BOARD OF ADJUSTMENT  
CASE REPORT

STR: 8329  
CZM: 56  
CD: 2

HEARING DATE:  1/11/2022 1:00 PM (Continued from 12/14/2021)

APPLICANT: A-max Sign Company, Inc.

ACTION REQUESTED: Variance to allow an internally illuminated sign enclosed in frames, increase the permitted height for a monument sign from 6-feet to 22-feet and to increase the permitted display surface area from 50 square feet to 220 square feet inside the River Design Overlay (Sec. 20.050-D.5.b. (1)(2)(4))

LOCATION: 10133 S DELAWARE AV (also known as Riverside Parkway)  
ZONED: CS

PRESENT USE: Commercial Development  
TRACT SIZE: 49500.22 SQ FT

LEGAL DESCRIPTION: LT 1 BEG NEC THEREOF TH S220 W225 N220 E225 TO POB BLK 1, RETAIL CENTER II

RELEVANT PREVIOUS ACTIONS:

Subject property: None.

Surrounding properties:

BOA-20123: On 09.27.05 the Board denied a variance to permit a V shaped ground sign where the angle of separation of the display surfaces exceeds 30 degrees and a variance increase the permitted height for a pole sign from 40-feet to 50-feet. Property located 2808 E. 101st St. S.

BOA-19569: On 04.22.03 the Board denied a variance of the requirement that sign with changeable copy be setback 200-feet from R districts. property located 2850 E. 101st St. S.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of the "Arkansas River Corridor" and an "Area of Growth".

The Arkansas River Corridor is located along the Arkansas River and scenic roadways running parallel and adjacent to the river. The Arkansas River Corridor is comprised of a mix of uses - residential, commercial, recreation, and entertainment - that are well connected and primarily designed for the pedestrian. Visitors from outside the surrounding neighborhoods can access the corridor by all modes of transportation.

This Corridor is characterized by a set of design standards that support and enhance the Arkansas River Corridor as a lively, people-oriented destination. The Corridor connects nodes of high-quality development with parks and open space. The natural habitat and unique environmental qualities are amenities and are respected and integrated as development and redevelopment occur. The future development of this Corridor is intended to complement the residential character of adjacent thriving neighborhoods by providing appropriate transitions and connections to the Arkansas River.

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or
redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located South of the SE/c of E. 101st St. S. and S. Delaware Ave. (also known as Riverside Parkway).

**STAFF COMMENTS:** The applicant is requesting **Variance** to allow an internally illuminated sign enclosed in frames, increase the permitted height for a monument sign from 6-feet to 22-feet and to increase the permitted display surface area from 50 square feet to 220 square feet inside the River Design Overlay (Sec. 20.050-D.5.b. (1)(2)(4))

The stated intent of the sign regulations inside the River Design Overlay (Sec. 20.050-D.5.a.3) are that the signs are primarily pedestrian in scale. At the size the applicant is proposing the signs are clearly scaled for automobile traffic. It is staff’s opinion that a variance granted for this sign would be contrary to the intent of the zoning code and **should not** be approved.
5. Signs
   
a. Intent
   The sign regulations of this subsection are intended to:
   
   (1) Ensure that signs contribute to the visual continuity and quality of development in the river corridor;
   
   (2) Minimize visual clutter; and
   
   (3) Ensure that signs are primarily of pedestrian scale.

Further the stated hardship is not unique to this property, multi-tenant centers are common through CS zoning Districts.

APPLICANT’S STATEMENT OF HARDSHIP: The RDO District Zoning is too restrictive for multi tenant centers and does not allow for proper identification for tenants.

SAMPLE MOTION: Move to _________ (approve/deny) a Variance to allow an internally illuminated sign enclosed in frames, increase the permitted height for a monument sign from 6-feet to 22-feet and to increase the permitted display surface area from 50 square feet to 220 square feet inside the River Design Overlay (Sec. 20.050-D.5.b. (1)(2)(4))

   • 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
E110 LT 11, BARROW'S ORCHARD ACRES, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20122

Action Requested:
Variance of maximum sign height of 50 ft. in an IL district to permit a 100 ft. sign along I-44 (Section 1221.E.1), located: 18725 East Admiral Place.

Presentation:
Dan Sanford, 6216 South Cedar Avenue, provided slides to show the area where the property is located.

James Adair, 75080 South 77th, pointed out the very large and tall signs in the area, and the clutter of signs. He added that there are trees blocking the visibility and could cause a hazardous situation during heavy traffic for vehicles to make the exit. He indicated the trees are the hardship. He mentioned the 60 ft. Quik Trip sign. Mr. Adair stated they only want to identify the Holiday Inn Express for traffic going both ways so traffic will have time to make the exit.

Mr. Sanford submitted photographs (Exhibit D-1) to show several signs 68 to 88 ft.

Interested Parties:
Jack Bogard, 3690 East 390 Road, Oologah, Oklahoma, stated he is the property owner. He pointed out they built as close to the highway as possible and it still obstructs the visibility of the hotel. He stated that the sign is the only way they have to call attention to their hotel, except for a billboard in the Grand National Trailer Repair lot, a mile from the hotel.

Board Action:
On Motion of Stead, the Board voted 4-0-0 (Dunham, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to DENY a Variance of maximum sign height of 50 ft. in an IL district to permit a 100 ft. sign along I-44 (Section 1221.E.1), finding it would cause substantial detriment to the public good or impair the purpose, spirit and intent of the code or Comprehensive Plan, on the following described property:

LT 1 BLK 1, BOGART CENTER, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20123

Action Requested:
Variance to permit a V shaped ground sign where the angle of separation of the display surfaces exceeds 30 degrees (Section 1221.D.4); and a Variance of the
pole sign height from 40 ft. to 50 ft. (Section 1221.D.1), located: 2808 East 101st Street South.

Mr. Henke recused himself from Case No. 20123, out at 3:00 p.m.

Presentation:
Brian Ward, 9520 East 55th Place, stated he tried to comply with the height requirement. He was appealing to the turnpike traffic rather than the neighborhood. He submitted photographs (Exhibit E-1) to show the trees that obscure the visibility. He also called attention to the change in elevation. He stated the triangular shaped sign is for the purpose of visibility.

Mr. Henke returned at 3:02 p.m. and Mr. Dunham out at 3:02 p.m. The quorum was lost and the hearing recessed. Mr. Dunham returned at 3:03 p.m. and the hearing continued.

Comments and Questions:
Ms. Stead considered the triangular sign to be self-imposed. Mr. Ward stated the hardship is the curve in the turnpike.

Interested Parties:
There were no interested parties who wished to speak.

Board Action:
On Motion of Stead, the Board voted 3-0-1 (Dunham, Stephens, Stead "aye"; no "nays"; Henke "abstained"; no "absences") to DENY a Variance to permit a V shaped ground sign where the angle of separation of the display surfaces exceeds 30 degrees (Section 1221.D.4); and a Variance of the pole sign height from 40 ft. to 50 ft. (Section 1221.D.1), finding it would cause substantial detriment to the public good or impair the purpose, spirit and intent of the code or Comprehensive Plan; and lack of a hardship, on the following described property:

LT 1 LESS E75 THEREOF BLK 1, RETAIL CENTER II, STAR CENTER 4, City of Tulsa, Tulsa County, State of Oklahoma

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There being no further business, the meeting was adjourned at 3:09 p.m.

Date approved: 10/11/2005.

Chair
Jeoff Levinson, 35 E. 18th St., stated he represented the owner of the tract. He commented that the property is unique, near the turnpike and 101st St., and a residential neighborhood. He suggested the changeable side of the sign face the west, not the R district. A letter of intent was provided (Exhibit G-1).

Comments and Questions:
Mr. White asked about the hours of operation. Mr. Levinson replied it will be open from 6:00 a.m. to 10:00 p.m. Ms. Perkins asked if the existing sign is lit from within. Mr. Levinson replied in the affirmative. The new message center has an incandescent lamp, which is 10 watts by day and dims at night to about 7 or 7 1/2 watts.

Interested Parties:
Chris Medlock, 2919 E. 82nd Pl., stated he is the City Councilor for District 2. He and his assistant have been in conversation with the neighborhood association over the past several weeks. The ordinance calls for a 200’ abutment and it is now at 60’. The lights are bright and shine into more than nine homes along 101st Street and several homes and Evanston. He was questioning how this sign got through in the first place. The neighborhood association is opposed. He asked that if the Board was inclined to approve the application that a continuance be granted so it could be presented to the neighborhood association.

Larry Swanson, 10122 S. Evanston, stated his property backs up to the storage unit. He opposed it in the beginning, but he checked out the look of other units built by the same company and thought it was ok. He was not in favor of the height of the structure when it was constructed. He wants their business to succeed but he does not want it to be neglected. He was in favor of the compromise so that the lights are not directed toward the neighborhood. He is
opposed to a sign with flashing lights, even facing away, stating it should not be that close to a residential neighborhood.

**Applicant’s Rebuttal:**
Mr. Levinson pointed out the subject property was zoned CS for more than ten years before the subdivision was developed. It could have been a shopping center. Mr. Craig pointed out to Mr. Levinson that the new sign would not be brighter but less bright than the old sign. The wattage is lower on the new sign, and the height is only two feet more.

Mr. Beach commented that the applicant was issued denial of a permit to have a changeable message copy sign closer than 200’ visible from a residential district. They entered a letter of intent to not place the flashing sign facing the neighborhood. Mr. Beach questioned why they came before the Board instead of going back for a permit.

**Board Action:**
On MOTION of Turnbo, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper “aye”; no “nays”; no “abstentions”; no “absences”) to DENY a Variance to Section 1221.2.2.C requiring 200’ setback from R district when using a changeable copy sign, which is visible from the R district, to allow a 63’ setback when using an existing sign structure, finding no hardship, on the following described property:

Lot 1, Block 1, Storage Center I, City of Tulsa, Tulsa County, State of Oklahoma.

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There being no further business, the meeting was adjourned at 4:17 p.m.

Date approved: May 13, 2003

Chair
2.10

22' X 10' = 220 SQFT

DOUBLE SIDED LIGHTED MULTI-TENANT SIGN
SCALE: 3/8" = 1'

A. Fabricated metal tenant section. 1-1/2" Bronze pt
   retainers/dividers. White acrylic faces. White LED illumination

B. Fabricated Metal pole cover. Painted finish (TBD). Routed
   with acrylic backed copy (printed dual image film).
   White LED illumination

C. Fabricated metal base section. Bronze pre-finished aluminum

PROPOSED
SCALE: Not to scale
BOA-23213

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

Aerial Photo Date: 2020/2021

Subject Tract

18-13 29