asked how many parking spots the church would provide for the event center.

Ms. Cornett stated they would make the east parking lot available at any time if it is not used by the church at the time.

Mr. Wallace stated he had a hard time with the parking lot at the church, but he does feel the other parking lot is more of an agreement which can be binding.

Ms. Cornett stated that her conversation with the pastor of the church was that they offer this accommodation to a lot of businesses in the area, so they do not have written agreements with the other businesses as far as she knows, but it is something they will offer.

Ms. Radney asked if the fertility center had agreements with any other businesses that she knows of.

Ms. Cornett stated that they do not.

Ms. Radney stated to the board that she does not feel like the church is a good option for this agreement, but it would be more convenient for everyone who would be visiting this site.

Mr. Barrientos stated he would like to see more of a binding agreement than what had been provided.

Ms. Stauffer stated that she would be inclined to allow the exception because the alternative is that people would then not go to these spaces and then the area fails, which would be more of a detriment to the area. Ms. Stauffer closed by stating everything that was presented by Ms. Cornett sounds reasonable.

Mr. Barrientos asked the board staff if they could limit the event center to 100 people.

Mr. Chapman stated that yes it can be limited to that number of people, but that the board would need to make sure the applicant would agree.

Ms. Radney stated that it should probably be limited to 150 maybe 200 to include staff and caterers.

Ms. Cornett stated that she would be inclined to 120 being the minimum and that 150 people would cover what would be at the event.

Mr. Wallace asked the board staff if they could make it a requirement to have a binding agreement with the Fertility Center.

Ms. Blank stated that it can be referenced as the conceptual sight plans are referenced, but it is not something that the city would be enforcing.

Mr. Wallace stated that he would feel more comfortable with allowing this, but it would need to be more binding. He stated that he understands the neighbors on the parking situation, since he has parked here. It is a thriving location and with all the known situations regarding parking, he would feel more comfortable if there were a binding agreement that could be made on the terms of allowing this to happen. He continued to say that there must be something that needs to happen with the parking situation, especially if this area is going to continue to thrive, as well as make the neighbors happy and the businesses happy.

Mr. Barrientos stated that he agrees with the statements made by Mr. Wallace on needing something more concrete to do with the parking situation.

Ms. Radney stated that if there is an agreement for at least three years with the fertility center, then she would be inclined to allow the special exception.

Ms. Cornett stated that she would be happy to get an agreement that is more of a contractual agreement than the letter agreement that was given to the board. She stated that if she needed to provide something more concrete and binding, she would ask the board to state in the motion that they would need to get this contract before a permit is allowed to be given to start the project. This way they are not held up with something that would cause them to have to come back to the board.

Ms. Radney stated that if they can put something in motion which allows them to have a contractual plan, then she would be willing to vote today.

Mr. Barrientos stated that he would be willing to vote today as well.

Ms. Stauffer stated that as they write the motion, she would like to thank all those who have come multiple times to speak on this case, and to thank the applicants for being creative in coming up with different solutions to try to help with the parking situation.

Board Action:

On **MOTION** of **Barrientos**, the Board voted 3-1-0 (Stauffer, Barrientos, Radney, "ayes"; Wallace "nay"; no "abstentions"; Bond "absent") to **APPROVE** a Special Exception to permit a Small (up to 250-person capacity) Indoor Commercial Assembly and Entertainment use in a CS District serving alcohol within 150 feet of a residential zoning district per conceptual plans shown on page 4.10 of the agenda packet, limiting occupancy to 160 people, and subject to the property at 1336 E. 15th St. on the third floor.

On **Motion** of **Barrientos**, the Board voted 4-0-0 (Stauffer, Barrientos, Wallace, Radney, "ayes"; no "nays"; no "abstentions"; Bond "absent") to **APPROVE** a Special Exception to permit an alternative compliance parking ratio to reduce the required number of parking spaces per the conceptual plans shown on page 4.10 of the agenda packet, limited to the address 1336 E. 15th St. on the third floor, limited to three years, and subject to providing a fully executed contractual agreement providing 30 spaces at any time and accommodations for a parking shuttle and/or valet services over 50 occupants.

The Board finds that the requested Special Exceptions would 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, for the following property:

Lots Three (3), Four (4), Five (5) and Six (6), Block Six (6), AMENDED PLAT OF MORNINGSIDE ADDITION to the City of Tulsa, Tulsa county, State of Oklahoma, according to the Recorded Plat thereof; AND Lots One (1) through Sixteen (16) inclusive, Block Eight (8), and the vacated alley lying within said Block Eight (8), ORCUTT ADDITION, an Addition to the City of Tulsa, Tulsa county, State of Oklahoma, according to the Recorded Plat thereof; AND The West Half (30') of Vacated Quaker Avenue lying adjacent to the East line of Block Eight (8) from 15th Street to 16th Street, ORCUTT ADDITION, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof; AND The West Fifteen (15) feet of Lots Nine (9), Ten (10) and Eleven (11), Block Seven (7), ORCUTT ADDITION, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, AND the East Half (E/2) of Vacated South Quaker Avenue between 15th Street and 16th Street lying adjacent to the West line of said Lots 9, 10, and 11, Block 7.

23541 – Twister Concrete Work

Action Requested:

Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3) **Location:** South of the SE/c of E. Tecumseh St. and N. Xanthus Ave. **(CD 1)**

Presentation:

Luis Garza, 1815 S. Xanthus Ave., speaking through an interpreter, stated that his client is requesting a double entrance into the residence, and is asking for a special exception since it would be over the amount that is permitted.

Ms. Radney asked if the extended driveway would look like the conceptual plans shown on 5.7.

The interpreter clarified that the properties are side by side.

Ms. Radney asked if the board members had any questions for the applicant.

Mr. Barrientos asked for the purpose of the second entrance.

Mr. Garza stated that the reason for the other entrance is because in the future he wants to build a shop on the property. The shop would be for extra storage.

Mr. Wallace asked if there is an existing curb cut.

Mr. Garza stated that there is one.

Comments and Questions

Mr. Wallace stated that he would be fine with them approving the special exception since they would just be resurfacing the driveway that was already there at one point.

Mr. Barrientos asked if the applicant would need any licensing with the city.

Mr. Chapman stated that they were in the process of getting the licensing when they were told that they needed to go to the board to ask about the special exception for the driveway.

Ms. Radney asked Mr. Chapman regarding comments on the plans to lengthen the driveway.

Mr. Chapman stated that he wrote that in the plans so nothing would be confused about what exactly they wanted. They would be extending the driveway and utilizing what is already there from the previous driveway.

Board Action:

On **MOTION** of **Wallace**, the Board voted 4-0-0 (Barrientos, Radney, Stauffer “ayes”; no “nays”; no “abstentions”; Bond “absent”) to **APPROVE** a Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3) per the conceptual plans shown on page 5.6 of the agenda packet.

The Board finds that the requested Special Exception would 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, for the following property:

W 140 OF S 200 LT 8 & E 60 OF S 200 LT 9 BLK 5, CONSERVATION ACRES SUB CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

New Applications

23542 – Dodson Building Group Inc

Action Requested:

Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3) **Location:** 4339 S. Atlanta Ave. **(CD 9)**

Presentation:

Rick Dodson stated that the applicant/address that he is representing for is Micheal Manley. The property had been with the Manley family since 1957. The house was then removed in 2022 due to several safety concerns, and a civil engineer was hired to draw the plans for the new home which would sit 3 to 4 feet above the street level. For safety purposes, a circle driveway had been drawn out for the home that would allow vehicles to enter and exit safely. The hardship is that with the zoning code in place it would not allow them to extend the driveway to allow for safety and convenience for the home.

Comments and Questions

Ms. Bradley asked Mr. Dodson if double curb cut is something that is a normal practice in the neighborhood.

Mr. Dodson stated that there are several properties that indeed do have double curb cuts that were probably done in the 50's and 60's.

Mr. Wallace stated that he had no issue with allowing them to receive the exception, since there are several other properties who have the same layout that Mr. Dodson is requesting.

Board Action:

On **MOTION** of **Barrientos**, the Board voted 4-0-0 (Stauffer, Barrientos, Wallace, Radney "ayes"; no "nays"; no "abstentions"; Bond "absent") to **APPROVE** a Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3), per the conceptual plans shown on pages 6.9 of the agenda packet.

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and would not be injurious to the neighborhood or otherwise detrimental to the public welfare, for the following property:

LTS 7 8 BLK 1, SKYVIEW ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23544 – Chris Stevens

Action Requested:

Special Exception to permit a Small (up to 250-person capacity) Indoor Commercial Assembly and Entertainment use in an IL District (Sec.15.020, Table 15 2) **Location:** 6504 E. 44th St. **(CD 5)**

Presentation:

Chris Stevens, 6504 E. 44th St., stated that he is requesting an indoor commercial assembly and entertainment facility that would include archery. He stated that this would not be a nuisance to any of the other businesses that are currently surrounding the building. Mr. Stevens stated that during the daily business hours he is not planning on more than 50 to 60 people at a time. The busy hours would be during evenings and on weekends, while all the other businesses surrounding the property would be closed. The facility would provide four rows for archery, corn hole, and shooting simulators. The hours of operation would be 9 a.m. to 9 p.m. Tuesday through Friday, 8 a.m. to 9 p.m. on Saturday, and noon to 6 p.m. on Sunday. Steven stated that the owner of the unit is the property owner for the whole complex, which means customers would be able to park wherever they choose.

Ms. Radney asked how many parking spaces are on the property.

Mr. Stevens stated that there are about 100 parking spots.

Mr. Wallace asked if there would be 250 people in the facility at one time.

Mr. Stevens stated that there would probably never be that many people inside the facility.

Mr. Chapman clarified that there are only two classifications for (person capacity) and that is either (up to 250) or over (250). A special exception is required since this property is zoned industrial.

Comments and Questions

Ms. Radney stated that she is inclined to support the exception but that it would be limited to what it is described as.

Board Action:

On **MOTION** of **Stauffer**, the Board voted 4-0-0 (Wallace, Barrientos, Stauffer, Radney “ayes”; no “nays”; no “abstentions”; Bond “absent”) to **APPROVE** a Special Exception to permit a Small (up to 250-person capacity) Indoor Commercial Assembly and Entertainment use in the IL District (Sec.15.020, Table 15 2), described as an indoor sports facility per the conceptual plans shown on pages 7.8 and 7.9 of the agenda packet, limited to suite B.

The Board finds that the requested Special Exception would 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, for the following property:

LTS 58 THRU 68 BLK 1, KATY FREEWAY INDUSTRIAL PARK ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23545 – Raul Cisneros, Jr.

Action Requested:

Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5) **Location:** 1746 S. Jamestown Ave. (CD 4)

Presentation:

Jose Gomez, 8306 N. 52nd W. Ave., stated he is requesting a special exception for a duplex in an RS-3 District. Gomez stated that they have several duplexes north and south of where this property is located. With them building these duplexes, they would be following RS-3 district variances and zoning laws that would apply if it was to be a house. Mr. Gomez stated that these duplexes would be 3-bedroom 2 bath on each side with more than likely two cars per unit.

Ms. Radney asked the city if it was okay for the cars to be stacked one behind another or that one be in the driveway and one be on the street.

Mr. Chapman stated that if the 2 cars are serving the one unit, then both would be acceptable.

Ms. Radney asked if the current house is going to be demolished or if it already is.

Mr. Gomez stated that it would have to be demolished to construct the duplex, but it currently is not.

Mr. Barrientos asked if the duplex would have one story or two.

Mr. Gomez stated that it would be a two story.

Mr. Barrientos asked if there are any two-story homes in this area.

Mr. Gomez stated that yes there are two story homes in this area, and even the home that is north to this property is a two-story home, which was built by his company.

Ms. Stauffer confirmed that there are several two-story duplexes in that area.

Ms. Radney asked Mr. Chapman if all that is required is two parking spaces per unit.

Mr. Chapman confirmed, stating that duplexes require two parking spaces per unit, so in total, four parking spaces are required for each duplex.

Interested Parties:

Carolyn Harris, 1747 S. Knoxville Ave. stated that her concern is that this home was built as a single-family household but now with almost the same layout, it would be a duplex with several family members. It is a concern of hers that there probably won't just be two cars per home, and that there is a school close to this property.

Comments and Questions:

Mr. Wallace stated that he knows people who live in this area as well as knows the area well, and this area had for the most part always had duplexes. He is in support of the duplex but would like to hear the others view.

Ms. Radney stated that well-constructed duplexes are much needed in our town as the pricing of property had risen, but that she also had concerns about parking, especially with the size of unit that is presented.

Mr. Wallace stated that in some of the letters that he read, people mentioned that Tulsa is running out of dwelling places, and we need duplexes for our town, especially if they are affordable.

Ms. Stauffer stated that she is leaning toward saying yes to the special exception, and that she does not feel as though duplexes are a hurt to the neighborhood. There are several duplexes in this neighborhood and parking requirements are met. She stated that we cannot predict how many cars are going to be at each property, and that it is not what the board is there to do.

Mr. Barrientos stated that he is personally involved with a duplex close to this area and he does not see any issues with it being built as a duplex.

Ms. Radney closed the discussion by saying that at the time we are living in, especially the younger generation, people are tending to have fewer and fewer cars. So, with that in mind, she is inclined to grant the special exception.

Board Action:

On **MOTION** of **Barrientos**, the Board voted 4-0-0 (Stauffer, Barrientos, Wallace, Radney “ayes”; no “nays”; no “abstentions”; Bond “absent”) to **APPROVE** a Special Exception to permit a duplex in the RS-3 district per conceptual plans on page 8.7 of the agenda packet.

The Board finds that the requested Special Exception would 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, for the following property:

LT 11 BLK 1, SUNRISE TERRACE SECOND ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23548 – Joseph L. Hull, IV

Action Requested:

Variance to increase the permitted size of Temporary Mobile Storage Units on a non-residential lot (Sec. 50.030-F.2.C) **Location:** 35 E. 18th St. **(CD 4)**

Board Action:

On **MOTION** of **Barrientos**, the Board voted 4-0-0 (Stauffer, Barrientos, Wallace, Radney, “ayes”; no “nays”; no “abstentions”; Bond “absent”) to **Continue** the requested Variance to increase the permitted size of Temporary Mobile Storage Units on a non-residential lot (Sec. 50.030-F.2.C) until the August 8th meeting, for the following property:

LT 7 BK 2, STUTSMAN ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23549 – Criminal Justice and Mercy Ministries of Oklahoma, Inc.

Action Requested: Special Exception to permit a Transitional Living Center Use in the RS-3 (Table 5.020, Table 5-2); **Location:** 5707 S. Memorial Dr. **(CD 7)**

Presentation:

Meredith Monaco, 1200 Sovereign Row, Oklahoma City, stated that the subject property was formerly a nursing home, and that the property has been vacant and in bad condition for several years now. The owner of this property stated that no one has inquired about this property or is even interested in doing anything with it. She explained that their business has existed for 30 years, and it offers a 6-month program for a small group of people who have applied and then recommended by the Department of Corrections. They are non-violent offenders, or sexual offenders but are people who truly have a desire to change. The rate for reoffending offenders for this program is 3.1%.

She stated that she is a board member of this program and had been a real estate attorney for 12 years and worked in multi-family housing property management for 20 years. She explained that what she has seen through evictions is that people end up moving into an apartment originally not on the lease. They have no way of getting into an apartment after they were released from prison, so they end up being homeless or finding a friend's couch, because they do not have many housing options.

She explained that people who are accepted into the program are they not only highly screened on whether or not they would like to complete the program but while they are in the program for the 6 months, they live rent free, but they provide \$450 per month into a savings account that they will get back after they complete the program successfully. If they leave early, they will still get their money. There are a few requirements that they must meet to stay in the program; have a job, go to a religious service twice a week, and attend meetings for AA, etc.

She stated that she manages three apartment complexes in Tulsa, and they do not accept those with felonies or criminal backgrounds, but they do accept those who have been through this program. She stated that they have never had a problem with them personally or even with paying rent but rather they have been examples to the neighbors around them. She stated that this program has allowed them to not only be good neighbors but to also begin the process of getting their children back.

She explained that there is a great need for programs such as these in Tulsa. The building they are looking at is dilapidated and many people are not looking to even spend their money on bringing it back up. She stated that it is located next to a funeral home and a cemetery and that behind the property there is a large piece of land which gives a buffer to the homes, which would not cause any type of problems for the neighborhood, but instead, it would help the area since they would be revamping the property. She stated that they have several transitional living locations in other places, and they have never been a hurt to the neighbors surrounding the area.

Ms. Radney asked if they want to revamp the building but not necessarily build or construct anything new.

Ms. Monaco indicated that is correct, but if they were given the special exception, they would have to add an additional five parking spaces to the property. There is additional pavement already in place, it just doesn't have the lines present.

Ms. Radney asked how many beds/people they thought that would be there.

Ms. Monaco stated that there would be around 30 to 40 beds. They have several people getting their children back, so they may need a couple more spaces that could be more like family rooms.

Ms. Radney asked if there were going to be different genders at this location.

Ms. Monaco stated there would be different genders, but they would be separated by the 3 wings. There would be a female wing, a male wing, and a family wing. She stated that most of their locations are mixed but separated into different areas, and they have never had issues with it.

Ms. Stauffer asked Ms. Monaco to show where the additional parking spots would be.

Ms. Radney asked whether they were to add the additional parking spots, there would still be enough room for a playground or an area where a family could gather.

Ms. Monaco stated there would still be plenty of room for a playground.

Mr. Wallace asked if Ms. Monaco would be able to explain the process that occurs when someone gets released, and how they find this service.

Ms. Monaco stated that Keith Dobbs, the executive director, would be the one to answer these types of questions.

Keith Dobbs, 2624 E. Newton St., stated that when an individual is a year out from being discharged from prison, they must do an interview with CJAMM while they are still incarcerated. They are required to meet all the criteria established by the program, then they are given an offer letter, and once they arrive at the facility, they do a UA instantly. They are required to be clean and sober for a year before they are accepted and are given random drug tests the entire 6 months that they are in the program. They are then taken to get their ID, food stamps, and a government phone. Mr. Dobbs stated that they have identified employers who would allow those with felonies to be hired. They are required to work 40 hours a week, perform community service, attend two faith meetings and three support meetings per week, and complete one-on-one counseling.

Mr. Dobbs stated that the requirements that they have there are stricter than if they were just to live in an apartment once they got out of jail.

Mr. Dobbs stated that they work with the court to help those that have fees, and many times the court will defer the payments or even forgive them when they graduate from the program, because the court understands how intense the program is.

Mr. Dobbs stated that as participants are ending their time in this program, they begin to look for permanent housing. Mr. Dobbs referred to what Ms. Monaco stated about giving back the money they have saved in that last 6 months to use as a down payment.

Mr. Dobbs stated that most of the people that are in the program do not have a vehicle, but they use public transportation to get around. He stated that there is a bus stop right across the street from the facility they are inquiring about. He indicated that they also have a 10 p.m. curfew, and if participants are not there on time or if they test positive for drugs, there is zero tolerance, and they are removed from the program.

Mr. Wallace asked where they go if they are removed from the program.

Mr. Dobbs answered that they help them transition to another location that had a different program, and that go to Oxford houses in Tulsa. They are taken to this location by staff if they decide they want to go. He stated that the apartments are not government owned but are sponsored by churches or even nonprofit groups so whatever content that they had they are able to take it with them.

Mr. Wallace asked where the Oklahoma City location is located.

Mr. Dobbs stated they are in the Paseo District (433 NW. 25th St.), adding that they have been there for 25 years.

Ms. Radney asked what the recidivism rate is.

Mr. Dobbs answered that the recidivism rate is 3.1%, which is better than any program in the state of Oklahoma, and maybe in the whole country.

Ms. Radney stated that she understands that this program offers a reuniting of children, and asked if it offers a reuniting of couples as well.

Mr. Dobbs stated that very rarely do they see a reuniting of couples, but mostly custody of the child since they work very closely with DHS.

Ms. Radney asked if they offer therapeutic services for the children.

Mr. Dobbs stated that they do not, but they contract out if they are needed, adding that the site manager and case manager are always there, working closely with getting the children back to their parents when they are in the program.

Frankie Long, 2624 E. Newton St., the case manager for the program, stated that she works with others to help with any kind of treatment that the children may need.

Ms. Long stated that she works very closely with the DHS managers to find other programs to unite families to come back together.

Ms. Radney stated that it seems the program is a community-based place where they are a part of a wrap around 360° set of services.

Ms. Long stated that is more or less how they try to do it. She stated that they work with the parole officer making sure that they are on site, as well as ensuring the clients understand that they are accountable for their actions.

Mr. Barrientos asked what they have heard from the neighbors in the area that are surrounding this facility that they are requesting an exception for.

Mr. Dobbs stated that he had not heard from anyone behind the property, but he had heard from the people across the street. He explained that he has heard comments about this building being a place people have used to sleep and charge their cell phones, so the owner has turned off the electricity.

Mr. Barrientos asked if he knows how many transitional living locations there are in Tulsa.

Mr. Dobbs stated that he does not know, but when he had gone to the prisons and done interviews, he had learned that they are one of the few places that do reunification with children.

Mr. Wallace stated that he is trying to understand 3.1% of the people they mentioned before.

Ms. Radney answered by saying that percentage is those who reoffend.

Mr. Wallace asked what the dropout rate is.

Mr. Dobbs stated they do have a dropout rate, and there are those that do reoffend or go back to using drugs, but if they began using, they would be asked to leave the program and taken to a different location if they choose.

Interested Parties:

April Hubler, 5630 S. Memorial Dr., stated that she does not disagree with what the program is providing but her concern is whether the city will give the businesses extra protection. She stated that Key Elementary School is down the street, she calls the police about 3 times a week to remove homeless

people that are around the school. She stated that her main concern is about what happens when 3.1% of people do not make it through the program or drop out, and asked what will then happen. She stated that it would not help the area but make it worse. She stated that as of now they do not get the relief that they need, so if this were to come in, she does not feel that they would get more relief.

Ms. Radney responded to Ms. Hubler, stating that she empathizes with her. She stated that where she lives, she is very close to several hospitals and for some time they have dealt with transients with mental health issues. She continued, stating that too much isolation is not therapeutic but also those that are close and even adjacent to this property would like to provide moral support, but on the other hand do not want to be in any danger. She stated that if the property is no longer vacant it changes the environment of the area and alleviates some of the concerns that were brought to the board's attention.

Ms. Hubler stated that the city has the power to take this property back, but if the city gives this opportunity to these types of people, and the area does get worse, then it should be granted more protection for the adjacent properties.

Ms. Radney stated that is why it is very important that people come out and give their opinion. She stated that she knows it is a sacrifice to be there and she thanked her for coming.

Frederic Schneider, 5111 S. Memorial Dr., stated that Memorial Park Cemetery was opened in 1927 on a 250-acre lot north of the facility. There are more than 90,000 Tulsans who have been buried at this location, hundreds of markers, and monuments that families have invested in to commemorate their loved ones. He stated that he is concerned that residents of this facility would enter the park from the south, because of the easy access shown on PowerPoint. He mentioned that Memorial Park is non-profit open to the public every day of the year during the day, but at night it is locked. There are security cameras that are present to make sure that no one comes onto the facility to do mischief to the markers, etc. He stated that they are experiencing quite a bit of people wandering through the park, but they have done their best in minimizing that by having bright lights to drive away people. He stated that with a facility such as what is proposed would cause this to worsen, because they would be able to jump over the fence and walk throughout the premises. He stated that he was the director of 12&12 for over 12 years, which he stated was also a transitional living facility. They had a problem with the participants coming in with contraband, drugs, and in violation of the rules that were set. He stated that he does not know much about the program, since they did not reach out to the cemetery. He stated that this is just in the wrong place and would adversely affect the public welfare of the institution that has been around for the past 100 years. He stated that currently the residents would have easy access to the cemetery, because the fence is down on the proposed property.

Ms. Radney asked if there was fencing on the proposed property.

Mr. Schneider stated that there was one but now it is down.

Ms. Radney asked if the fence was maintained by the property owner of the nursing home.

Mr. Schneider responded that the property owner of the nursing home did maintain the fence.

Ms. Radney asked if there is a fencing requirement for the cemetery.

Mr. Schneider stated that there is not a requirement, but they do maintain a fence that is further down east.

Ms. Radney asked if there are any other places where the fence is required to be.

Mr. Schneider stated that there is not but that there is fencing in some areas, hedges and other things that would impede people from coming through. He stated that if this were to go through then he would think that the board would require them to put a 10-foot fence, but more than even having a fence he stated that this kind of program or any such things should be in places that they belong, not in this area.

He stated that the applicant stated that there is a 3.1 recidivism rate, but the applicants have not mentioned the number of those that do not complete the program. When working with 12&12, he stated, unfortunately there were a lot of people who did not complete the program.

Carter Fox, 5757 S. Memorial Dr., stated that the funeral home objects the special exception. He stated that the zoning code does not allow for a transitional living facility to house participants for longer than 120 consecutive days. He stated that the applicant stated that the program is for 6 months, and it is not uncommon for it to go beyond the 6 months, which is a contradiction to what their request is for. He stated that the purpose of the program is noble and necessary in the city of Tulsa, and Oklahoma at large, but not appropriate right next to a funeral home and cemetery. He stated the framers of the zoning code understood that there were certain parts of the city where maybe these types of programs should not be located at.

Mr. Fox stated that the applicant has not shown how the special exception would be in harmony with the code. He stated that it is injurious to the neighborhood and detrimental to the public welfare as it relates to the neighborhood. Mr. Fox stated that he has been to Board of Adjustment meetings in the past and he understands that the board likes seeing what the applicant has done to gauge concerns, hear what the neighborhood have thought, but there was no communication, only the notice of the hearing. He stated that the first time he has heard the substance of the program is when the applicant had spoken.

Mr. Fox stated that the applicant stated that there have not been residents that have had problems, but there was no proof given to the board. Also, the applicant stated that residents do not have vehicles, and on the side of where the facility is on Memorial, there are no sidewalks. He stated there is no place for someone to walk but he is certain that they would be walking through the paved areas on their property. He stated that the funeral home conducts services on the property where the public mourn and grieve their loved ones. He stated that the applicant has stated that they are wanting to build a playground and have kids there with their families playing, but it would be only several feet away from the funeral home. He concluded by stating that it does not seem that the notice was given 10 days in advance of the meeting, but they were notified about 6 to 7 days before the meeting. He stated that he does not even know if the sign was even up 10 days in advance, as it is required.

Mr. Chapman addressed Ms. Radney and stated that it would be only right to hear from the applicant now, because if they are wanting for the residents to stay longer than what the code requires than it was misrepresented not in malice but a misunderstanding. He stated that the application may have to be withdrawn and re-noticed.

Ms. Radney thanked Mr. Chapman for the clarification and asked Mr. Fox what a funeral home is typically zoned as.

Mr. Fox stated that he does not know, but the funeral home has been there for a significant amount of time. He stated that before it was Schaudt's Funeral Service it was operated by another funeral home.

Rebuttal:

Ms. Monaco stated that she tried to write down all the concerns that the interested parties had and would do her best in responding to those. She stated that she would first like to take the concerns of the residents and the cemetery concerning the fence that is down. She stated that they would be fixing the fence and it was in their plans to do so. She stated that with the building being in operation and functional it would help rather than hurt the transients in that area.

Mr. Wallace asked Ms. Monaco if she could just jump to the 120 days portion.

Ms. Monaco stated that when she submitted the application, she was confused on which application to choose from and so she spoke to Nathan Foster in the planning office who guided her with what was submitted.

Mr. Chapman asked Ms. Monaco if the residents would be residing in the facility for more than 120 days.

Ms. Monaco stated that 6 months is the standard.

Mr. Chapman stated that he would recommend it to be continued until the August 8th meeting. He apologized for what happened but feels like it is necessary for the meeting to be continued. He stated that the notices will be sent in a timely manner. He told Ms. Monaco that he can speak to her tomorrow to go through the correct process, so the board can act properly on the matter.

Board Action:

On **MOTION** of **Stauffer**, the Board voted 4-0-0 (Wallace, Barrientos, Stauffer, Radney, "ayes"; no "nays"; no "abstentions"; Bond "absent") to **Continue** the requested Special Exception to permit a Transitional Living Center Use in the RS-3 (Table 5.020, Table 5-2) to the August 8th meeting for the following property:

BEG NWC SW TH E620.64 SW349.40 SW479.64 W104.88 N646.57 POB LESS BEG NWC SW TH S646.57 E60 N5 W10 N125 W5 N311.57 W10 N205 W35 POB & LESS BEG 45E & 250S NWC NW SW TH E332.21 SW.89 SW479.64 W44.88 N5 W10 N125 W5 N266.57 POB SEC 36 19 13 2.65ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23550 – Cyntergy/ Linda Waytula

Action Requested:

Variance to allow drive-through facilities to be located on the street-facing side of the property (Sec. 55.100-C.2) **Location:** NE/c of S. Braden Ave. and E. 51st St. S. **(CD 5)**

Presentation:

Linda Waytula, 810 S. Cincinnati Ave., stated that they are seeking a variance so that the drive-through would be able to face Braden. She stated that they have tried multiple layouts that would meet all the codes but with it being a drive-through facility they cannot meet the code. She stated that the layout that they are proposing minimizes the impact on neighbors, because it keeps the ordering point internal to the site. The order point to the building is on the east side and so the queueing would wrap around back to the north and then the drive through pickup window would be on the west side which then faces south Braden. She stated that the hardship is if they cannot get the variance, there would be no way the site could work. She stated that the layout of the plan would ensure that all the drive-through queueing would be off the street, and that that they heard from the apartment owner on the north, and they are in favor of this because of the transient issues. She stated that she drove by the property and there were quite a bit of tents against the retaining walls on the north.

Ms. Radney asked if there is a site plan that Ms. Waytula could provide that would show what it looks like if everything was up to code.

Ms. Waytula stated that she does not have one provided in the packet but that they have gone through at least a dozen site plan layouts, and no matter how the building is rotated there is no way for the drive-through to not be facing one of the streets. She stated that they felt as though this minimized the impact on the street by having the pickup window facing Braden.

Mr. Barrientos stated that there is an exhibit that has two businesses, and he would like to know if they are just looking at the building on the left.

Ms. Waytula responded by stating that it is only the business on the left that they want the board to look at, but what they have shown is the entire development that is going to take place.

Ms. Radney asked if there would be only one curb cut off 51st St. onto the property.

Ms. Waytula responded that there is already a curb cut in place and that they would just be widening it, that way there would be a right- and a left-hand turn.

Ms. Radney stated what she finds objectionable about the site plan is the two curb cuts on Braden as opposed to the two on 51st St., and asked Ms. Waytula to explain the logic.

Ms. Waytula stated that the curb cuts on Braden are already existing, and they are just being widened slightly, and she believes that if they were to add another curb cut on 51st St., they would be too close to the corner to allow for a curb cut that could serve both sites.

Ms. Radney stated that it just seems it would make the exits more problematic for the second building.

Ms. Waytula stated that their traffic would be entering and exiting off the 51st St. exit, but also adding that there is a center median issue which would cause the entrance and the exit to be right-in and right-out only.

Ms. Radney asked if the lot had already been divided, and if the properties were rotated at 90 degrees what would that look like.

Ms. Waytula stated that it has not been divided, and if they rotate 90 degrees, the ordering point would be on 51st St., and that option is a tight fit. She stated when trying that option, it is a very tight fit. In addition, the patio would be out in the front rather than the pickup line.

Mr. Barrientos asked Ms. Waytula to speak more on the hardship, and why the site orientation is unique.

Ms. Waytula stated that as mentioned before she had tried rotating the building and flipping it, but every orientation would have a drive-through facing a street. She stated that the orientation that they have presented meets most of the codes and is less intrusive.

Comments and Questions:

Mr. Wallace stated that the way that the code was written does not align with how fast-food restaurants have evolved. At the time the code was written, it was a one-sided perspective and written a lot simpler to accommodate what was used. He stated that now there are three-sided drive-throughs, and we are living in a different world. He stated that he does not like to go against what the code states, but in situations such as these there needs to be a more contemporary look at how fast foods operate. He stated he agrees with the variance, and that this would be a great infill to this side of town. He indicated that there are several similar restaurants in this area, and he understands that it is a little complicated with how the curb cuts are proposed, but he feels as though where the lot sits makes this kind of development difficult.

Ms. Stauffer stated that she agrees with Mr. Wallace about it being a little complicated, but it seems that it was very well thought out and it seems to be the least intrusive. She stated that she cannot see another way in which this would be able to work. She agrees that the code does not support the ever-evolving fast food restaurants and stated that she is inclined to support this.

Ms. Radney stated that this is a creative accommodation which she does not particularly care for, because of the concerns of the traffic flow. She stated that the drawings that were submitted only show one exit point on E. 51st St., which is an arterial street that has quite a bit of very fast-moving traffic. She stated that the board was not provided with different ways in which it would be up to code. She stated that the board has given exceptions to other locations, but they were provided with other ways in which it could be laid out. She understands that there are other fast-food locations that may be even more congested than what this would be, but all she sees is a safety hazard. She stated that currently she is a no, but she could be persuaded.

Mr. Barrientos stated that he agrees with Ms. Radney. He stated that his office is not very far from this location and from his observation he sees a lot of traffic collisions along 51st St. He stated that he would like to see other options for the site plan, especially the street side of 51st St., which now looks complicated.

Ms. Radney stated that there is a lot of traffic on S. Braden and a good amount on E. 51st St.

Mr. Barrientos stated that this is a perfect lot to build something since it has been vacant for a while now, but he wants to make sure that it would not affect the safety of the drivers in the area.

Ms. Stauffer stated that even if someone exits on Braden, it is almost impossible to turn going E. 51st St.

Mr. Barrientos stated that he would be inclined to continue this item, so they could give the applicant enough time to show different plans as well as getting the fifth vote in.

Board Action:

On **MOTION** of **Wallace**, the Board voted 4-0-0 (Stauffer, Barrientos, Wallace, Radney, "ayes"; no "nays"; no "abstentions"; Bond "absent") to **Continue** the request for a Variance to allow drive-through facilities to be located on the street-facing side of the property (Sec. 55.100-C.2) to the August 8th meeting for the following property:

PRT LTS 17 & 18 BEG SWC LT 18 TH N22.41 SE19.60 SE216.56 E69.07 S7.42 W304.50 POB; LTS 17 & 18 LESS PRT BEG SWC LT 18 TH N22.41 SE19.60 SE216.56 E69.07 S7.42 W304.50 POB, CANFIELD SUB CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

None.

ADJOURNMENT

There being no further business, the meeting adjourned at 4:45 p.m.

Date approved: _____

Chair: _____

BOARD OF ADJUSTMENT
Minutes of Meeting No. 1318
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, July 25, 2023, 1:00 p.m.

Meeting No. 1320

| <u>Members Present</u> | <u>Members Absent</u> | <u>Staff Present</u> | <u>Others</u> |
|--|------------------------------|--------------------------------------|----------------------|
| Radney, Vice Chair Stauffer Barrientos | Bond, Chair Wallace | A. Chapman C. Rocha S. Wallace | A. Blank, Legal |

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on July 19, 2023, at 1:02 p.m.

Ms. Radney called the meeting to order at 1:00 p.m.

Mr. Wallace read the rules and procedures for the Board of Adjustment Public Hearing.

Approval of Minutes

On **MOTION** of **Barrientos**, the Board voted 3-0-0 (Stauffer, Barrientos, Radney "ayes", no "nays"; no "abstentions", Wallace, Bond "absent") to a **Continue** the approval of the **Minutes** of June 13, 2023 (Meeting No. 1318) until the August 8th meeting.

New Applications

23551 – Dustin Alphin

Action Requested:

Special Exception to increase the allowed fence height from 4 feet to 7 feet inside the street setback (Sec. 45.080-A) **Location:** 2122 S. 67th E. Ave. **(CD 5)**

Presentation

Dustin Alphin, 17697 S. 49th W. Ave., stated his client just recently purchased this abandoned building to use for his drywall and framing business. He stated that there is a fence currently there, but now he is wanting to build a seven-foot fence on the same property line. He said it needs to be replaced not only for the way that it looks, but because there are materials and vehicles that need to stay secure. He stated that he would like to align his fence with the church on the south, which also have a fence that is higher than the four-foot allowance. He stated that the City has asked that he move the fence 10 feet behind the street setback, but he is requesting to replace the fence with a seven-foot fence and put the fence back where the property line is.

Ms. Radney asked Mr. Alphin if they were going to put up a chain-link fence.

Mr. Alphin stated that he either wanted to put a chain-link fence or a nicer fence with art paneling.

Ms. Stauffer asked Mr. Alphin if he has spoken to the neighbors surrounding the property about putting up this fence up.

Mr. Alphin stated that he had not spoken to anyone.

Comments and Questions

Ms. Radney asked city staff if the issue was the fence or the height of the fence.

Mr. Chapman responded that the issue is the height of the fence, because per code they are limited to a four-foot fence allowance.

Mr. Chapman stated that there is a fence currently on the property that looks taller than four feet. He asked the applicant if the fence that is currently at the property is the one that he is trying to get permitted or if he is requesting a different fence.

Mr. Alphin stated that he is trying to build a fence shown by the drawings and is unsure of what Mr. Chapman referred to.

Mr. Chapman asked Mr. Wallace to bring up the slide showing a fence that is already constructed at the property. Mr. Chapman pointed out the fence that is currently at the property, and then asked if he was replacing it.

Mr. Alphin asked if the picture was recently taken, and if so, he had not seen the fence.

Mr. Chapman stated that it is a recent picture.

Mr. Alphin stated that the last time he was there the fence was not there, but maybe the client went ahead and built the fence.

Ms. Radney asked Mr. Alphin if the fence shown in the picture is where they were wanting to build it.

Mr. Alphin stated that the picture shows exactly what they were asking for.

Mr. Barrientos stated that it seemed as though the applicant is requesting for forgiveness, since the fence has already been built.

Ms. Radney stated that she is not opposed to the taller fence but would have preferred that permission was requested rather than forgiveness. She stated that it does not seem that it is intrusive on the neighborhood, and would be inclined to support it as built in the picture.

Board Action:

On **MOTION** of **Stauffer**, the Board voted 3-0-0 (Stauffer, Barrientos, Radney, “ayes”; “nays”; no “abstentions”; Wallace, Bond “absent”) to **APPROVE** a Special Exception to increase the allowed fence height from four feet to seven feet inside the street setback (Sec. 45.080-A) per the conceptual plans shown on pages 1.3 and 1.11 of the agenda packet.

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, for the following property:

BEG 210S & 14W NEC NE NE NW NW TH W168 S120 E168 N120 POB SEC 14 19 13 .463AC, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23552 – Jason Goltry

Action Requested:

Variance to reduce the 15-foot side street building setback and 20-foot side street setback for a street-facing garage door on a corner lot in an RS-3 District (Sec. 5.030-A, Table 5-3, Table Note [3]); Variance to reduce the 20-foot rear setback in an RS-3 District (Sec. Sec. 5.030-A, Table 5-3) **Location:** 1117 S. Norfolk Ave. **(CD 4)**

Presentation

Jason Goltry, 1117 S. Norfolk Ave., stated that they are in the process of rebuilding their home, and have run into an issue with the garage doors facing west, and rotating the garage to the north. He stated that the garage is currently detached, but now they are wanting to attach it to their home. He stated that they have met the variance to reduce the 15-foot side street building setback and 20-foot side street setback. He stated that he is unsure why the request is being brought before the board.

Mr. Chapman stated that he spoke with the permit department, and they mentioned to him that a variance is still required, because the measurement is taken from the property line and not the fence line.

Mr. Goltry stated that he is requesting for the house and the garage to be on the same footprint, but just changing the driveway to come off 11th Pl.

Ms. Radney asked if the side street setback is on 11th Pl.

Mr. Goltry stated that it would be, and the driveway will come next to the garage.

Ms. Radney asked what the measurements would be reduced to, in order to meet the zoning code.

Mr. Goltry stated that with a detached garage, a five-foot setback is the requirement from his garage to his neighbor's home on the east. He stated that since they are attaching the garage to their home, a 20-foot setback is now required. Mr. Goltry stated that he believes that the neighbor to the east of their home sent an email in conjunction with this project.

Mr. Chapman clarified that the applicant is requesting relief for a 12-foot and 9.8-foot setback, because per code it is required to be a 15-foot and a 20-foot setback. He stated that the applicant is also requesting relief to reduce the setback for the garage doors being at 18.5 feet rather than a 20-foot setback per code.

Ms. Radney asked the applicant if the home is now in a historic overlay.

Mr. Goltry stated that in January it was classified as a historic overlay.

Ms. Radney asked if all the garages that run south of the property were built before the preexisting code.

Mr. Goltry stated that most of the garages are detached from their homes and built before the code.

Mr. Barrientos asked if the project would meet code if the property was pushed towards the neighbors. He stated that he is trying to find the hardship for the variance.

Mr. Goltry stated that his wife would be able to answer Mr. Barrientos's question.

Carmen Warden, 1117 S. Norfolk Ave., stated that the code requires a 20-foot setback from the adjacent property because it will be attached to their home. She stated that the neighbor has sent an email to Mr. Chapman in support of the project because the garage will not be any closer to his property than it was before. She stated the only thing that they are doing is shifting the entrance to the side street instead of the front of the house. She stated that they will continue to have the same footprint, and what they are requesting is consistent with all the other corner lots in their neighborhood.

Ms. Radney stated that Mr. Barrientos asked the question because with a variance the board must know what the hardship is, being that it is an amendment to the law, and stated that a hardship cannot be self-imposed.

Ms. Warden stated that she does not feel as though a variance is required because their site plan does not accurately reflect the measurements. She stated that she had taken measurements from the back of the sidewalk to the garage, and it was 20 feet. She stated that the only variance in her opinion is the distance between the garage and the adjacent neighbor's garage. She reiterated that their garage will not be any closer to their neighbor's garage as it has been for 100 years.

Mr. Barrientos asked if there are easements on the property.

Ms. Warden stated that there are no easements on the property.

Comments and Questions

Ms. Radney stated that the hardship is notwithstanding, but she is inclined to support the request as it relates to the driveway setback and the 11th Pl. setback.

The board allowed Mr. Jonathan Belzley, 1220 S. Owasso Ave., a neighbor to Ms. Warden, to state his support for the variance. He stated that Mr. and Mrs. Warden have been great stewards of the neighborhood and that the home they are building adheres to the character of the neighborhood.

Ms. Stauffer stated that they are back in discussion.

Ms. Stauffer stated that the hardship is that the footprint of the home was built before the zoning code was established. She stated that doing something that is in character with the neighborhood as well as the same footprint is very reasonable to her. She stated that the applicants having support from their neighbors is compelling. She concluded by stating that most of the corner lots do have the driveway on the other side, which has now set a precedent for the neighborhood. She stated that for all the reasons she described she would be inclined to support it.

Mr. Barrientos stated that he is inclined to support it, he just needed to hear a statement of a hardship, which he feels as though Ms. Warden has convinced him of the hardship.

Board Action:

On **MOTION** of **Stauffer**, the Board voted 3-0-0 (Stauffer, Barrientos, Radney, "ayes"; no "nays"; no "abstentions"; Wallace, Bond "absent") to **APPROVE** a Variance to reduce the 15-foot side street building setback and 20-foot side street setback for a street-facing garage door on a corner lot in an RS-3 District (Sec. 5.030-A, Table 5-3, Table Note [3]); Variance to reduce the 20-foot rear setback in an RS-3 District (Sec. Sec. 5.030-A, Table 5-3), per the conceptual plans shown on 2.10-2.17 of the agenda packet, finding the hardship to be that the footprint was established before the current zoning code.

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.”*

For the following property:

**LT 16 BLK 2, RIDGEWOOD ADDN OF TRACY PARK ADDN CITY OF TULSA, TULSA COUNTY,
STATE OF OKLAHOMA**

23553 – Joe Kesterson

Action Requested:

Variance to allow a roof sign to exceed 500 square feet in area (Sec. 60.080B.5b) **Location:** 505 E. 2nd St. **(CD 1)**

Board Action:

On **MOTION** of **Barrientos**, the Board voted 3-0-0 (Barrientos, Stauffer, Radney, “ayes”; no “nays”; no “abstentions”; Wallace, Bond “absent”) to **Continue** the request for a Variance to allow a roof sign to exceed 500 square feet in area (Sec. 60.080B.5b) to the August 8th meeting, for the following property:

**ALL BLKS 84 & 85 & ALL VAC ALLEYS THEREIN & ALL ST ROW OF FRANKLIN AVE THEREIN
LESS LTS 6 & 7 & N20 LT 5 & LESS W80 LT 1 & W80 N70 LT 2 BLK 85 & LESS ALL LTS 1 -3 & 8 &
VAC ALLEY THEREIN & PRT LTS 4 - 7 BEG NEC LT 1 TH SE300 SW211.39 NW29.34 NE5.80 N,
TULSA ORIGINAL TOWN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

23555 – Tanner Consulting, LLC

Action Requested:

Variance to reduce the minimum open space requirement from 4,000 square feet to 3,250 square feet in an RS-3 District (Sec. 5.030-A, Table 5-3) **Location:** 12654, 12658, 12662, 12668, and 12702 S. Irvington Ave. **(CD 8)**

Presentation

Eric Enyart, 5323 S. Lewis Ave., stated that the lots are on the west side of Addison Creek. He stated that they had intentionally planned that all these lots were going on the west line of the subdivision, but there is now a 30-foot-wide ONEOK gas transportation easement that takes up that area. He stated that for the interest of better design, they ended up using the easement as a reserve area, but it ended up shortening the lots. Mr. Enyart stated that the typical lot size in the villa section of the multiple neighborhood development is typically 60x130, but the lots in question are 60x120, which put them at a competitive disadvantage to the other lots. He stated that the hardship is that the lots are at a competitive disadvantage.

Ms. Radney asked if the previous zoning environment placed the lots under the PUD.

Mr. Enyart stated that the lots that were done within a PUD were those done in the first phase of the enclave at Addison Creek. He stated that they used the PUD tool to allow the common open space to be distributed to the lots on an individual basis giving them more flexibility and buildability for the homes.

Ms. Radney asked if the lots are part of the reserve according to page 4.17 of the agenda packet.

Mr. Enyart stated that the lots are part of the reserve, and they are in the villa section.

Mr. Barrientos asked if the other properties on the west lot are facing the same issue.

Mr. Enyart stated that the other properties in the west are not facing this issue, and neither are those on the south of the villa section.

Ms. Stauffer asked Mr. Enyart if he could please restate what the hardship was.

Mr. Enyart stated that because they made the decision to use the 30-foot ONEOK easement as a reserve area for common open space, instead of projecting those lot lines through to the west boundary. It ended up shortening the lots and putting them at a competitive disadvantage with the other lots in the neighborhood. He stated in other words, the other lots are allowed to be built bigger with less open space, and these ones are not.

Comments and Questions

Ms. Stauffer stated that to her knowledge a hardship cannot be financial. She stated that she does not agree with the competitive hardship, but she does understand the easement being a hardship.

Ms. Radney stated that it was self-imposed because the lots can always be built smaller.

Ms. Stauffer stated that she could be convinced that the easement is a hardship and realizes there is plenty of open space, but the competitive hardship does give her pause.

Ms. Radney stated that it is a benefit to the builder to build more space, but not to the homeowners who have a home with a smaller lot. She stated that she agrees that there is a hardship but is unclear whose hardship is in question.

Ms. Radney asked city staff if the purview of the board is to not look at the structure determining the uniqueness, but rather the lot itself. She stated that she wanted to clarify that she is looking at a lot that has nothing built on it, while deciding to allow a variance for something that does not yet exist.

Mr. Chapman stated that she is correct.

Ms. Radney stated that unless the board can agree that there is something structurally unique about the lots in question, the hardship is self-imposed.

Mr. Chapman stated that he met with Mr. Enyart, and the folks at Tanner Consulting had the idea to rezone the lots to RS-4 with a development plan to restrict that. He stated that staff guided them to come before the board to get a variance because staff would not support rezoning the five lots. He stated that the competitive market edge is something that he cannot speak on, but in the terms of the actual lot, it was staff's understanding that they were originally going to be larger. He stated that during the plating and development process, they were shut down because it became a preserve area instead of an easement.

Ms. Radney asked Mr. Chapman if the minimum relief would be given because of it being newly plated, and because of the high-pressure gas line.

Mr. Chapman stated that does seem to be a physical hardship, that is what is unique to the properties.

Board Action:

On **MOTION** of **Barrientos**, the Board voted 3-0-0 (Stauffer, Barrientos, Radney, "ayes"; no "nays"; no "abstentions"; Wallace, Bond "absent") to **APPROVE** a Variance to reduce the minimum open space requirement from 4,000 square feet to 3,250 square feet in the RS-3 District (Sec. 5.030-A, Table 5-3), per the conceptual plans shown on pages 4.12-4.17 of the agenda packet, finding the hardship to be high-pressure gas lines that are on the west side of the five lots.

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."*

For the following property:

Lots 2-6 Block 15, Addison Creek Blocks 10-15, City of Tulsa, Tulsa County, State of Oklahoma

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

None.

ADJOURNMENT

There being no further business, the meeting adjourned at 1:59 p.m.

Date approved: _____

Chair: _____



CITY OF Tulsa

Board of Adjustment

Case Number: BOA-23572

Hearing Date: 10/10/2023 1:00 PM

Case Report Prepared by:

Sean Wallace

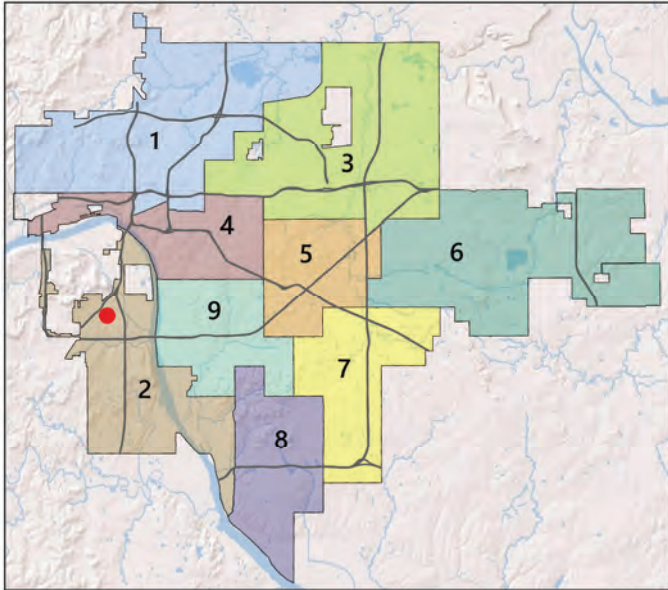
Owner and Applicant Information:

Applicant: Atul Sood

Property Owner: R-EST LLC

Action Requested: Special Exception to permit the alteration, expansion or enlargement of a structure with an existing non-conforming street setback (Sec. 80.030-D)

Location Map:



Additional Information:

Present Use: Residential

Tract Size: 0.16 acres

Location: 4216 S. 25th Ave W

Present Zoning: RS-3

Case History:

09/26/23: First appearance on agenda, Board continued item until the next hearing.

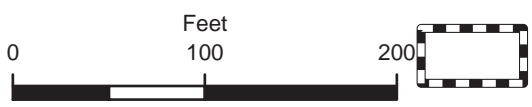


W 42ND ST S

W 42ND ST S

S 26TH W AVE

S 25TH W AVE

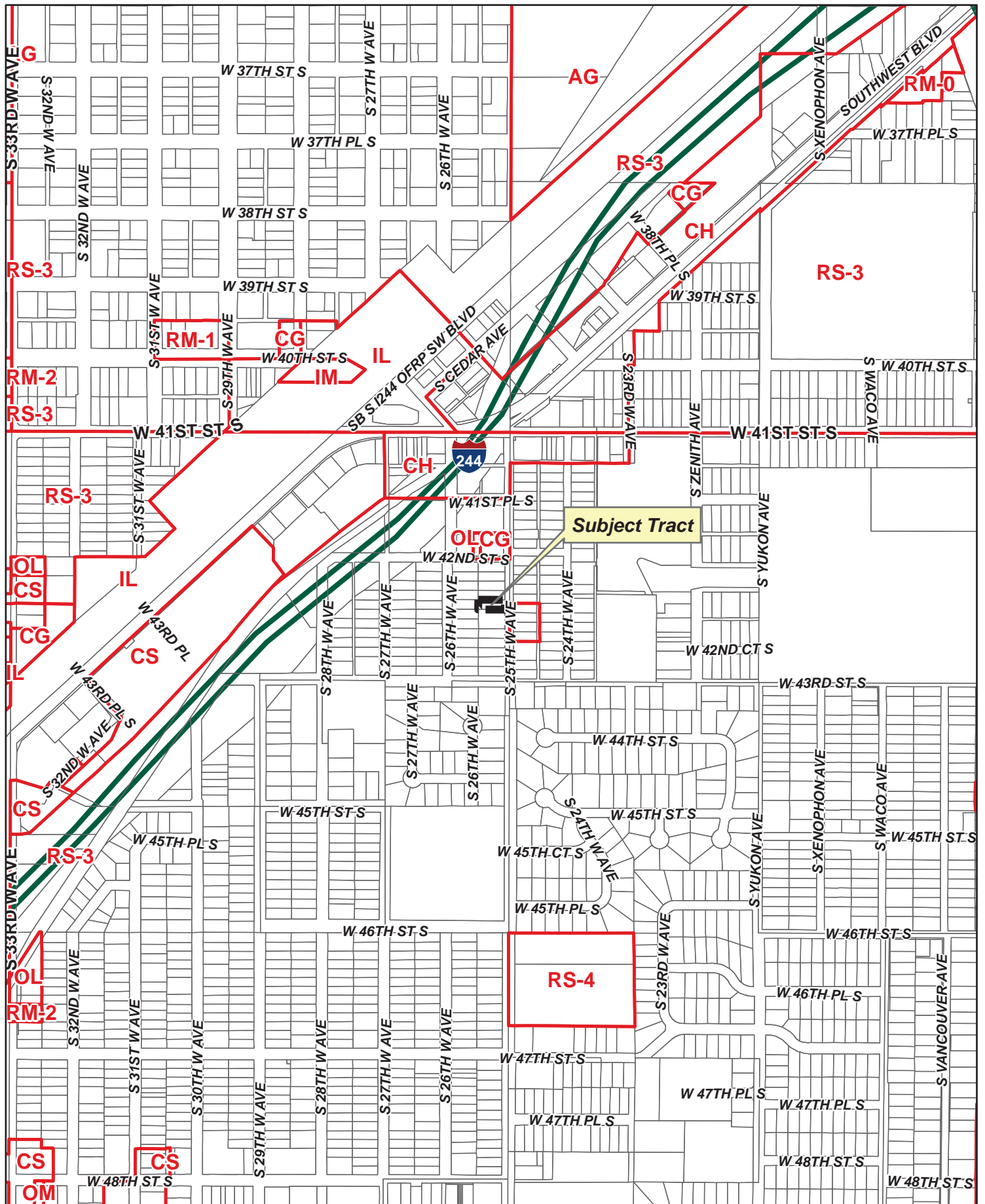


Subject **BOA-23572**
Tract

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

Aerial Photo Date: 2021





Subject Tract

RS-4

BOA-23572

**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9227

Case Number: BOA-23572

CD: 2

HEARING DATE: 09/26/2023 1:00 PM

APPLICANT: Atul Sood

ACTION REQUESTED: Special Exception to permit the alteration, expansion or enlargement of a structure with an existing non-conforming street setback (Sec. 80.030-D)

LOCATION: 4216 S 25 AV W

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 7000.12 SQ FT

LEGAL DESCRIPTION: LT 5 BLK 1 & E5 VAC ALLEY ADJ ON W, PARK ADDN - RED FORK 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 an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access off a lower-order street separated from the arterial, then it would be considered Neighborhood.

STAFF ANALYSIS:

Applicant is seeking to remodel/rebuild front-porch that lies within the 25-foot front setback. A majority of the original homes in the same street are built at or near the requested building line.

80.030-D Alterations, Enlargements and Expansions

Alterations, including enlargements and expansions, are permitted if the proposed alteration or expansion complies with all applicable lot and building regulations and does not increase the extent of the nonconformity. A building with a nonconforming street setback, for example, may be expanded to the rear as long as the rear expansion complies with applicable rear setback regulations and all other applicable lot and building regulations. Horizontal and vertical extensions of an exterior wall that is nonconforming with regard to applicable setbacks may be approved in accordance with the special exception procedures of [Section 70.120](#), provided the extensions are not located closer to the lot line than the existing structure.

SAMPLE MOTION:

Move to _____ (approve/deny) a Special Exception to permit the alteration, expansion or enlargement of a structure with an existing non-conforming street setback (Sec. 80.030-D).

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 Property



Subject property facing south.



DEVELOPMENT SERVICES
175 E 2ND ST., STE 405
TULSA, OK 74103
918-596-9456

CITY OF TULSA

CORRECTIONS SUMMARY

Zoning Review (1)



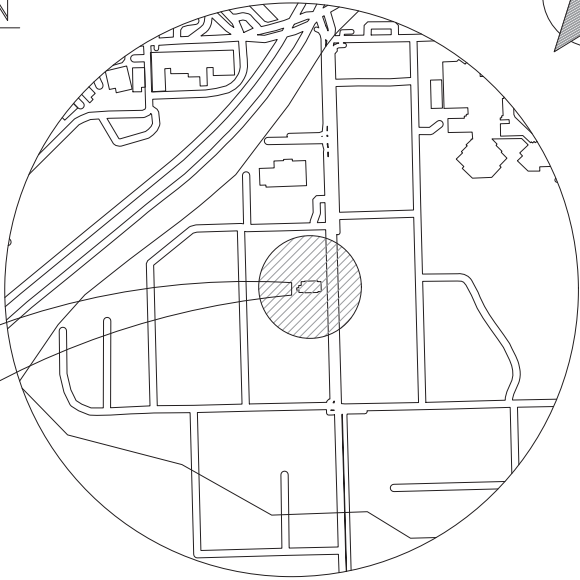
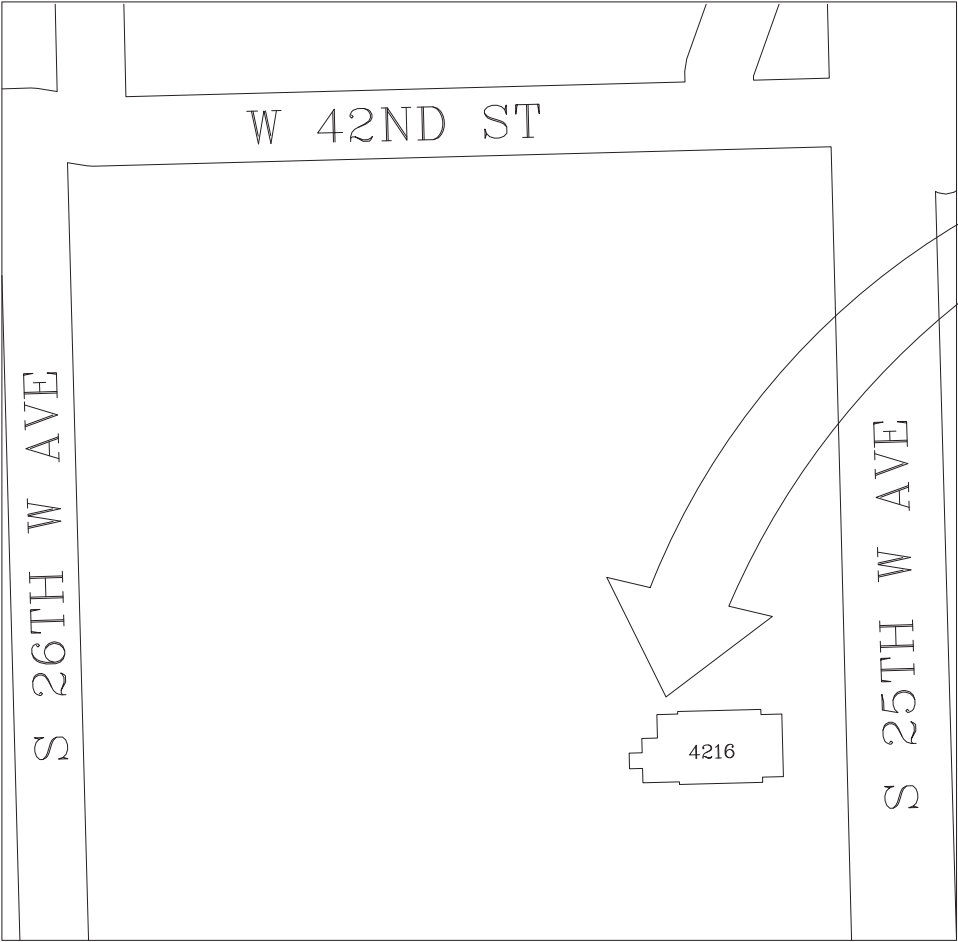
Subject: Zoning Review
Page Label: 8
Author: DWhiteman
Date: 8/15/2023 9:23:49 AM
Status:
Color: ■
Layer:
Space:

Section 90.090-A.1, Measurement. Street setbacks are measured from the actual right-of-way line of the street (other than an alley), provided that if the following measurement results in a greater set-back, the greater setback applies: For streets shown on the major street and highway plan, if the width of the planned right-of-way exceeds the width of the actual right-of-way, the measurement must be taken from the planned right-of-way.

Section 80.030-D, Alterations, Enlargements and Expansions. Alterations, including enlargements and expansions, are permitted if the proposed alteration or expansion complies with all applicable lot and building regulations and does not increase the extent of the nonconformity. A building with a nonconforming street setback, for example, may be expanded to the rear as long as the rear expansion complies with applicable rear setback regulations and all other applicable lot and building regulations. Horizontal and vertical extensions of an exterior wall that is nonconforming with regard to applicable setbacks may be approved in accordance with the special exception procedures of Section 70.120, provided the extensions are not located closer to the lot line than the existing structure.

Review Comment: Even though the front porch being replaced is existing, all new construction must meet current codes. At this location, the planned right of way (ROW) width for 25th W. Ave. is 60' wide. This lot is zoned RS-3 which requires a 25' front setback. Therefore, all new construction should have a setback of 55' from the center of 25th W. Ave. (30' for half of the ROW plus 25' for RS-3 front setback). As it is now, the front porch is only 38' 3" from the center of the street, so the house is encroaching 16' 9" into the front setback. In order to rebuild any portion of the house that is encroaching into the front setback, you must request a special exception from the Board of Adjustment. As an alternative, you can remodel the front porch and convert some or all of it into living space without expanding, enlarging, or rebuilding it.

Lot 5 Block 1 & E5 VAC ALLEYADJ ON
W, PARK ADDN-Red Fork



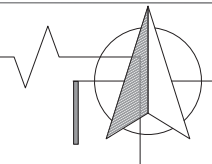
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|----------------------|--------|
| NAME | NUMBER |
| COVER SHEET | A-0.0 |
| EXISTING SITE PLAN | A-1.0 |
| PROPOSED SITE PLAN | A-2.0 |
| EXISTING PLAN VIEW | A-3.0 |
| DEMOLITION PLAN | A-4.0 |
| FRAMING PLAN VIEW | A-5.0 |
| PROPOSED PLAN VIEW | A-6.0 |
| EXISTING ELEVATIONS | A-7.0 |
| PROPOSED ELEVATIONS | A-8.0 |
| EXISTING FOUNDATIONS | S-1.0 |
| PROPOSED FOUNDATIONS | S-2.0 |
| DETAIL | D-1.0 |

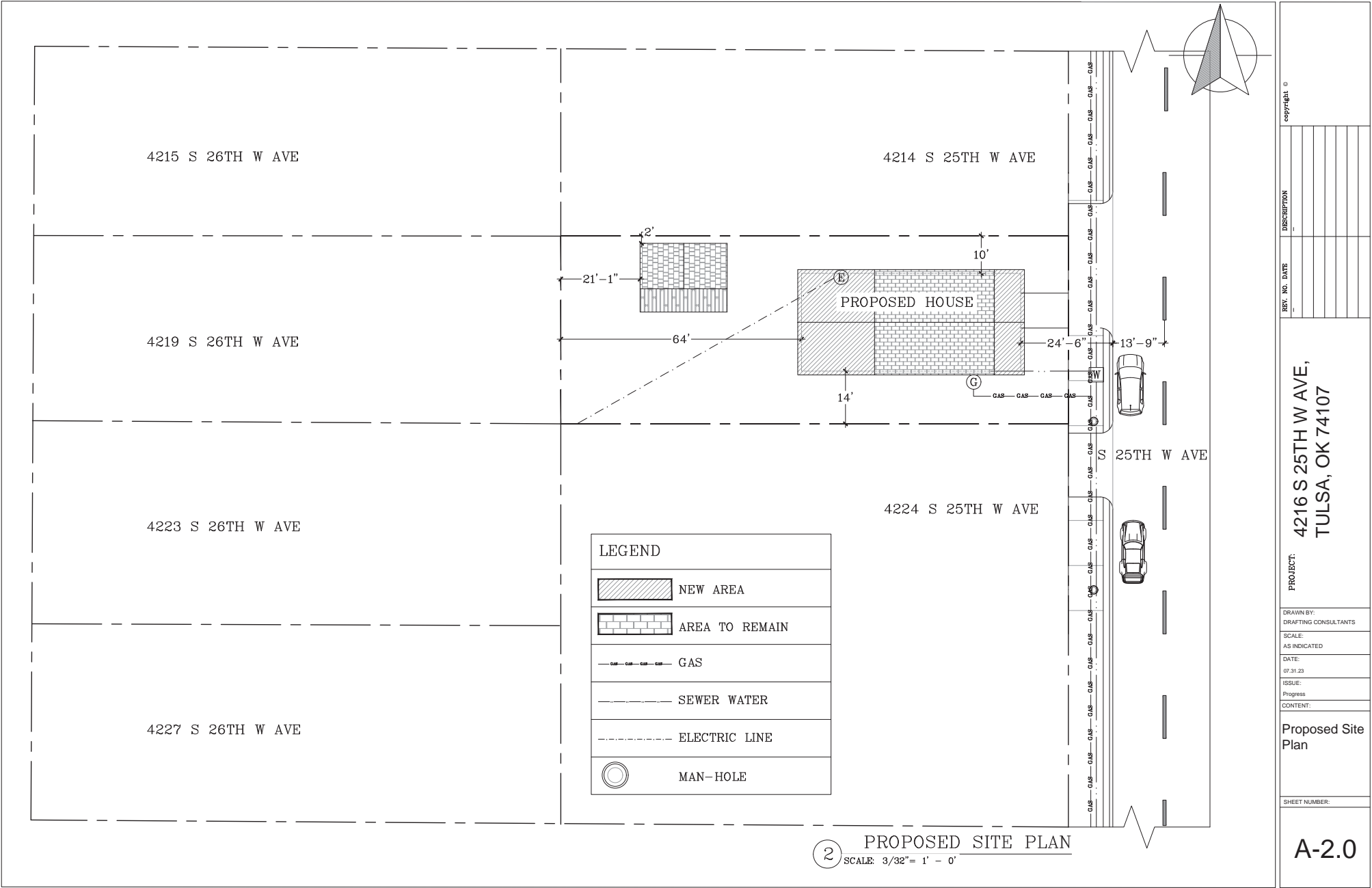
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| | DRAWN BY: DRAFTING CONSULTANTS | |
| SCALE: | AS INDICATED | |
| DATE: | 07.31.23 | |
| ISSUE: | Progress | |
| CONTENT: | Cover Sheet | |
| SHEET NUMBER: | A-0.0 | |

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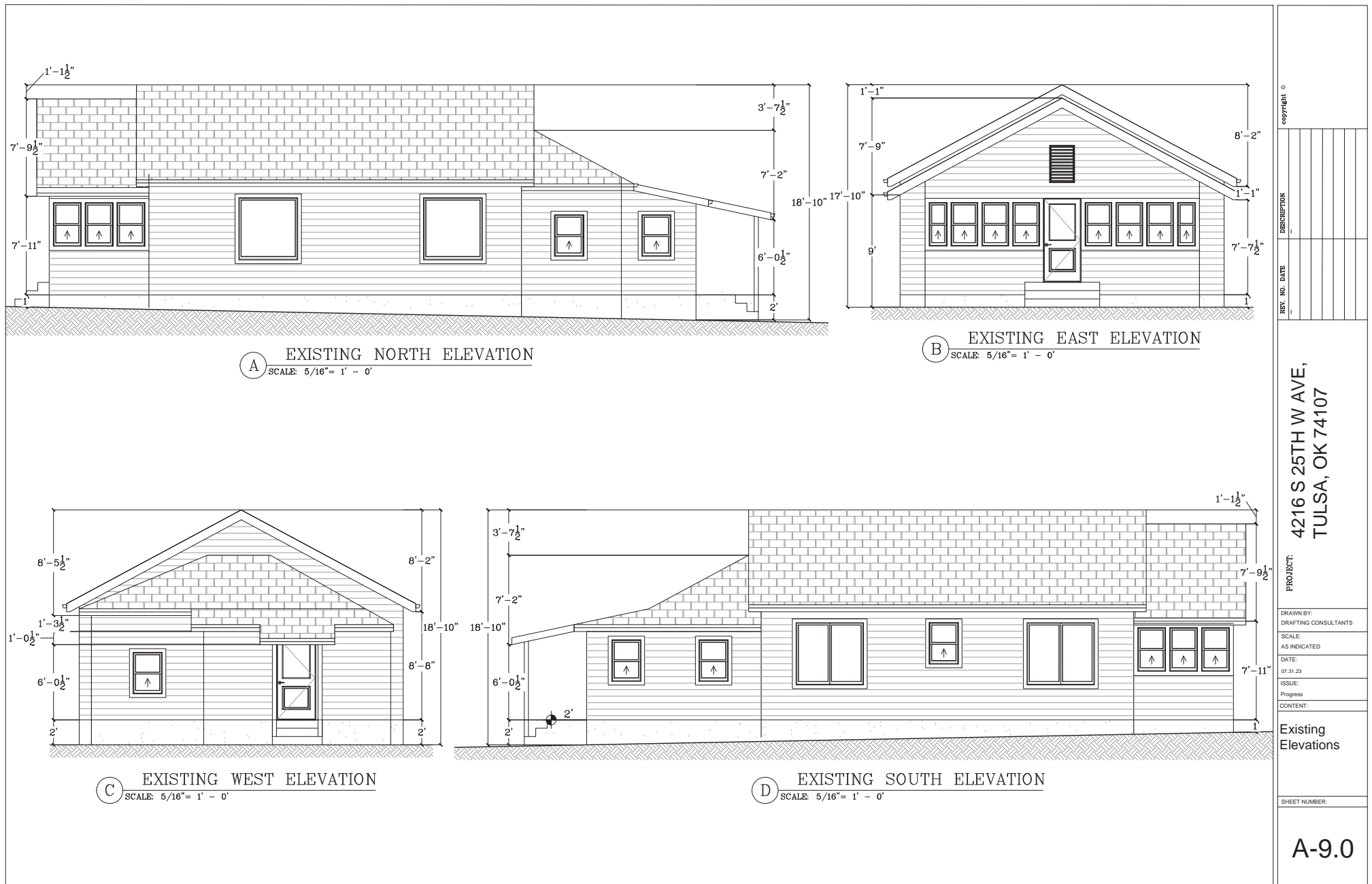
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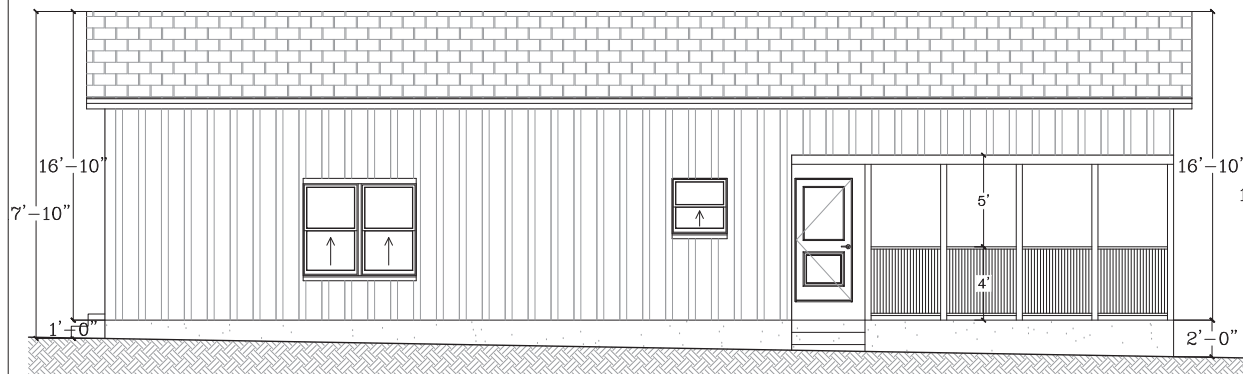




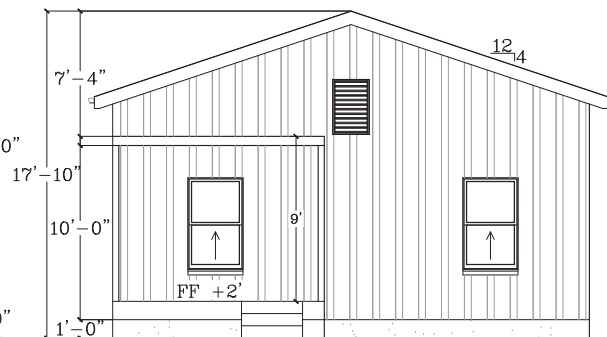
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| PROJECT: 4216 S 25TH W AVE, TULSA, OK 74107 | | |
| DRAWN BY: DRAFTING CONSULTANTS | | |
| SCALE: AS INDICATED | | |
| DATE: 07.31.23 | | |
| ISSUE: Progress | | |
| CONTENT: | | |
| Proposed Site Plan | | |
| SHEET NUMBER: | | |
| A-2.0 | | |



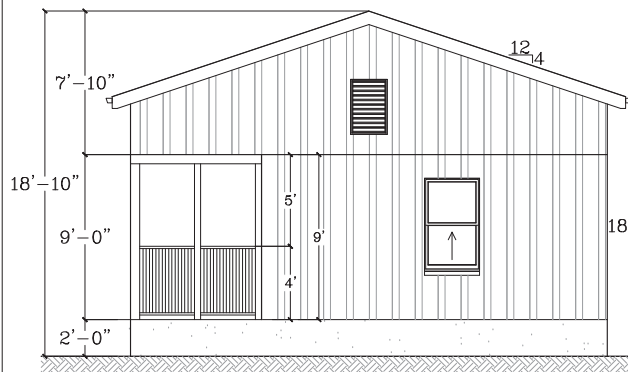
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| DRAWN BY: | DRAFTING CONSULTANTS |
| SCALE: | AS INDICATED |
| DATE: | 07.31.23 |
| ISSUE: | Progress |
| CONTENT: | Existing Elevations |
| SHEET NUMBER: | A-9.0 |



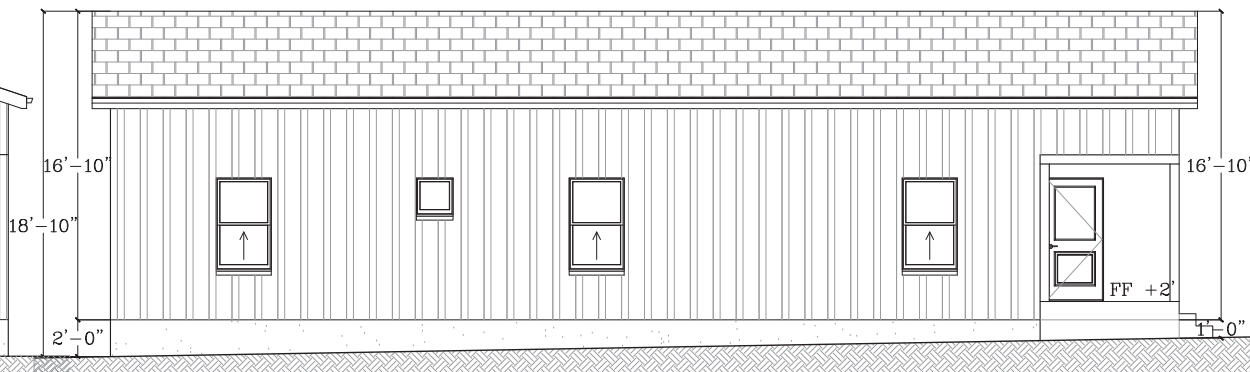
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(B) PROPOSED EAST ELEVATION
SCALE: 5/16" = 1' - 0'



(C) PROPOSED WEST ELEVATION
SCALE: 5/16" = 1' - 0'



(D) PROPOSED SOUTH ELEVATION
SCALE: 5/16" = 1' - 0'

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DESCRIPTION

REV. NO. DATE

PROJECT:

DRAWN BY:

DRAFTING CONSULTANTS

SCALE:

AS INDICATED

DATE:

07.31.23

ISSUE:

Progress

CONTENT:

Proposed Elevations

SHEET NUMBER:

A-10.0



CITY OF Tulsa

Board of Adjustment

Case Number: BOA-23580

Hearing Date: 10/10/2023 1:00 PM

Case Report Prepared by:

Sean Wallace

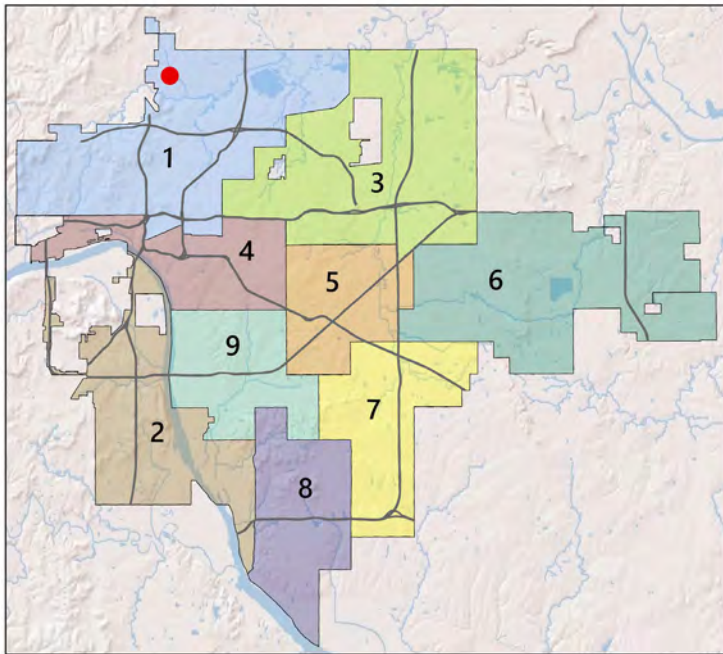
Owner and Applicant Information:

Applicant: Ryan Neurohr

Property Owner: Independent School District 1

Action Requested: Special Exception to permit a Dynamic Display sign in a Residential District containing a School Use (Sec. 60.050-B.2.c) Special Exception to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F)

Location Map:



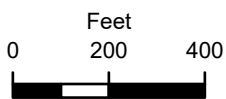
Additional Information:

Present Use: School

Tract Size: 10 acres

Location: 525 E. 46th St. N

Present Zoning: RS-3

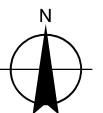


Subject
Tract

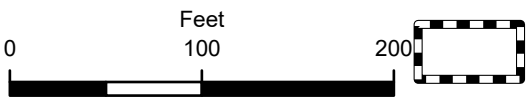
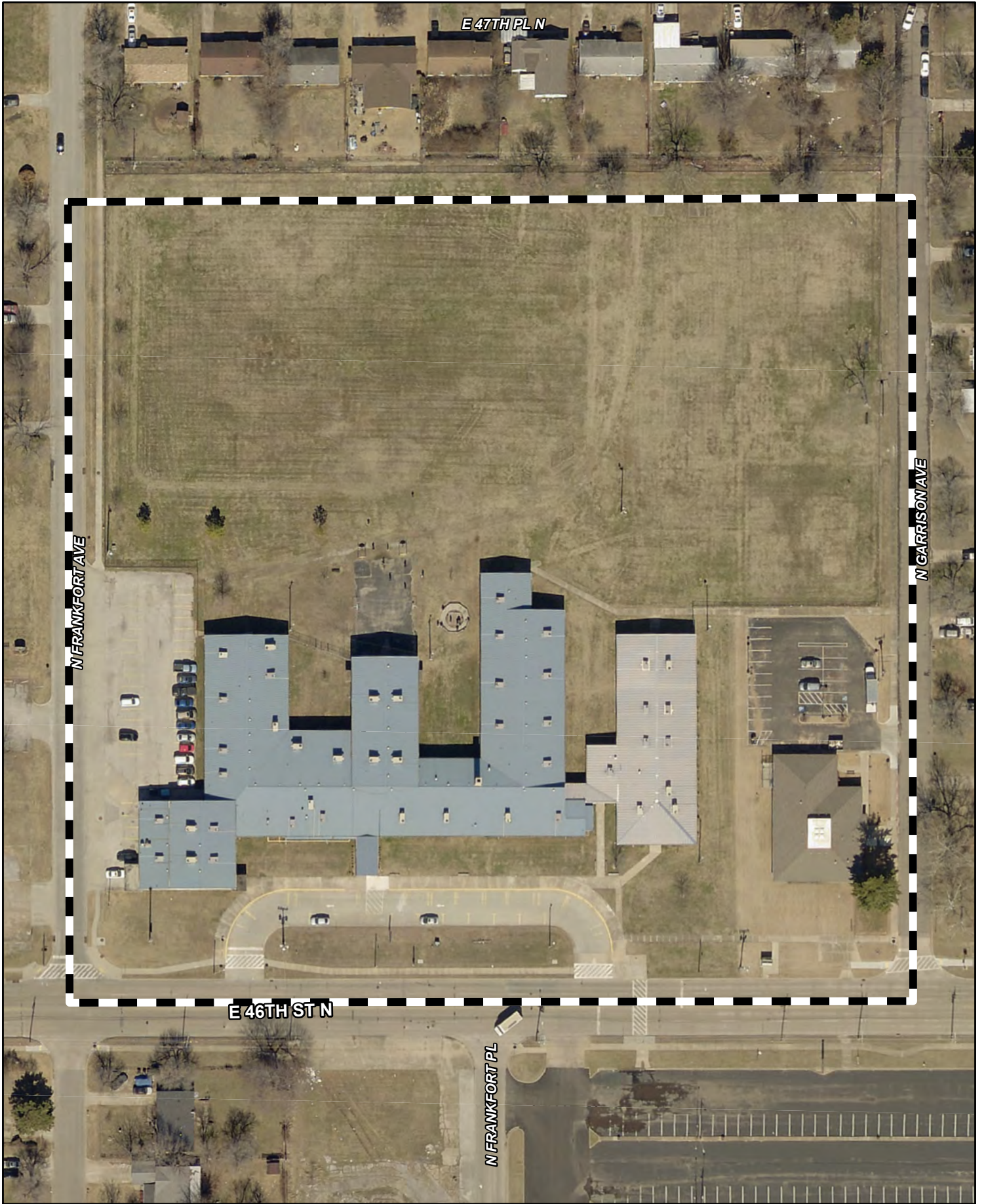
BOA-23580

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

Aerial Photo Date: 2021



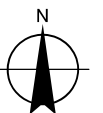
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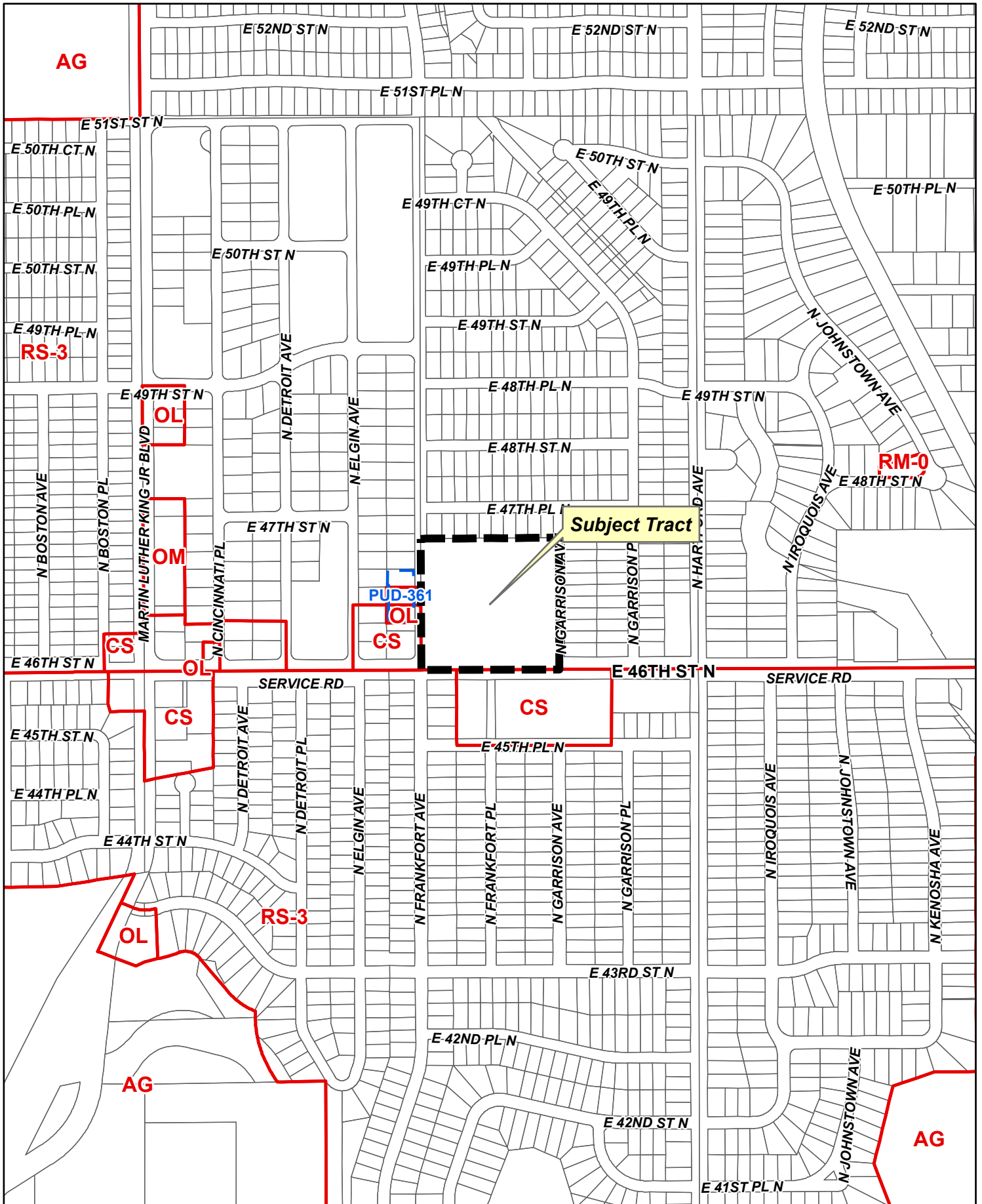


Subject **BOA-23580**
Tract

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

Aerial Photo Date: 2021





BOA-23580

**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 138

Case Number: BOA-23580

CD: 1

HEARING DATE: 10/10/2023 1:00 PM

APPLICANT: Ryan Neurohr

ACTION REQUESTED: Special Exception to permit a Dynamic Display sign in a Residential District containing a School Use (Sec. 60.050-B.2.c) Special Exception to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F)

LOCATION: 525 E. 46th St. N

ZONED: OL,PK,CS,RS-3

PRESENT USE: School

TRACT SIZE: 435601.78 SQ FT

LEGAL DESCRIPTION: SW SE SW SEC 12 20 12, SUBURBAN ACRES THIRD ADDN, FAIRHILL 2ND 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 an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access off a lower-order street separated from the arterial, then it would be considered Neighborhood.

STAFF ANALYSIS:

The applicant is requesting Special Exceptions to permit a Dynamic Display sign in a Residential District and within 200-feet of Residentially Zoned Lots.

Included in your packet are the standards for Sec. 60.050 and 60.100 for Dynamic Display signs.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Special Exception** to to permit a Dynamic Display sign in an Residential District containing a School Use (Sec. 60.050-B.2.c) and a **Special Exception** to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F)

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.

Wall Signs

Freestanding Signs

Nonresidential uses in R, AG, and AG-R districts are allowed a maximum of one wall sign per public building entrance. No individual wall sign may exceed 32 square feet in area. In buildings with multiple public building entrances, the sign area of all wall signs may not exceed 32 square feet in the aggregate.

Nonresidential uses in R, AG, and AG-R districts are allowed a maximum of one freestanding sign per street frontage. Allowed freestanding signs are subject to a maximum height limit of 20 feet and may not exceed 32 square feet in area or 0.20 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.

Dynamic Displays

Dynamic displays are prohibited in R, AG, and AG-R districts except that on a lot occupied by an allowed public, civic or institutional use, the board of adjustment is authorized to approve a special exception for the allowed wall sign or the allowed freestanding sign to include a dynamic display.

- (1) The allowed dynamic display component may not exceed 32 square feet in area, and no more than one (wall or freestanding) dynamic display is allowed per street frontage.
- (2) The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall or freestanding sign, but rather is counted as part of the maximum area of a wall or freestanding sign.
- (3) Dynamic displays in R, AG, and AG-R districts may operate only between the hours of 7:00 a.m. and 9:00 p.m. unless otherwise expressly approved through the special exception process.
- (4) Dynamic displays are subject to the dynamic display regulations of [Section 60.100](#).

Section 60.100 Dynamic Displays

The supplemental regulations of this section apply to all signs with dynamic displays. Except as otherwise expressly stated, these regulations apply whether incorporated into off-premise outdoor advertising signs or on-premise signs that are allowed to include a dynamic display.

- 60.100-A** The images and messages displayed on a dynamic display must have a minimum dwell time of at least 8 seconds and may not contain any movement, animation, audio, video, pyrotechnics or other special effects.
- 60.100-B** The transition or change from one message to another must occur in one second or less and involve no animation or special effects.
- 60.100-C** The images and messages displayed must be complete in and of themselves within the required dwell time.
- 60.100-D** Dynamic displays may not be located within 50 feet of the driving surface of a signalized intersection, measured horizontally in a straight line from the nearest point of the sign structure to the nearest point of the intersection.
- 60.100-E** Dynamic displays may not be located within or within 20 feet of the driving surface of a street, measured horizontally in a straight line from the nearest point of the sign structure to the nearest point of the street curb or edge of the traveled roadway marked or understood as such.

- 60.100-F** Dynamic displays may not be located within 200 feet of any of the following: (1) an R or AG-R district (other than street, highway or freeway right-of-way); (2) a residential development area. This separation distance does not apply if the dynamic display is not visible from the referenced district, area or lot, and the requirements may be modified in R, AG, and AG-R districts if approved through the special exception process. Required separation distances must be measured horizontally in a straight line from the nearest point on a sign structure to the nearest point of an R or AG-R district or residential development area boundary.
- 60.100-G** Dynamic displays must be equipped with a default mechanism that freezes the display in one position or presents a static or blank display if a malfunction occurs.
- 60.100-H** Dynamic displays must be equipped with a light detector/photocell that automatically adjusts the display's brightness according to natural ambient light conditions.
- 60.100-I** The maximum brightness level of a dynamic display may not exceed 6,500 nits (candelas per square meter) during daylight hours or 500 nits between 30 minutes after sunset and 30 minutes before sunrise, as those times are determined by the National Weather Service (Actual Time). Brightness must be measured from the brightest element of the sign's face.
- 60.100-J** Any off-premise outdoor advertising sign that includes a dynamic display that was lawfully established before January 1, 2010, must be separated by a minimum distance of 1,200 feet from any other off-premise outdoor advertising sign that includes a dynamic display. This spacing limitation does not apply between signs separated by a freeway. The 1,200-foot distance must be measured in a straight line from the center of the subject sign structures, as located on the ground.
- 60.100-K** Except as provided in [60.100-J](#), any off-premise outdoor advertising sign that includes a dynamic display and that was approved by a permit issued on or after January 1, 2009, must be separated by a minimum distance of 1,200 feet from any other off-premise outdoor advertising sign that includes a dynamic display facing the same traveled way. The 1,200-foot distance must be measured in a straight line from the center of the subject sign structures, as located on the ground.



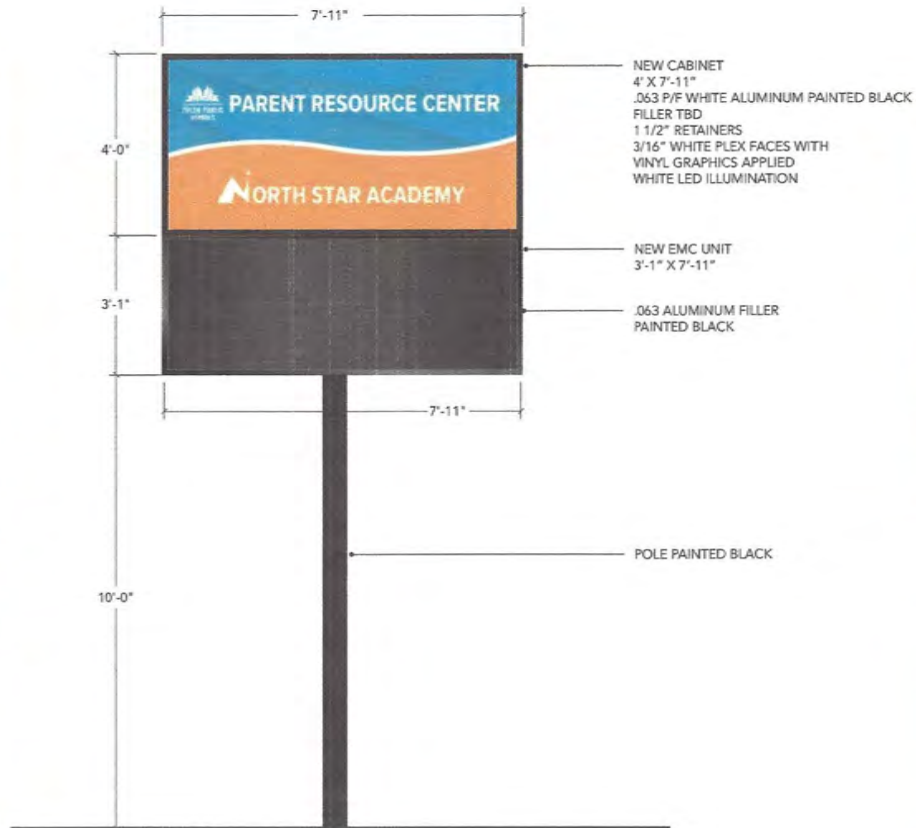
(Subject Property)



North Star Academy
525 E 46th Street North
Tulsa, Ok 74126



Existing Condition



A ELEVATION
SCALE: 3/8" = 1'-0"
D/F ILLUMINATED



Proposed

THESE DRAWINGS ARE THE EXCLUSIVE PROPERTY OF IMAGE BUILDERS, AND ARE THE RESULT OF ORIGINAL WORK BY ITS EMPLOYEES. THEY ARE SUBMITTED FOR THE SOLE PURPOSE OF YOUR CONSIDERATION OF WHETHER TO PURCHASE THESE PLANS, OR TO PURCHASE FROM IMAGE BUILDERS. SIGNAGE MANUFACTURED IN ACCORDANCE TO THESE PLANS. DISTRIBUTION OR EXHIBITION OF THESE PLANS TO OTHERS IS EXPRESSLY FORBIDDEN. © 2019 I.B.



☐ APPROVED AS SHOWN ☐ APPROVED AS NOTED

X
CLIENT NAME _____
DATE _____

PROJECT/CLIENT NAME:
NORTH STAR ACADEMY

LOCATION:
525 E 46TH ST N
TULSA, OK 74126
ACCOUNT EXECUTIVE:
RYAN NEUROHR

DESIGNER:
BILL SAMPLE
DATE OF ORIGINAL DWG:
JULY 13, 2023

REVISION HISTORY:

SIGN TYPE/DESCRIPTION:
D/F ILLUMINATED

SHEET NAME:
ST-1.0



CITY OF Tulsa

Board of Adjustment

Case Number: BOA-23581

Hearing Date: 10/10/2023 1:00 PM

Case Report Prepared by:

Sean Wallace

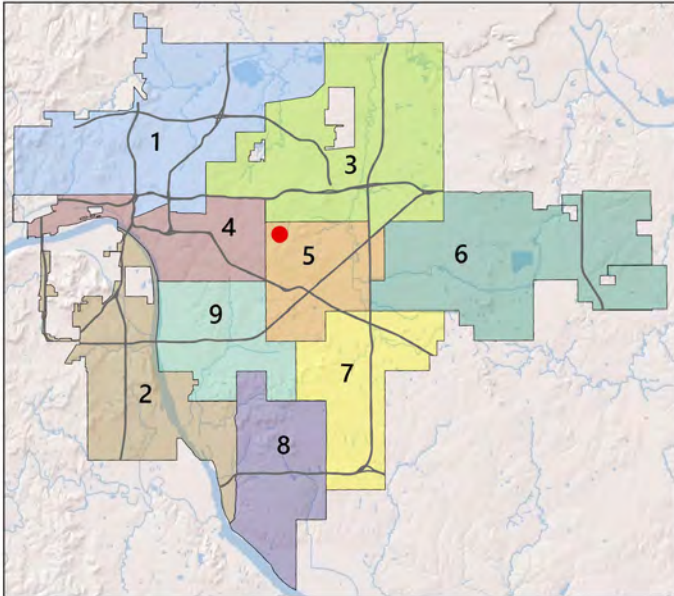
Owner and Applicant Information:

Applicant: Saul Pena

Property Owner: Mauricio & Saul Pena

Action Requested: Special Exception to permit a Large Assembly and Entertainment Use (greater than 250-person capacity) in the CH and IM District (Sec. 15.020, Table 15-2)

Location Map:



Additional Information:

Present Use: Former skating rink

Tract Size: 2.35 acres

Location: 1150 S. Sheridan Rd. E

Present Zoning: IM,CH



0 200 400
Feet

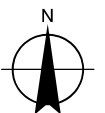


Subject
Tract

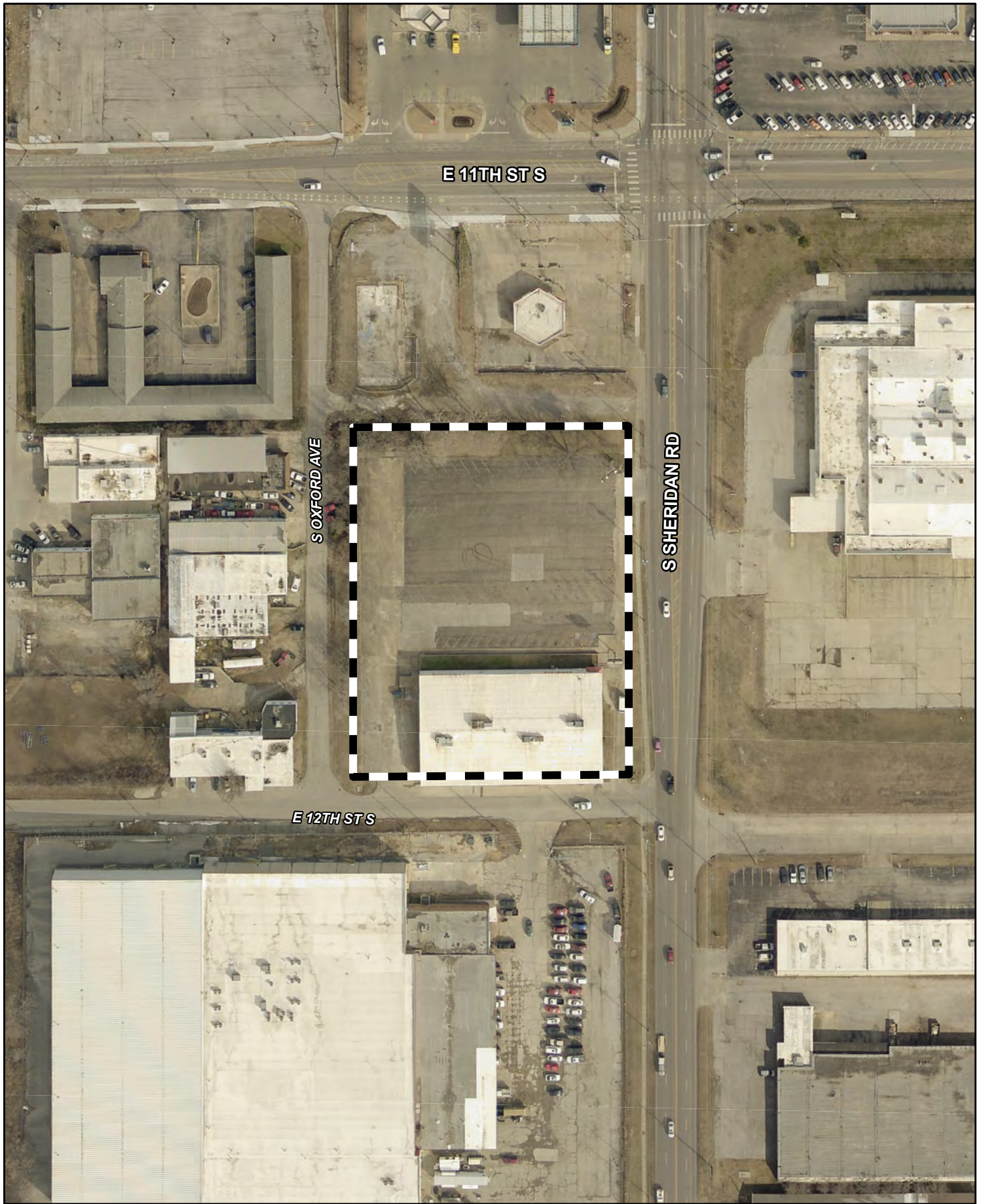
BOA-23581

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

Aerial Photo Date: 2021



5.2



E 11TH ST S

SOXFORD AVE

S SHERIDAN RD

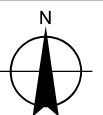
E 12TH ST S

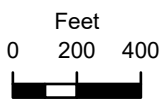
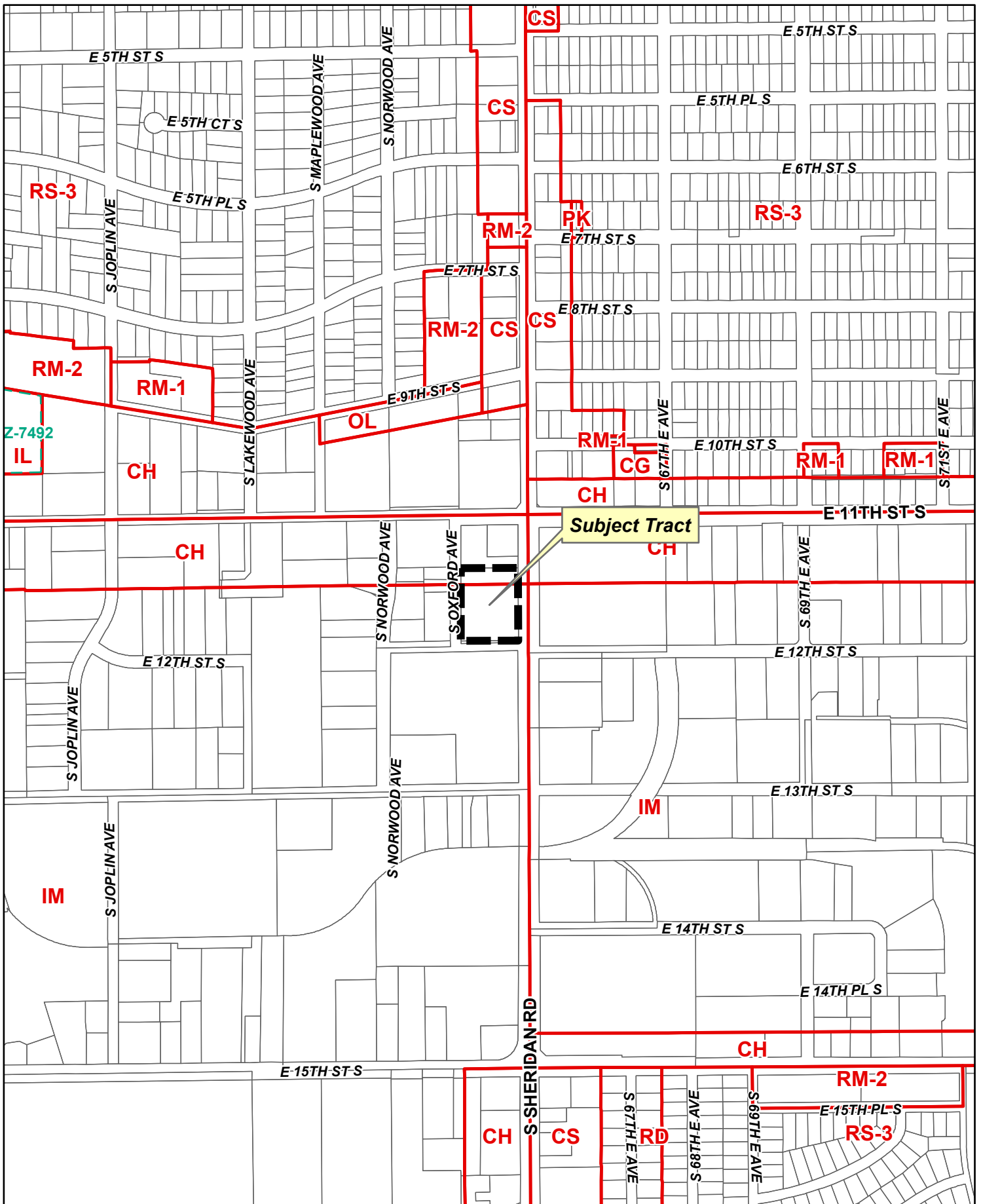


Subject Tract **BOA-23581**

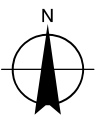
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2021





BOA-23581



**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9310
CD: 5

Case Number: BOA-23581

HEARING DATE: 10/10/2023 1:00 PM

APPLICANT: Saul Pena

ACTION REQUESTED: Special Exception to permit a Large Assembly and Entertainment Use (greater than 250-person capacity) in the CH and IM District (Sec. 15.020, Table 15-2)

LOCATION: 1150 S. Sheridan Rd. E

ZONED: IM,CH

PRESENT USE: Former skating rink

TRACT SIZE: 102174.75 SQ FT

LEGAL DESCRIPTION: BEG 255S & 50W NEC NE TH S375 W280 N375 E280 POB LESS BEG 50W AND 621.14S NEC NE NE TH S8.86 SW280.01 N11.33 NE280 POB SEC 10 19 13 2.345 ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS:

BOA-8786; On 10.16.75 the Board approved a special exception to permit the use of an existing enclosed skating rink and to permit expansion of the present building to be used for a snack area and storage.

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

Local Centers serve the daily needs of those in the surrounding neighborhoods. This designation implies that the center generally does not serve an area beyond the nearby neighborhoods. Typical uses include commercial or retail uses that serve the daily needs of nearby residents. In order to introduce a regional trip generator, the entire local center designation should be amended to be Regional Center with significant input from all affected properties and nearby neighborhoods.

STAFF ANALYSIS:

The applicant is requesting a Special Exception to permit a Large (greater than 250-person capacity) Indoor Commercial Assembly and Entertainment use in the CH and IM District (Sec.15.020, Table 15-2).

Assembly and Entertainment uses are described as follows:

Uses that provide gathering places for participant or spectator recreation, entertainment or other assembly activities. Assembly and entertainment uses may provide incidental food or beverage service. Typical uses include gun clubs, shooting ranges, health clubs, gymnasiums, riding stables and academies, banquet halls, entertainment centers, event centers, billiard centers, bowling centers, cinemas, go-cart tracks, laser tag, paintball, miniature golf courses, stadiums, arenas, video arcades, race-tracks, fairgrounds, rodeo grounds, water parks, amusement parks, food truck courts, and live theaters. Outdoor seating and dining areas that exceed 50% of the indoor floor area of the subject principal use (e.g., bar, restaurant or indoor assembly and entertainment use) are regulated as an outdoor assembly and entertainment use.

The applicant is seeking to operate an event center for wedding receptions and family celebrations.

SAMPLE MOTION:

- Move to _____ (approve/deny) a Special Exception to permit a Large (greater than 250-person capacity) Indoor Commercial Assembly and Entertainment use in the CH and IM District (Sec.15.020, Table 15-2) 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 Property)

CYPRESS EVENT CENTER

TULSA, OKLAHOMA



DIRECTORY

OWNER

SAUL PENA
1150 S. SHERIDAN ROAD
TULSA, OK 74112
saulsroofsystems@outlook.com

ARCHITECT

MICHAEL C SKAISTIS ARCHITECT LLC
5132 S. COLUMBIA COURT
TULSA, OK 74135-6643
mskaistis.architect@yahoo.com

PRIMARY APPLICABLE CODES & STANDARDS

- INTERNATIONAL BUILDING CODE & STANDARDS IBC 2018 EDITION
- ICC A117.1 2009 EDITION
- INTERNATIONAL FIRE, GAS CODE 2018 EDITION
- INTERNATIONAL MECHANICAL CODE 2018 EDITION
- INTERNATIONAL PLUMBING CODE 2018 EDITION
- NATIONAL ELECTRICAL CODE 2017 EDITION
- INTERNATIONAL FIRE CODE 2018 EDITION
- NFPA 703 STANDARD FOR INSTALLATION OF SPRINKLER SYSTEMS 2016 EDITION
- CITY OF TULSA ZONING CODE

PROJECT ADDRESS

1150 SOUTH SHERIDAN ROAD EAST
TULSA, OKLAHOMA 74112

PARCEL

9931053100080

LEGAL DESCRIPTION

BEGINNING 255 feet South and 50 feet West of the Northeast corner of said Northeast Quarter (NE¼); Thence South 375 feet to point; Thence West 280 feet to a point; Thence North 375 feet to point; Thence East 280 feet to the POINT OF BEGINNING.

LESS AND EXCEPT BEGINNING 50 feet West and 621.14 feet South of the Northeast corner of the Northeast Quarter (NE¼); Thence South 8.86 feet to a point; Thence West 280.61 feet to a point; Thence North 11.33 feet to a point; Thence East 280 feet to the POINT OF BEGINNING.

PROJECT DATA

ZONING CLASSIFICATION: CH

OCCUPANCY USE GROUP: A-2 ASSEMBLY

CONSTRUCTION TYPE: II-B SPRINKLERED

BUILDING SQUARE FOOTAGE: 19,250 SF

OCCUPANT LOAD (IBC TABLE 1004.1.2)

ASSEMBLY WITHOUT FIXED SEATS
(UNOCCUPIED THEATRE & CHURCH)
1,155 SF NET / 15 SF PER OCCUPANT = 770 OCCUPANTS

OFF-STREET PARKING (ZONING CODE TABLE 55-1)

ASSEMBLY AND ENTERTAINMENT (INDOOR)
2.80 SPACES PER 1,000 SF
2.80 SPACES X 70 = 196 PARKING SPACES REQUIRED

SPACES PROVIDED: 118

ACCESSIBLE PARKING (IBC TABLE 1106.1)

417.9 SPACES

SPACES PROVIDED: 33 SPACES

PLUMBING FIXTURES (IBC TABLE 2902.1)

ASSEMBLY A-2 BANQUET HALL

REQUIRED WATER CLOSURES

MALE 1 PER 15 OCCUPANTS (88 OCCUPANTS) = 6

FEMALE 1 PER 15 OCCUPANTS (88 OCCUPANTS) = 6

REQUIRED LAVATORIES

MALE 1 PER 25 OCCUPANTS (88 OCCUPANTS) = 4

FEMALE 1 PER 25 OCCUPANTS (88 OCCUPANTS) = 4

DRAINING FOUNTAINS

NOT REQUIRED (BAR SERVICE PROVIDED)

SERVICE SINK - 1 REQUIRED

FAMILY RESTROOMS (SEE TYPICAL SECTION 1106.2.1)

1 REQUIRED

AUTOMATIC FIRE SPRINKLER SPRINKLER

PROVIDE AUTOMATIC FIRE SPRINKLER IN BUILDING.

COMPLY WITH NFPA 13 2016 EDITION.

CONTRACTOR SHALL PREPARE AUTOMATIC FIRE SPRINKLER SYSTEM DRAWINGS & SPECIFICATIONS AND OBTAIN PERMIT FROM CITY OF TULSA FIRE MARSHAL, FOR THE AUTOMATIC FIRE SPRINKLER SYSTEM.

FIRE ALARM SYSTEM

PROVIDE FIRE ALARM SYSTEMS CONSISTING OF MANUAL STATIONS AT EXTERIOR EXIT DOORS WITH OCCUPANT NOTIFICATION SYSTEM.

COMPLY WITH IBC 907.2 NFPA 72 LATEST EDITION.

CONTRACTOR SHALL PREPARE FIRE ALARM SYSTEM DRAWINGS & SPECIFICATIONS AND OBTAIN PERMIT FROM CITY OF TULSA FIRE MARSHAL FOR THE FIRE ALARM SYSTEM.

GENERAL NOTES

- ALL WORK SHALL COMPLY WITH THE PRIMARY APPLICABLE CODES AND STANDARDS.
- THE CONTRACTOR SHALL VERIFY AND LOCATE ALL EXISTING UNDERGROUND UTILITIES IN THE AREA OF THE NEW SITE WORK PRIOR TO SHADING AND/OR EXCAVATION. CALL 800-802-6843.
- IN THE EVENT OF A CONFLICT BETWEEN TWO DRAWINGS OR BETWEEN A DRAWING AND SPECIFICATION, THE DRAWING OR SPECIFICATION ITEM REQUIRING THE GREATER EXTENT, LARGER QUANTITY OR HIGHER QUALITY SHALL GOVERN.
- IN THE EVENT OF A CONFLICT BETWEEN AN EXISTING SITE OR BUILDING CONDITION AND WORK CALLED FOR ON THE DRAWING, THE CONTRACTOR SHALL NOTIFY THE ARCHITECT IN WRITING OF THE CONFLICT. THE ARCHITECT TO PROVIDE CONFLICT RESOLUTION.
- THE ABBREVIATION "TYP." OR "TYPICAL" MEANS THE DETAIL OR CONDITION SHOWN APPLIES TO WHEREVER THE DETAIL OR CONDITION OCCURS IN THE WORK.
- THE ABBREVIATION "F.V." OR "FIELD VERIFY" MEANS THE CONTRACTOR IS REQUIRED TO VERIFY OR CONFIRM THE NOTED CONDITION OR DIMENSION PRIOR TO CONSTRUCTION.
- ALTERATION OR REMOVAL OF EXISTING STRUCTURAL COMPONENTS OR ALTERATION OF NEW STRUCTURAL COMPONENTS NOT SHOWN ON THE DRAWINGS IS PROHIBITED WITHOUT APPROVAL OF STRUCTURAL ENGINEER.
- ALL MATERIALS, PRODUCTS AND EQUIPMENT ARE TO BE DELIVERED, HANDLED AND INSTALLED IN ACCORDANCE WITH THE MATERIAL, PRODUCT AND/OR EQUIPMENT MANUFACTURER'S PRINTED INSTRUCTIONS AND RECOMMENDATIONS.

ABBREVIATIONS

| | |
|----------|---------------------------------------|
| AF | ABOVE FINISH FLOOR |
| ALUM. | ALUMINUM |
| BC | BOTTOM OF CURB |
| BLDG | BUILDING |
| BLDG | BLOCKING |
| CJ | CONTROL JOINT |
| CJ | CONTROL JOINT |
| CL | CENTERLINE |
| CLD | CEILING |
| CMU | CONCRETE MASONRY UNIT |
| CONC | CONCRETE |
| COL | COLUMN |
| C.S. | COUNTERSUNK WOOD SCREW |
| COVS | COVER |
| DM | DIAMETER |
| D.F. | DRAINING FOUNTAIN |
| D.S. | DOWNSPOUT |
| DT | DETAIL |
| EV | EXISTING |
| EJ | EXPANSION JOINT |
| EJ | EXPANSION JOINT |
| ELEC. | ELECTRIC OR ELECTRICAL |
| EQ | EQUAL |
| E.W. | EACHWAY |
| F.A. | FIRE ALARM |
| F.C. | FLOOR DRAIN |
| FD | FIRE DEPARTMENT CONNECTION |
| F.F. | FIRE EXTINGUISHER CABINET |
| FM | FLAT HEAD WOOD SCREW |
| F.F. | FIRE EXTINGUISHER |
| F.F. | FINISH FLOOR |
| FI | FIRE HYDRANT |
| FLR | FLOOR |
| FOS | FACE OF STUD |
| F.V. | FIELD VERIFY |
| GALV. | GALVANIZED |
| GYP. BL. | GYP. BOARD |
| HORIZ. | HORIZONTAL |
| HT | HEIGHT |
| I.D. | INSIDE DIAMETER |
| INSUL. | INSULATION |
| ISA | INTERNATIONAL SYMBOL OF ACCESSIBILITY |
| LLH | LONG LEG HORIZONTAL |
| LLV | LONG LEG VERTICAL |
| MED. | MECHANICAL |
| MIN. | MINIMUM |
| NEW | NEW |
| NTS | NOT TO SCALE |
| O.C. | ON CENTER |
| O.D. | OUTSIDE DIAMETER |
| O.L. | OCCUPANT LOAD |
| PH | PLUMBING HANDWARE |
| PSF | POUNDS PER SQUARE FOOT |
| RAD. | RADIUS |
| REF. | REFER |
| REF. | REFRIGERATOR |
| REV. | REVERSE |
| SIM. | SIMILAR |
| SF | SQUARE FEET |
| SMS | SHEET METAL SCREW |
| S.E. | SANITARY SEWER |
| TC | TOP OF CURB |
| THWS | TRUSS HEAD WOOD SCREW |
| TOS | TOP OF STEEL |
| TOW | TOP OF WALL |
| TR | TREAD WIDTH |
| TYP. | TYPICAL |
| U.O.N | UNLESS OTHERWISE NOTED |
| VERT. | VERTICAL |
| W.H. | WATER HEATER |
| W.W. | WELDED WIRE MESH |

INDEX OF DRAWINGS

CS COVER SHEET
ADM ADA PARKING

SITE

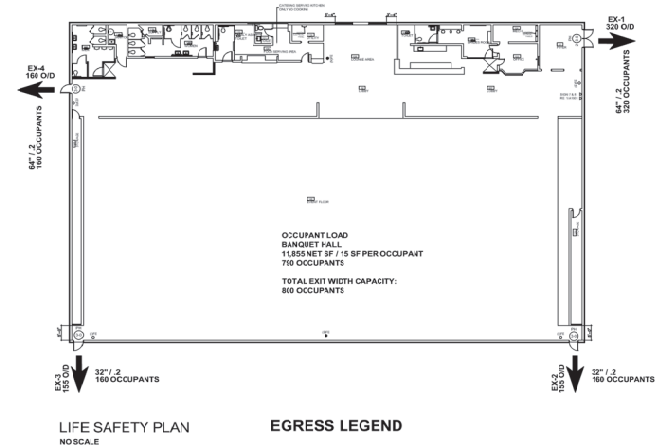
C101 SITE PLAN & DETAILS
C301 ADA PARKING

ARCHITECTURAL

D101 DEMOLITION FLOOR PLAN
A101 FLOOR PLAN
A201 TOILETS PLAN & BRIDES ROOM PLAN
A202 INTERIOR ROOM ELEVATIONS
A203 DOOR SCHEDULE, FINISH SCHEDULE & WALL TYPES
A101 BUILDING SIGNS

ELECTRICAL

E101 EMERGENCY EXIT LIGHTING PLAN



EGRESS LEGEND

| SYMBOL | DESCRIPTION |
|--------|--|
| ← EC 1 | EXIT IDENTIFICATION NUMBER |
| ← 101 | EXIT DISCHARGE DIRECTION |
| | NUMBER OF OCCUPANTS BEING DISCHARGED |
| | OCCUPANT EGRESS DIRECTION |
| | NUMBER OF OCCUPANTS ACCESSING EXIT WAY |

MICHAEL C SKAISTIS ARCHITECT LLC
1150 SOUTH SHERIDAN COURT
TULSA, OKLAHOMA 74112-6643



CYPRESS EVENT CENTER
TULSA, OKLAHOMA

DRAWINGS ISSUED FOR
CONSTRUCTION

REVISIONS

| DATE | REVISION |
|------|----------|
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

PROJECT NO. CEC-23

DATE 8-9-23

DRAWING TITLE

COVER SHEET

SHEET

CS



CITY OF Tulsa

Board of Adjustment

Case Number: BOA-23582

Hearing Date: 10/10/2023 1:00 PM

Case Report Prepared by:

Austin Chapman

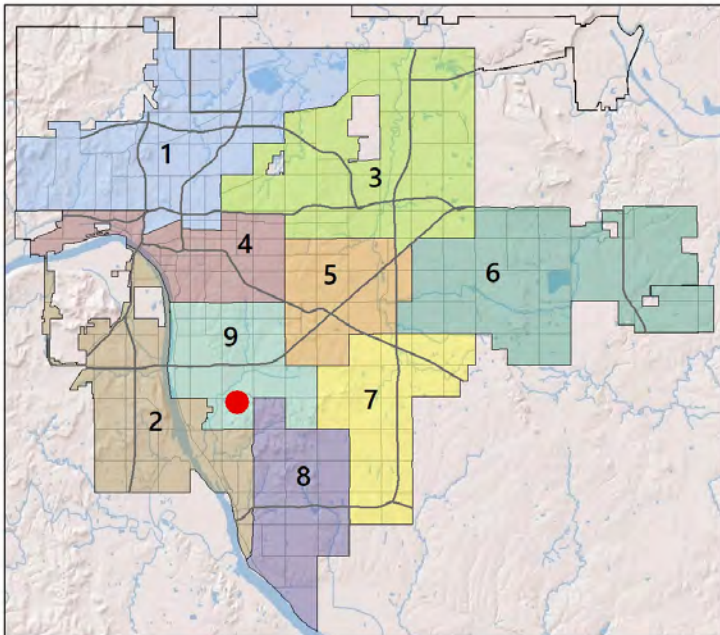
Owner and Applicant Information:

Applicant: Justin DeBruin

Property Owner: Southern Hills Country Club

Action Requested: Special Exception to amend a previously approved site plan for a Country Club in the RS-1 District (Table 5.020, Table 5-2; Sec.70.120)

Location Map:



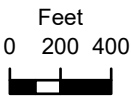
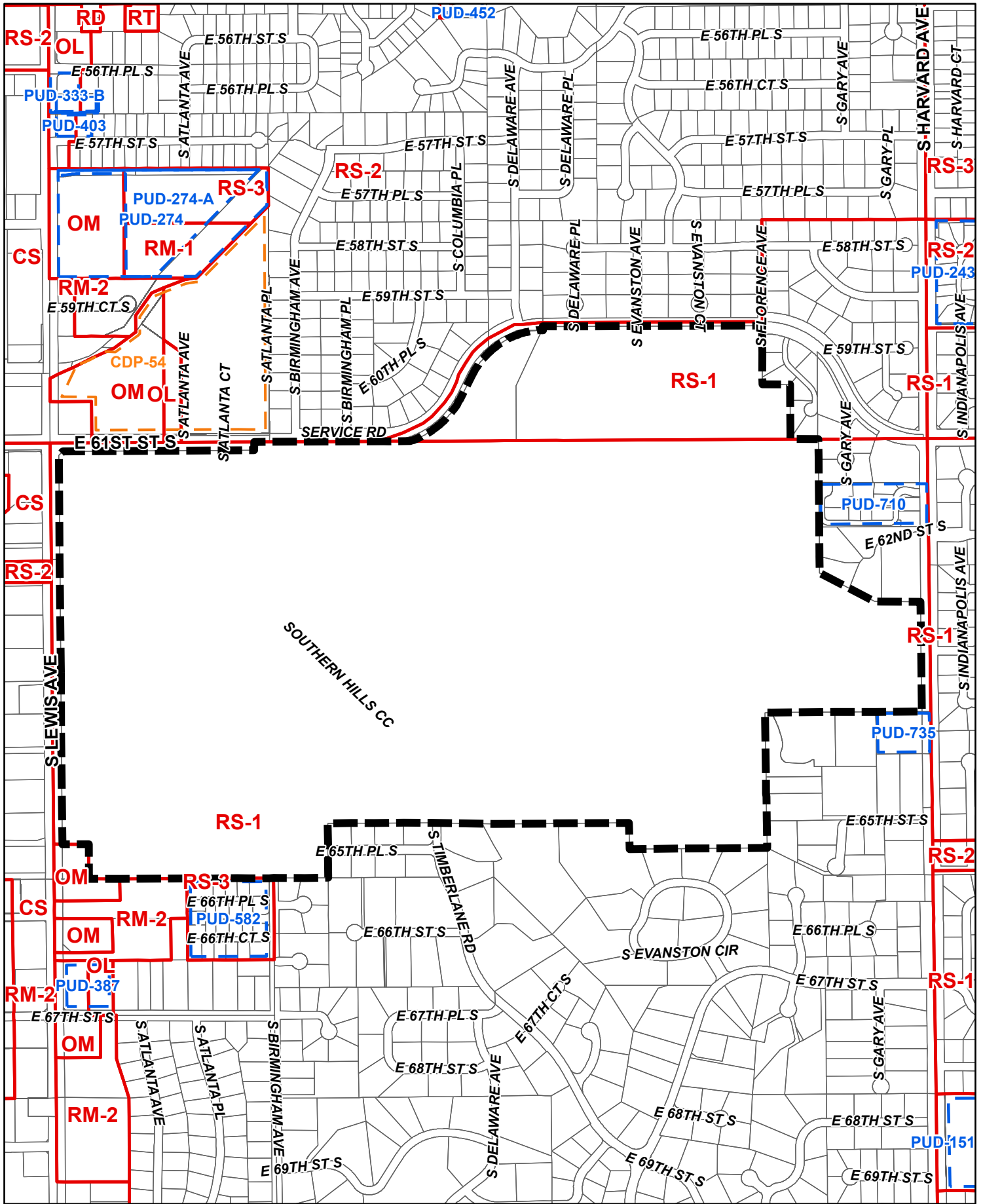
Additional Information:

Present Use: Southern Hills Country Club

Tract Size: 295.82 acres

Location: 2636 E. 61 St. S.

Present Zoning: RS-1

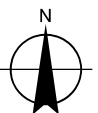


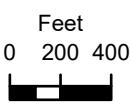
BOA-23582



Subject
Tract

6.2

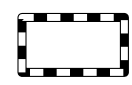




Note: Graphic overlays may not precisely align with physical features on the ground.

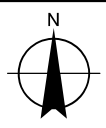
Aerial Photo Date: 2020/2021

BOA-23582



Subject
Tract

6.3



**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9332

Case Number: **BOA-23582**

CD: 9

HEARING DATE: 10/10/2023 1:00 PM

APPLICANT: Justin DeBruin

ACTION REQUESTED: Special Exception to amend a previously approved site plan for a Country Club in the RS-1 District (Table 5.020, Table 5-2; Sec.70.120)

LOCATION: 2636 E. 61 St. S.

ZONED: RS-1

PRESENT USE: Southern Hills Country Club

TRACT SIZE: 12886111.37 SQ FT

LEGAL DESCRIPTION: See attached,

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-23420; On 09.13.22 the Board approved a special sxception to amend a previously approved site plan for a Country Club in the RS-1 District.

BOA-22487; On 07.24.18 the Board approved a modification to a previously site plan.

BOA-21884; On 5.12.15, the Board approved the request for a modification to a previously approved site plan (BOA-19909) to permit an equipment storage building, subject to conceptual plan 6.15, on the subject property.

BOA-20358; On 10.24.06, the Board approved a special exception to permit architectural features (cupolas) to exceed 150% of the maximum height permitted (35 feet) in the RS district, on the subject property.

BOA-20030; on 4.26.05 the Board approved a Special Exception to permit a cellular telephone antenna in an RS-1 district; a Special Exception for a waiver of the screening requirements to enclose the antenna and equipment as security is provided for the entire property; and a Special Exception for a waiver of the landscaping buffer of planted materials around the antenna and equipment as the entire country club has significant landscaping, with conditions: for a monopole, no guy wires, per amended plan submitted, located on the subject property.

BOA-19909; on 9.14.04 the Board approved an amended detail site plan to permit expansion of Country Club buildings and facilities, with one change, with increase of three enclosed courts to four located on the subject property.

BOA-18993; on 2.27.01 the Board approved a Special Exception to extend special event parking (U.S. Open) beyond 20 days per calendar year and 10 days in a 30 day period to March 1 to July 1, on Section A of the site plan and from June 5 to June 18 on Section B located on the subject property.

BOA-17148; On 9.12.89, the Board approved a variance to permit a ground sign for a period of 14 months through October 1996 to announce The Tour Championship Golf Tournament; and a variance to permit the sign to exceed the maximum display surface area, on the subject property.

BOA-15869; on 10.22.91 the Board approved a Special Exception to amend a site plan to permit relocation of a drive located on the subject tract.

BOA-15813; on 8.27.91 the Board approved a Special Exception to permit extension of country club use by including indoor tennis facility; per plot plan submitted; finding that approval of the special exception request will permit the enclosure of existing tennis courts and reduce unnecessary lighting in the abutting residential neighborhood; located on the subject tract.

BOA-15787; on 7.23.91 the Board approved a Special Exception to permit extension of country club use including addition of a nine-hole golf course located on the subject property.

BOA-9344; On 1.6.77, the Board approved a special exception to extend a non-conforming Country Club in a U-1A district by erecting accessory buildings for the club use per plat plan, located on the subject property.

BOA-9090; On 6.17.76, the Board approved a special exception to use property for a private club purpose and permit the installation of two lighted tennis courts and a pro shop per plat plan, located on the subject property.

BOA 6594; 3/17/70 – The Board approved a special exception to permit extending a nonconforming country club in a U-1A district located on the subject tract.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a “Parks and Open Space” Land Use designation.

The Park and Open Space designation includes parks, trails, public sports complexes, country clubs, stormwater facilities, forests, and cemeteries. While these individual uses differ greatly, the general goal of this designation is to ensure these areas remain in their current undeveloped state, and that new development in near proximity does not encroach in ways that undermine the purpose of the property. Active parks and open space should be further activated by development that faces these uses.

STAFF ANALYSIS: The applicant is revising a site plan for Southern Hills Country Club property related to the replacement of one of their existing office buildings to build a larger structure.

SAMPLE MOTION: Move to _____ (approve/deny) a Special Exception to amend a previously approved site plan for a Country Club in the RS-1 District (Table 5.020, Table 5-2; Sec.70.120)

- 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.

GENERAL SITE NOTES:

1. ALL WORK AND MATERIALS SHALL COMPLY WITH ALL MUNICIPAL, REGULATIONS AND CODES, WHICHEVER IS MORE STRINGENT.
2. ALL WORK AND MATERIALS SHALL COMPLY WITH O.S.H.A. STANDARDS.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL RELOCATIONS, INCLUDING BUT NOT LIMITED TO, ALL UTILITIES, STORM DRAINAGE, SIGNS, TRAFFIC SIGNALS & POLES, ETC. AS REQUIRED. ALL WORK SHALL BE IN ACCORDANCE WITH GOVERNING AUTHORITIES' SPECIFICATIONS AND SHALL BE APPROVED BY SUCH. ALL COST SHALL BE INCLUDED IN BASE BID.
4. REFER TO LANDSCAPE PLANS FOR GRASS, TREES, AND PLANTED MATERIALS.
5. ALL DIMENSIONS AND COORDINATES ARE FROM BACK OF CURB UNLESS SHOWN OTHERWISE.
6. RADI = 5'-0" UNLESS OTHERWISE INDICATED.

GENERAL PAVING NOTES:

1. ALL MATERIALS, EXECUTION, AND TESTING TO CONFORM TO AHI REQUIREMENTS (I.E. LOCAL OR STATE DOT STANDARDS) AND SPECIFICATIONS.
2. ALL PAVING AND EARTHWORK OPERATIONS SHALL CONFORM TO THE RECOMMENDATIONS IN THE GEOTECHNICAL REPORT.
3. CONTRACTOR TO PROVIDE PRODUCT DATA SUBMITTALS INCLUDING, BUT NOT LIMITED TO, DESIGN MIXES, MATERIAL CERTIFICATES, AND MATERIAL TEST REPORTS FOR MATERIALS AND PRODUCTS ASSOCIATED WITH PAVING AND PAVEMENT MARKING OPERATIONS.
4. CONTRACTOR SHALL DEVELOP AND IMPLEMENT PROPER TRAFFIC CONTROL IN CONFORMANCE WITH THE LATEST EDITION OF THE MUTCD. ACCESS FOR EMERGENCY VEHICLES AND LOCAL TRAFFIC SHALL BE MAINTAINED AT ALL TIMES DURING CONSTRUCTION.
5. PAVEMENT SUBGRADE SHALL BE PREPARED IN ACCORDANCE WITH THE RECOMMENDATIONS IN THE GEOTECHNICAL REPORT AND TO THE GRADES AND ELEVATIONS REQUIRED BY THE CONSTRUCTION DOCUMENTS.
6. PAVEMENT CONTRACTOR TO INSPECT PAVEMENT SUBGRADE AND CORRECT ANY DEFICIENCIES PRIOR TO PAVING OPERATIONS.
7. CONTRACTOR TO COORDINATE CONSTRUCTION TESTING UNLESS OTHERWISE INDICATED IN THE CONTRACT DOCUMENTS.
8. THE PAVEMENT SECTIONS SHOWN IN DETAIL 11/C800 ARE SHOWN FOR REFERENCE AND WERE PROVIDED BY (GEOTECHNICAL ENGINEER NAME) BASED ON SITE SPECIFIC CONDITIONS AS OUTLINED IN THEIR REPORT DATED XX.XX.XXXX. ANY QUESTIONS REGARDING THE SUITABILITY OF THESE OR ALTERNATE PAVEMENT SECTIONS, SPECIFIC PAVEMENT MAINTENANCE REQUIREMENTS, OR POTENTIAL PAVEMENT LIFE SHOULD BE DIRECTED TO (GEOTECHNICAL ENGINEER NAME) AS THIS IS BEYOND WALLACE'S SCOPE OF SERVICES FOR THIS PROJECT.

ASPHALT PAVEMENT:

9. CONSTRUCT JOINTS TO ENSURE A CONTINUOUS BOND BETWEEN ADJOINING PAVEMENT SECTIONS. OFFSET LONGITUDINAL JOINTS, IN SUCCESSIVE COURSES, A MINIMUM OF 6 INCHES AND TRANSVERSE JOINTS A MINIMUM OF 24 INCHES.
10. WHERE DIFFERENT THICKNESS PAVEMENTS ABUT, PROVIDE A THICKENED EDGE ON THE THINNER PAVEMENT SECTION, WHICH TRANSITIONS TO THE THICKER PAVEMENT DEPTH ACROSS FOUR FEET.
11. UNIFORM DENSITY REQUIREMENTS:
 - 11.1. AVERAGE DENSITY: 96 PERCENT OF REFERENCE LABORATORY DENSITY ACCORDING TO ASTM D 6927 BUT NOT LESS THAN 94 PERCENT OR GREATER THAN 100 PERCENT; OR
 - 11.2. AVERAGE DENSITY: 92 PERCENT OF REFERENCE MAXIMUM THEORETICAL DENSITY ACCORDING TO ASTM D 2041 BUT NOT LESS THAN 90 PERCENT OR GREATER THAN 96 PERCENT.
12. INSTALLATION TOLERANCES:
 - 12.1. PAVEMENT THICKNESS: BASE COURSE PLUS OR MINUS 1/2 INCH; SURFACE PLUS 1/4 INCH.
 - 12.2. PAVEMENT SMOOTHNESS: BASE COURSE 1/4 INCH IN 10 FEET; SURFACE COURSE 1/8 INCH IN 10 FEET.

CONCRETE PAVEMENT:

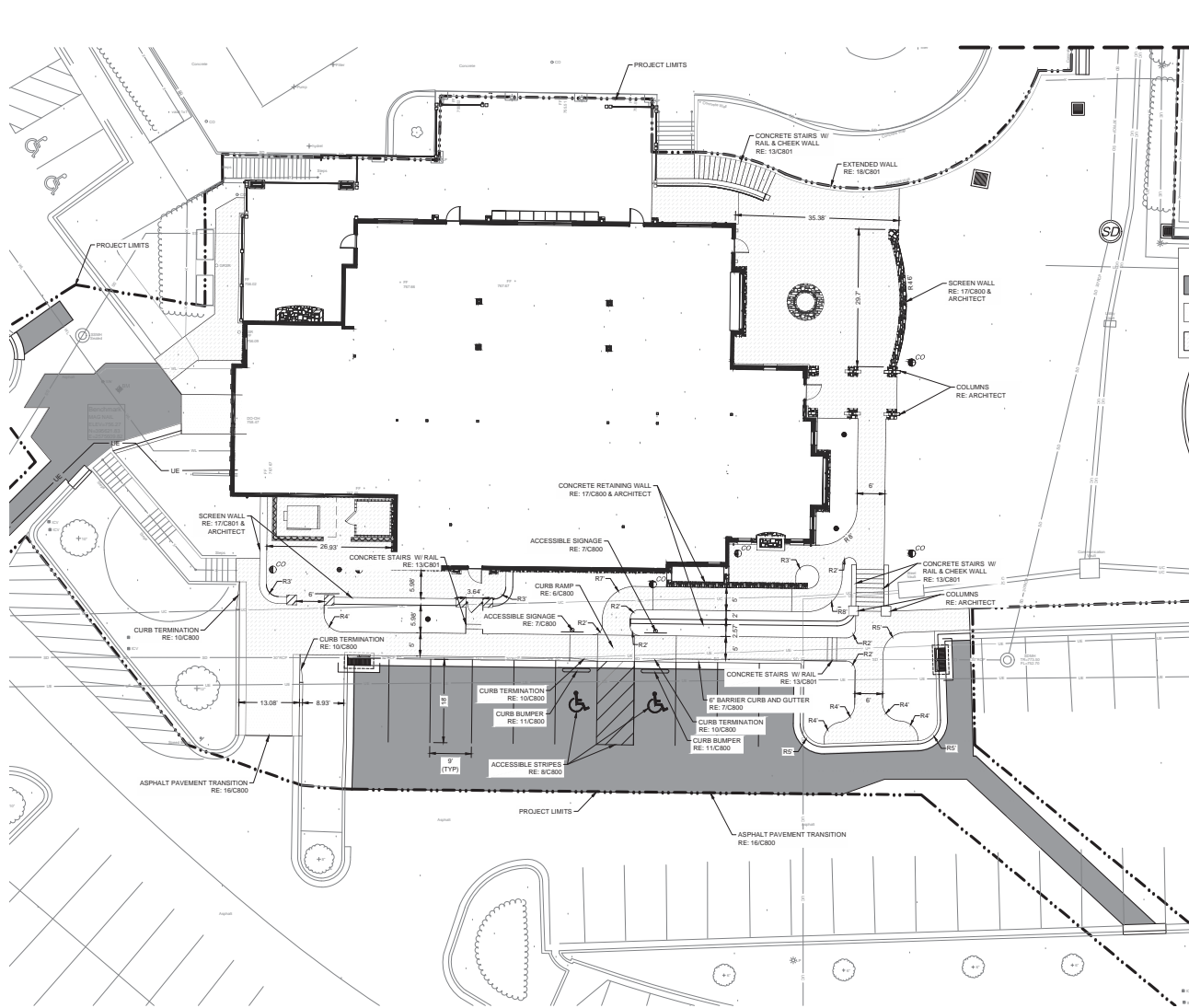
13. CONCRETE PLACEMENT TO CONFORM TO ACI 301 / 308 / 330 REQUIREMENTS.
14. CONCRETE MATERIAL:
 - 14.1. 28 DAY COMPRESSIVE STRENGTH: 4000 PSI MINIMUM
 - 14.2. MAXIMUM W/C RATIO: 5% POINT OF PLACEMENT: 5.45
 - 14.3. SLUMP: 4 INCHES PLUS OR MINUS 1 INCH
 - 14.4. AIR CONTENT: 5 PERCENT PLUS OR MINUS 1-1.2 PERCENT
15. STEEL:
 - 15.1. GRADE 60
 - 15.2. COMPLY WITH CRSI'S "MANUAL OF STANDARD PRACTICE" FOR FABRICATION, PLACEMENT, AND SUPPORT.
16. JOINTS:
 - 16.1. FORM CONSTRUCTION, ISOLATION, AND CONTRACTION JOINTS WITH FACES PERPENDICULAR TO SURFACE PLANE OF CONCRETE, WHEN JOINING EXISTING PAVING, PLACE JOINTS TO ALIGN WITH UNUSUALLY PLACED JOINTS UNLESS OTHERWISE INDICATED.
 - 16.2. FORM ISOLATION JOINTS OF PREFORMED JOINT FILLER STRIPS ABUTTING LIGHT STANDARD FOUNDATIONS, MANHOLES, INLETS, STRUCTURES, OR OTHER FIXED OBJECTS. EXTEND JOINT FILLER THE FULL WIDTH AND DEPTH OF PAVEMENT.
 - 16.3. CONTRACTION JOINT DEPTH TO BE 1/4 OF THE TOTAL CONCRETE THICKNESS.
 - 16.4. JOINTS SHOULD EXTEND THROUGH ADJACENT CURB AND GUTTER.
17. JOINT SPACING:
 - 17.1. JOINT SPACING SHALL NOT EXCEED 24 TO 30 TIMES THE PAVEMENT THICKNESS (E.G. 0.5" THICK CONCRETE x 30 = 15" MAXIMUM JOINT SPACING) WITH A MAXIMUM SPACING OF 15 FEET.
 - 17.2. LAY OUT JOINTS TO FORM SQUARE PANELS. WHEN THIS IS NOT PRACTICAL, RECTANGULAR PANELS CAN BE USED, BUT THE LENGTH SHALL NOT BE MORE THAN 25% LONGER THAN THE WIDTH (E.G. A 15' LONG PANEL CANNOT BE WIDER THAN 12').
 - 17.3. CONTRACTOR TO SUBMIT A JOINT LAYOUT PLAN FOR REVIEW AND APPROVAL PRIOR TO COMMENCING PAVING OPERATIONS. CONTRACTOR TO TAKE INTO ACCOUNT REVIEW TIME AND CHANGES PER ANY COMMENTS WHEN SCHEDULING THE SUBMISSION OF THE JOINT LAYOUT PLAN.
18. REINFORCEMENT OF IRREGULARLY SHAPED PANELS OR MISMATCHED JOINTS:
 - 18.1. ON PANELS WITH RADI, ON PANELS THAT TAPER TO A SHARP ANGLE, AND/OR WHEN THE LENGTH TO WIDTH RATIO EXCEEDS 1.25, PROVIDE A MINIMUM OF 0.05 PERCENT STEEL IN BOTH DIRECTIONS ACROSS THE ENTIRE PANEL.
 - 18.2. WHERE JOINT PATTERNS OF ADJUTING PAVEMENTS DO NOT MATCH AND ARE NOT SEPARATED BY AN EXPANSION JOINT, PROVIDE A MINIMUM OF 0.05 PERCENT STEEL IN THE PAVEMENT OPPOSITE OF THE MISMATCHED JOINT FOR A DISTANCE OF THREE FEET BACK FROM THE JOINT ALONG THE FULL WIDTH OF THE PANEL.
19. WHERE DIFFERENT THICKNESS PAVEMENTS ABUT, PROVIDE A THICKENED EDGE ON THE THINNER PAVEMENT SECTION WHICH TRANSITIONS TO THE THICKER PAVEMENT DEPTH ACROSS FOUR FEET.
20. PROVIDE MEDIUM TO FINE TEXTURED BROOM FINISH UNLESS OTHERWISE INDICATED ON THE PLANS.
21. INSTALLATION TOLERANCES:
 - 21.1. ELEVATION: 1/4 INCH
 - 21.2. THICKNESS: PLUS 3/8 INCH, MINUS 1/4 INCH
 - 21.3. SURFACE: 1/4 INCH IN 10 FEET

PAVEMENT MARKINGS:

22. ALLOW PAVING TO AGE A MINIMUM OF 30 DAYS BEFORE STARTING PAVEMENT MARKING OPERATIONS.
23. PAVEMENT MARKING PAINT SHALL BE ACRYLIC, WATERBORNE EMULSION, LEAD AND CHROMATE FREE, READY MIXED, COMPLYING WITH PS TP-P-1802, TYPE II, WITH A DRYING TIME OF LESS THAN THREE MINUTES.
24. COLOR AS INDICATED.

CAUTION
NOTICE TO CONTRACTOR

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THE LOCATION AND ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS ARE BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE LOCAL UTILITY LOCATION CENTER AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES.



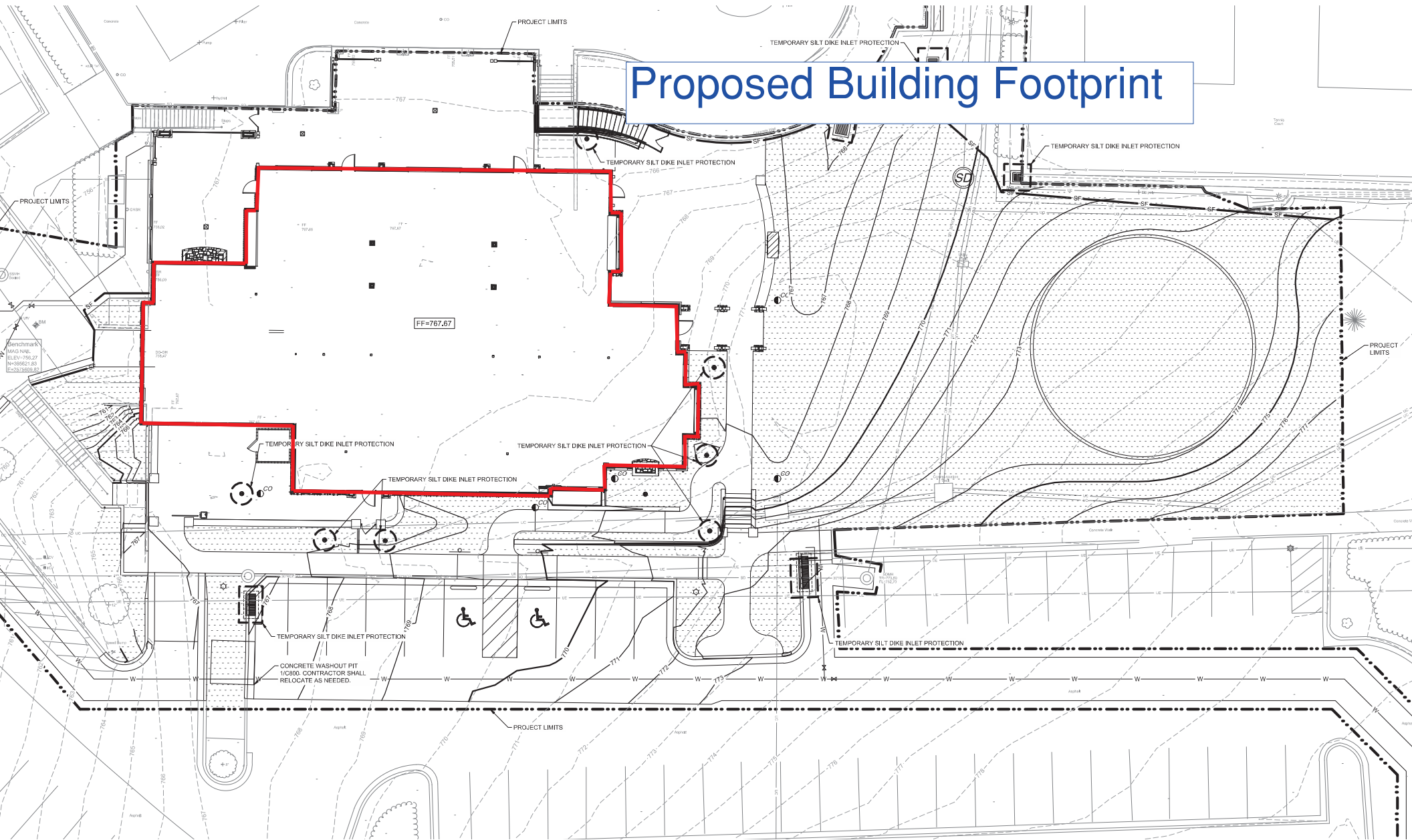
| LEGEND | |
|--------|---|
| | HEAVY DUTY ASPHALT PAVEMENT RE: 3/C800 |
| | STANDARD DUTY CONCRETE RE: 3/C800 |
| | CONCRETE SIDEWALK RE: 12/C800 |

DATE: 06/28/2023 04:27:00 PM PROJECT: 202300052 SHEET: 01 OF 04 100% CONSTRUCTION DOCUMENTS



[illegible]

Proposed Building Footprint



tlegendre Sep 5

Reply X

3. ICC A117.1-2009, Section 403.3 Slope / Section 502.5 Floor Surfaces. Revise plans to identify cross-slope across accessible egress routes to be 2% within 10'-0" of building to be consistent with 2 % minimum slope required for drainage from building for impermeable surfaces. Identify the whole accessible parking pad area, including access aisle, to be no steeper than 2%. Identify the route in the direction of travel to be no steeper than 5%. Patios shall be no steeper than 2% at any point.

tlegendre Sep 5

Reply X

2. Section 1804.4 Site grading. Provide information for medium proposed for all surfaces. All surfaces that drain shall slope a minimum of 5% from the building. Revise plans accordingly to identify the whole building out from perimeter to a point 10'-0" minimum. Any exception used shall be identified and for what areas they apply.

Jeffrey Bush Aug 23

Reply X

1.Modification of previous City of Tulsa Board of Adjustment (BOA) approval required.
BOA-19909: 9/14/04 approved a modification to a previously approved site plan to approve expansion of country club buildings. . The expansion of the clubhouse is a modification to the site plan approved on 9/14/04.

Review comment: Submit an approved BOA modified site plan reviewed and approved per Sec.70.120

tlegendre Sep 5

Reply X

4. IFC 2018; Section 503.1.1 Buildings and facilities. Contact a Fire Marshal Plans Examiner for fire apparatus road requirements and revise plans to identify location of the fire apparatus road approved by the fire marshal examiner.

C400

Comment 1 (Jeffrey Bush)

Modification of previous City of Tulsa Board of Adjustment (BOA) approval required.

BOA-19909: 9/14/04 approved a modification to a previously approved site plan to approve expansion of country club buildings. The expansion of the clubhouse is a modification to the site plan approved on 9/14/04.

Review Comment: Submit an approved BOA modified site plan reviewed and approved per Sec. 70.120.

Comment 2 (tlegendre)

Section 1804.4 Site grading. Provide information for medium proposed for all surfaces. All surfaces that drain shall slope a minimum of 5% from the building. Revise plans accordingly to identify the whole building out from perimeter to a point 10'-0" minimum. Any exception used shall be identified and for what areas they apply.

Comment 3 (tlegendre)

ICC A117.1-2009, Section 403.3 Slope / Section 502.5 Floor Surfaces. Revise plans to identify cross-slope across accessible egress routes to be 2% within 10'-0" of building to be consistent with 2 % minimum slope required for drainage from building for impermeable surfaces. Identify the whole accessible parking pad area, including access aisle, to be no steeper than 2%. Identify the route in the direction of travel to be no steeper than 5%. Patios shall be no steeper than 2% at any point.

Comment 4 (tlegendre)

IFC 2018, Section 503.1.1 Buildings and facilities. Contact a Fire Marshal Plans Examiner for fire apparatus road requirements and revise plans to identify location of the fire apparatus road approved by the fire marshal examiner.

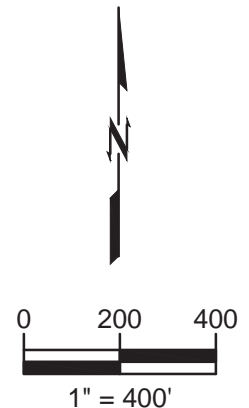


Location Map



wallace
design
collective

wallace design collective, pc
structural- civil- landscape- survey
123 north martin luther king jr. blvd.
tulsa, oklahoma 74103
918.584.5858



September 11, 2023



CITY OF Tulsa

Board of Adjustment

Case Number: BOA-23583

Hearing Date: 10/10/2023 1:00 PM

Case Report Prepared by:

Austin Chapman

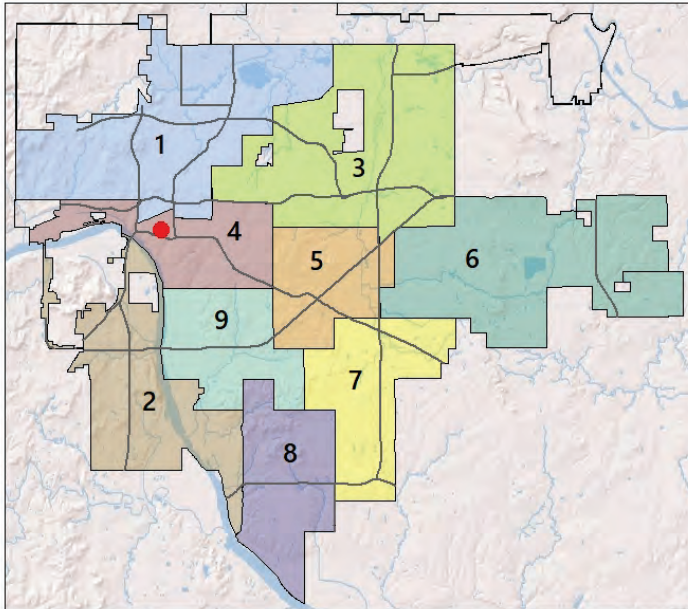
Owner and Applicant Information:

Applicant: Conner Van Holten

Property Owner: Tayburn Music Building LLC

Action Requested: Variance to increase the permitted display area for wall signs in the Central Business District (Sec. 60.080-B.1); Variance to permit a Dynamic Display sign to exceed 48 square feet (Sec. 60.080-E); Variance to permit a dynamic display sign within 50-feet of a signalized intersection (Sec. 60.100-D)

Location Map:



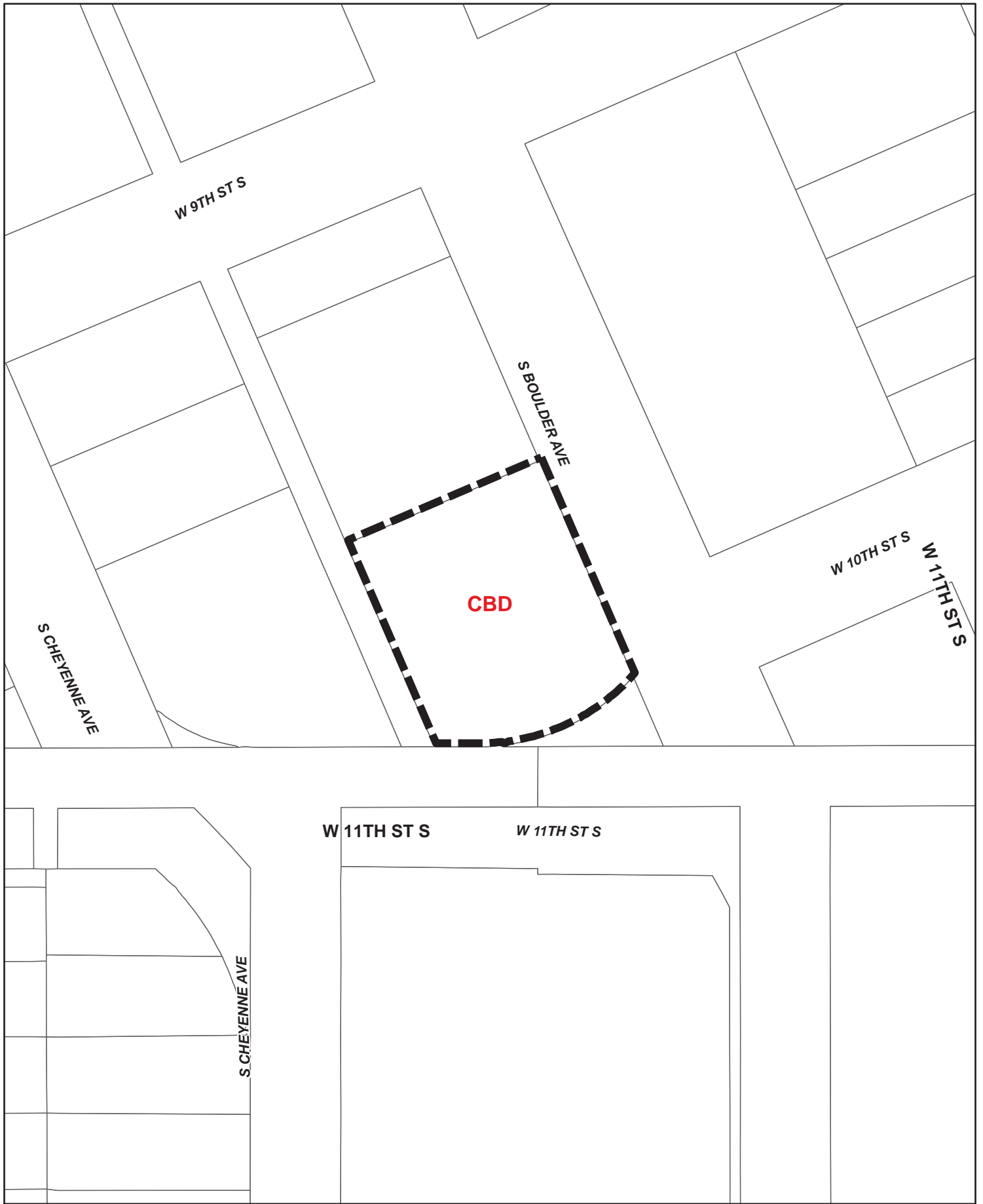
Additional Information:

Present Use: Event Center

Tract Size: 0.5 acres

Location: 924 S. Boulder Ave.

Present Zoning: CBD



BOA-23579



*Subject
Tract*

7.2





BOA-23579



Subject
Tract

7.3



**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9212

Case Number: **BOA-23583**

CD: 4

HEARING DATE: 10/10/2023 1:00 PM

APPLICANT: Conner Van Holten

ACTION REQUESTED: Variance to permit a Dynamic Display sign to exceed 48 square feet (Sec. 60.080-E);
Variance to permit a dynamic display sign within 50-feet of a signalized intersection (Sec. 60.100-D)

LOCATION: 924 S. Boulder Ave.

ZONED: CBD

PRESENT USE: Church

TRACT SIZE: 21980.47 SQ FT

LEGAL DESCRIPTION: LTS 3 & 4 LESS ST BLK 192, TULSA-ORIGINAL TOWN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-23526; On 04.06.23 the Board approved a Special Exception to allow a Large (Greater than 250 person-capacity) Commercial Assembly & Entertainment Use in the Central Business District (CBD) (Sec.15.020, Table 15-2).

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of the Downtown Land Use Designation.

The area within the Inner Dispersal Loop (IDL) highway is generally understood to be the downtown area of Tulsa. This area has fewer development limitations than most areas of the city, and a high density of employment, residential, mixed-use, commercial, retail, and institutional uses. Land uses and transportation infrastructure in this area should be primarily pedestrian-oriented, with parking either on street, behind buildings, or in structured parking garages.

STATEMENT OF HARDSHIP: See attached exhibit titled "Hardship".

STAFF ANALYSIS: The applicant is seeking a Variance to permit a Dynamic Display sign to exceed 48 square feet (Sec. 60.080-E) and a Variance to permit a dynamic display sign within 50-feet of a signalized intersection (Sec. 60.100-D):

60.080-E Dynamic Displays on On-premise Wall, Projecting and Freestanding Signs

A maximum of one of the on-premise wall signs, projecting signs or freestanding signs allowed on a lot in a mixed-use, commercial or industrial zoning district may include a dynamic display. The dynamic display may not exceed the maximum sign area allowed for the respective sign type or 48 square feet, whichever is less. The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall, projecting or freestanding sign, but rather is counted as part of the maximum area of the wall, projecting or freestanding sign. Only one, contiguous dynamic display is allowed on a wall, projecting or freestanding sign face. Off-premise outdoor advertising signs that incorporate a dynamic display are subject to the dynamic display regulations of [Section 60.100](#).

The proposed sign would be 227 square feet.

60.100-D Dynamic displays may not be located within 50 feet of the driving surface of a signalized intersection, measured horizontally in a straight line from the nearest point of the sign structure to the nearest point of the intersection.

The proposed sign is within 50-feet of the intersection of S. Boulder and W. 11th St.

Facts staff finds favorable for variance request:

- None.

Facts Staff find unfavorable for the variance request:

- The applicant's statement of hardship did not provide any unique characteristics of the physical surroundings, shape, or topographical conditions of the subject property that distinguishes it from any other property inside the Central Business District.
- Property is inside the geography covered by the adopted Plan 66, because of that the property is eligible for the Neon Sign Grant Program to partially fund signs which incorporate at least 25% neon or neon equivalent into the signage because of the historical significance neon has in the development of Route 66.

SAMPLE MOTION: Move to _____ (approve/deny) a Variance to permit a Dynamic Display sign to exceed 48 square feet (Sec. 60.080-E); Variance to permit a dynamic display sign within 50-feet of a signalized intersection (Sec. 60.100-D)

- 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."*



Subject Property

Hardship

To whom it may concern,

We are writing to express our earnest request for a special exception to allow an outdoor dynamic display with a surface area greater than 48 square feet at our new music venue located at 924 South Boulder in the central business district of Tulsa, Oklahoma. We understand the regulations in place but firmly believe that the benefits of this display warrant an exemption due to the unique challenges we face as a new establishment in a rapidly evolving technological landscape.

The music industry has witnessed a significant shift in audience expectations and preferences, with the rise of a technology-driven generation that seeks immersive and engaging experiences. This dynamic generation expects more than traditional static displays; they crave interactive and visually captivating content that resonates with their digital lives. By having a programmable display, we are equipped to cater to their desires and create an environment that truly resonates with their expectations.

The proposed outdoor dynamic display will not flash or cause any disruptive visual effects. It will adhere to all agreed-upon guidelines for displayed content, ensuring that it seamlessly integrates with the surrounding urban aesthetics and contributes positively to the overall ambiance of the central business district.

We recognize the direct correlation between the presence of large dynamic displays and enhanced attendance rates at music and entertainment venues. A prime example of this correlation can be observed at the BOK Center, which has successfully harnessed the power of technology to elevate the concert experience for attendees. By having a similar display at our venue, we anticipate increased foot traffic and a heightened overall experience for our patrons.




The challenges we face as a new music venue are unique. Establishing a foothold in a competitive market requires us to leverage the latest technological advancements to capture the attention and loyalty of the modern audience. Our location further compounds this challenge, as we are competing with established entertainment hubs and venues that already benefit from dynamic displays. Granting us this special exception will level the playing field and provide us with the tools we need to succeed.

In conclusion, we implore you to consider our request for a special exception that would allow us to install an outdoor dynamic display with a greater surface area than 48 square feet. We firmly believe that this display will not only align with the evolving expectations of our audience but also contribute positively to the vibrancy and technological appeal of the central business district. We are committed to adhering to all guidelines and regulations to ensure that this addition is a valuable asset to our community.

Thank you for your time and consideration.

Summary of Comments on 924 Boulder Signage_v1.pdf

Page: 6

-  Number: 1 Author: DWhiteman Subject: Sign Review Date: 8/25/2023 3:32:44 PM
Section 60.080-B.1, On-premise Wall Signs. On-premise wall signs are allowed in all mixed-use, commercial and industrial zoning districts. Wall signs may not exceed an aggregate area of more than 3 square feet per linear foot of building wall to which they are attached. Wall signs are not counted against a lot's allowed sign budget, pursuant to §60.080-C.
Review Comment: A wall length of 80.25' would allow a total of 240.75 square feet of wall sign area. The sign below the proposed sign, reading "The Dome" will require a permit as well. It appears that the total area of both signs will exceed 240.75 square feet. You may request a variance from the Board of Adjustment for the aggregate surface area of wall signs in the CBD district to exceed 3 square feet per linear foot of wall. Please apply for a wall sign permit for "The Dome".
-  Number: 2 Author: DWhiteman Subject: Sign Review Date: 8/25/2023 3:36:16 PM
60.080-E, Dynamic Displays on On-premise Wall, Projecting and Freestanding Signs.
A maximum of one of the on premise wall signs, projecting signs or freestanding signs allowed on a lot in a mixed-use, commercial or industrial zoning district may include a dynamic display. The dynamic display may not exceed the maximum sign area allowed for the respective sign type or 48 square feet, whichever is less. The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall, projecting or freestanding sign, but rather is counted as part of the maximum area of the wall, projecting or freestanding sign. Only one, contiguous dynamic display is allowed on a wall, projecting or freestanding sign face.
Review Comment: dynamic display signs in the CBD zoning district are limited to 48 square feet in area. Please request a variance from the Board of Adjustment for a dynamic display wall sign to exceed 48 square feet.
-  Number: 3 Author: DWhiteman Subject: Sign Review Date: 8/25/2023 3:38:55 PM
Section 60.100-D. Dynamic displays may not be located within 50 feet of a signalized intersection, measured horizontally in a straight line from the nearest point of the sign structure to the nearest point of the intersection.
Review Comment: It appears that the proposed dynamic display sign may be within 50' of the intersection of 11th and Boulder which is an intersection with a traffic signal. Please clarify the distance from the closest edge of the dynamic display sign to this intersection. If it is less than 50', you must request a variance from the Board of Adjustment for a dynamic display sign to be located within 50' of a signalized intersection.

[illegible]

