BOARD OF ADJUSTMENT
CASE REPORT

STR: 9328  Case Number: BOA-23229
CZM: 47
CD: 9

HEARING DATE: 01/11/2022 1:00 PM

APPLICANT: Josh Clark

ACTION REQUESTED: Variance to increase the number of allowed signs per street frontage in the OL District from 1 sign to 4 signs along South Harvard Ave. (Sec.60.060-B.1)

LOCATION: 4555 S HARVARD AV E

ZONED: OL

PRESENT USE: Office

TRACT SIZE: 27364.5 SQ FT

LEGAL DESCRIPTION: LT 7 BLK 2, VILLA GROVE HGTS NO 1

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-14075; On 05.29.86 the Board approved a Minor Variance to reduce the 50-foot setback from the C/L of S. Harvard to 45' for a ground sign.

Surrounding Properties:

BOA-23154; On 07.27.21 the Board approved a Variance to permit a freestanding sign in an OL District to exceed the permitted 32 square feet by an additional 38 square feet. 4538 South Harvard Ave. E.

BOA-17398; On 06.11.96 the Board approved a Variance to the required setback from Harvard for 50-feet to 47-feet for a sign. Property located 4564 S. Harvard Ave.

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

Mixed-Use Corridors are Tulsa’s modern thoroughfares that pair high-capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.

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 at the NE/c of E. 46th St. S. and S. Harvard Ave.

**STATEMENT OF HARDSHIP:** Tenant labeling of entrances to facility multi space. This variance approval request is to help consumers locate said facility with ease.

**STAFF COMMENTS:** The applicant is requesting Variance to increase the number of allowed signs per street frontage in the OL District from 1 sign to 4 signs along South Harvard Ave. (Sec.60.060-B.1)

### 60.060-B Signs Allowed

1. In addition to any sign exceptions allowed pursuant to Section 60.030, and any development identification sign allowed pursuant to Section 60.060-B2, lots in office zoning districts are allowed a maximum of one on-premise sign per street frontage. The allowed on-premise sign may be a wall sign, a projecting sign or a freestanding sign. Roof signs and off-premise outdoor advertising signs are prohibited in office districts.

The applicant is requesting to increase the number of allowed signs from 1 to 4 signs per the street frontage of S. Harvard Ave. The statement of hardship provided by the applicant has failed to provide any facts that would make the case unique. It is common to have multi-tenant buildings in Office zoning and was the act of the property owner to subdivide. The applicant should provide facts that prove the subject property has unique physical features that differentiate it from other properties in the same zoning classification or they may seek to re-zone the property to a more intense zoning classification. As stated on the application the hardship does not meet the criteria of the zoning code to be granted a variance.

**SAMPLE MOTION:** Move to _________ (approve/deny) a Variance to increase the number of allowed signs per street frontage in the OL District from 1 sign to 4 signs along South Harvard Ave. (Sec.60.060-B.1)

- 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.”
Case No. 14069 (continued)

the creek has been channeled into a storm drain to the north, which
in his opinion, causes flooding around his home. Mr. Stevens asked
the Board to allow him to extend an existing carport 10' toward the
street in order that his 2 cars will be protected and to allow
access to higher ground to the rear of the lot. Mr. Stevens
explained that the existing carport prevents entry into the back
yard and after the reconstruction he can then park his cars in this
back portion and prevent damage by floodwater.

Mr. Chappelle asked the applicant if there are other carports in the
area and he answered in the affirmative.

Protestants: None.

Board Action:
On MOTION of SMITH, the Board voted 4-0-0 (Bradley, Chappelle,
Quarles, Smith, "aye"; no "nays"; no, "abstentions"; White,
"absent") to APPROVE a Minor Variance (Section 430 - Bulk and Area
requirements In Residential Districts - Use Unit 1206) of the front
yard setback from 50' to 40' from the centerline of North Sandusky
Avenue to allow a proposed carport; per plot plan; finding that
there are other carports in the older area and that the granting of
the special exception request will not be injurious to the
neighborhood; on the following described property:

The south 60' of the W/2 of Lot 1, Block 1, Maryland Gardens
Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14075

Action Requested:
Minor Variance - Section 280 - Structure Setback from Abutting
Streets - Use Unit 1221 - Request a minor variance to allow a ground
sign within 45' of the required 50' setback from the centerline of
Harvard Avenue, located at 4555 South Harvard Avenue.

Presentation:
The applicant, Taylor, Sample and Coppedge Locating Service, Inc.,
was represented by Libby Coppedge, 4555 South Harvard, Tulsa,
Oklahoma, who submitted photographs (Exhibit X-1) and stated that
she is opening a locating service on South Harvard. Ms. Coppedge
asked the Board to allow the Installation of a sign 45' from the
centerline of Harvard, since the sign will be in the parking lot if
the 50' setback requirement is adhered to.

Comments and Questions:
Ms. Bradley asked Ms. Coppedge if the sign will be located in the
City right-of-way and she replied that she is not sure.

Mr. Smith asked where the sign will be located on the lot and Ms.
Coppedge informed that it will be located as far north as possible.
Case No. 14075 (continued)

Ms. Bradley commented that there are no other signs as close to Harvard as the sign in question.

Mr. Jones pointed out that the applicant will be required to have City Commission approval if the sign inspector determines that the location of the sign is in the City right-of-way.

Mr. Smith asked Ms. Coppedge how high the proposed sign will be and she stated that it will be 3' by 4'.

Mr. Gardner pointed out that the 2 lots are narrow side lots. These lots run north and south which causes the parking and the structure to be much closer to the street than those lots running east and west.

Protestants: None.

Board Action:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Quaries, Smith, "aye"; no "nays"; no, "abstentions"; White, "absent") to APPROVE Minor Variance (Section 280 - Structure Setback from Abutting Streets - Use Unit 1221) to allow a ground sign within 45' of the required 50' setback from the centerline of Harvard Avenue; subject to sign Inspector approval; finding a hardship demonstrated by the narrow shape of the lots; on the following described property:

Lot 7, Block 2, Villa Grove Heights Addition No. 1, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 14063

Action Requested:
Variances - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request the following variances of the bulk and area requirements set forth on Exhibit A, all in order to permit the splitting of 3 existing duplexes down the common wall to provide for separate ownership of each unit, located south of East 80th Street South and South 79th East Avenue.

Presentation:
The applicant, Phillip Eller, 2727 East 21st Street, Tulsa, Oklahoma, who submitted a plat of survey (Exhibit XX-1) and documents (Exhibit XX-2), stated that he is representing the owners of the subject property who are selling three existing duplexes by unit.

Protestants: None.

5.29.86:466(5)
case it is about spacing in between a location that has a Certificate of Occupancy that is recognized by the City.

**Comments and Questions:**
Mr. Bond stated that he does not hear a valid hardship from the applicant in this case. The Board has been willing to listen to these based on confusion with the law and based on enactment with the law and he does not this is the case, so he is a hard no.

Mr. Barrientos agreed with Mr. Bond.

Mr. Brown stated the rules are established and he does not think enough homework was done, so he will say no.

Mr. Wallace thinks it is unfortunate, but this body is here to enforce City of Tulsa rules and regulations and he thinks that having a COO changes that.

**Board Action:**
On **MOTION** of BARRIENTOS, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; none absent) to **DENY** the request for a **Variance** of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D) due to the lack of a hardship; for the following property:

LT 1 LESS BEG SECR TH W194.96 CRV RT 47.17 N5 SE41.74 E194.97 S6 POB BLK 1, SOONER ACRES, City of Tulsa, Tulsa County, State of Oklahoma

23154—A-Max Sign Company

**Action Requested:**
**Variance** to permit a freestanding sign in an OL District to exceed the permitted 32 square feet of display surface area by 78.37 square feet (Section 60.060-C).
**LOCATION:** 4538 South Harvard Avenue East (CD 9)

**Presentation:**
Chris Krohn, A-Max Sign Company, 9520 East 55th Place, Tulsa, OK; stated the sign has been downsized from the last meeting. Mr. Krohn stated that he did physically go check the old sign and it is 11'-0" tall by 9'-0" wide and this proposed sign is now smaller than that.

Mr. Bond asked Mr. Krohn if he had spoken to the neighbors. Mr. Krohn stated that he did speak with one neighbor that he had worked with in the past. A-Max did not build the existing monument sign and the neighbor that did e-mail in the opposition does have a smaller sign, but he had not spoken with anyone else.
Mr. Bond asked Mr. Krohn to state his hardship for this request. Mr. Krohn stated the hardship is that 32 square feet is small, and the setback is 50 feet from Harvard. This will be a multi-tenant building and from the 50-foot distance he is trying to have panels on the sign that are visible from Harvard.

Mr. Barrientos asked Mr. Krohn how the sign would be lit. Mr. Krohn stated that it will be an internally illuminated sign. The size also comes from working with the existing base that has power to it so it would not be necessary to deal with utility easements.

Mr. Barrientos asked Mr. Krohn about the size of the new sign being requested. Mr. Krohn stated the new sign will be 70 square feet, which is 38 square feet over what is allowed.

Ms. Radney asked Mr. Krohn how the new sign compares to the protestant’s sign. Mr. Krohn stated that the interested party’s sign, not including the base, is a little larger than 32 square feet so their small is small.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of RADNEY, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; none absent) to APPROVE the request for a Variance to permit a freestanding sign in an OL District to exceed the permitted 32 square feet of display surface area up to 38 square feet in excess (Section 60.060-C), subject to conceptual plans 3.30 and 3.31 of the agenda packet. The sign is to conform to the exhibits presented today and that it is a static sign. The Board has found the hardship to be that the change in use of the Legacy building from single to multiple occupancy and the difficulty of clear visibility of the sign due to a 50-foot setback from the street. 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 1 BLK 1, PROFESSIONAL PARK RESUB S/2 L2 & N/2 L3 B3 VILLA GROVE PARK, City of Tulsa, Tulsa County, State of Oklahoma

***************

NEW APPLICATIONS

23157—Pearl Cannabis, LLC

Action Requested:
Special Exception to permit a medical marijuana grower operation (Horticulture Nursery Use) in the CH District (Section 15.020, Table 15-2). LOCATION: 1717 East 11th Street South (CD 4)

Presentation:
Alexander King, 28 East 5th Street, Suite 750, Tulsa, OK; stated his client purchased the subject building, it was a former tire shop. The building is about 5,000 square feet and is zoned CH. His client would like to use about 2,500 square feet of the building for an indoor medical marijuana grow facility. All growing will be done on the interior with a substantial number of filters and purifiers to eliminate escaping odor. Security will include monitored cameras, alarm system, multiple steel doors with commercial grade locks, and the building does not share a wall with any neighboring properties. The waste disposal will be through an OMMA licensed waste contractor. To the extent that dumpsters are used for that process they will be locked and secured pursuant to the waste contractor or best practices. The neighboring facilities are a physical therapy facility, a gravestone entity, and an apartment complex which is separated by two fences.

Mr. Brown asked about the access to the building. Mr. King deferred to his client.

Francisco Olmos, 1717 East 11th Street, Tulsa, OK; stated the parking will be in the front of the building. Mr. Brown asked if the access to the parking would be from 11th Street or from the side street. Mr. Olmos stated there is only the front parking.

Mr. Brown asked Mr. Olmos if there would be deliveries. Mr. Olmos stated, “not really”.

Mr. Wallace asked if there was a shared entrance with the neighbor from 11th Street. Mr. Olmos answered no. Mr. Wallace asked if the parking lot behind the building was
**Case No. 17398**

**Action Requested:**

Variance of the required setback from Harvard from 50’ to 47’. **SECTION 1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING SIGNS;** General Use Conditions for Business Signs, and a Variance of the allowable signage in an OL district to allow an additional 36 SF for a total of 68 SF. **SECTION 602.B.4 ACCESSORY USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 21, located 4564 South Harvard Avenue.

**Presentation:**

The applicant, **Hightech Signs/Mary Lynn Huskey**, 9902 East 43rd Street South, representing Dr. Dobson, submitted a site plan (Exhibit H-1) and architectural drawing (Exhibit H-2). Ms. Huskey stated Dr. Dobson has an existing sign that is a 4’ x 8’ that lists his name and his associate Dr. Lang. She stated the doctors have a laser surgery center that is not advertised on the sign and would like to add it to the existing sign for advertising the new center. She stated to add the sign it would go over the required amount of signage and it would encroach 2’ on the required setback from Harvard.

**Comments and Questions:**

Ms. Turbico asked the applicant if the variance was granted on the setback would the owner mind having a removal contract with the City of Tulsa? The applicant stated it would not be a problem.

In response to Mr. White, the applicant stated the new proposed sign will be set on top of the existing sign and the existing sign will remain unchanged.

In response to Mr. White, the applicant explained the sign is in a median and if the sign was moved to the required setback it would be in the driveway.

**Board Action:**

On MOTION of WHITE, the Board voted 3-0-0 (Abbott, Turbico, White, "aye"; no "nays"; no "abstentions"; Bolzle, Box "absent") to APPROVE a Variance of the required setback from Harvard from 50’ to 47’. **SECTION 1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING SIGNS;** General Use Conditions for Business Signs, and a Variance of the allowable signage in an OL district to allow an additional 36 SF for a total of 68 SF. **SECTION 602.B.4 ACCESSORY USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 21; per plan submitted; subject to a removal contract with the City of Tulsa; finding that if the sign were moved to the required setback it would be in the driveway; finding that the approval of this application will not be injurious to the area nor harmful to the spirit and intent of the Code; on the following described property:

Lot 4, Block 3, Villa Grove Park, City of Tulsa, Tulsa County, Oklahoma.
SIGN PLAN REVIEW

November 12, 2021

Josh Clark
4111 S. 74th E. Ave.
Tulsa, OK 74145

Phone: 918-520-0725

APPLICATION NO: SIGN-102600-2021 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)
Location: 4555 S. Harvard Ave.
Description: Wall Sign

INFORMATION ABOUT SUBMITTING REVISIONS

OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

REVISIONS NEED TO INCLUDE THE FOLLOWING:
1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.

IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.

2. INFORMATION ABOUT ZONING CODE, THE INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND THE TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 WEST 2ND STREET, 8TH FLOOR, TULSA, OK, 74103 OR TELEPHONE (918) 584-7526.

3. PRESENT THIS LETTER TO INCOG WHEN APPLYING FOR BOARD OF ADJUSTMENT OR PLANNING COMMISSION ACTION.

(Continued)
Application No. SIGN-102600-2021

This letter of deficiencies covers Sign Plan Review items only.

For ground, monument, pole & outdoor advertising structure sign applications only, you may receive additional letters from other disciplines such as Water/Sewer/Drainage for additional deficiencies regarding Utility Easement placement which are not addressed in this letter.

1. 60.060-B.1 Signs Allowed

In addition to any sign exceptions allowed pursuant to Section 60.030, and any development identification sign allowed pursuant to Section 60.060-B2, lots in office zoning districts are allowed a maximum of one on-premise sign per street frontage. The allowed on-premise sign may be a wall sign, a projecting sign or a freestanding sign. Roof signs and off-premise outdoor advertising signs are prohibited in office districts.

Review Comments: There is an existing permit for a freestanding sign on this Office zoned lot. Apply to the Board of Adjustment for a variance to have more than one sign per street frontage in an Office zoning district.

NOTE: Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to send the decision of any actions by the BOA or TMAPC affecting the status of your application for a Sign Permit to our office so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

END – ZONING CLEARANCE AND SIGN CODE REVIEW

NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A CITY OF TULSA SIGN PERMIT.
OPTION 3

Double Sided Sign • 60" x 138" x 18" Aluminum Sign Cabinet • Internal Illumination • 3x.125" White Acrylic Tenant Panels • Cedar Slat Base with Redwood Stain Supplied, .040" Thick Aluminum Backlit Address Numbers

60" x 30" Tenant Panel #1

60" x 30" Tenant Panel #2

60" x 30" Tenant Panel #3

9" Tall x .5" Thick White Alum. Address Numbers LED Backlit

5.5" Cedar Slat Redwood Stain Color. Supplied, Installed & Finished by Customer

www.LektronInc.com | 918-622-4978

4111 S. 74TH E. AVE. | TULSA, OK 74145
Subject Tract

BOA-23229
19-13 28

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

Aerial Photo Date: 2020/2021
Austin:
i own the property at the below address.
i have tried to locate the application on the BOA website to no avail?
If the application is to keep the monument sign and add the signs to the building face i
would be against that.
if the application is to remove the monument sign and add the facia signs that would
be fine.
i think having both is too busy.
Thanks for your time. If you have any suggestions what i might be doing wrong to
find the application please school me.

Bob Stewart
3324 E 46th Street
Tulsa, OK  74135
918-633-2731