

**SUBJECT TRACT**

**BOA-22902**



19-14 30



# BOARD OF ADJUSTMENT CASE REPORT

STR: 9430

Case Number: **BOA-22902**

CZM: 49

CD: 7

HEARING DATE: 06/23/2020 1:00 PM (Continued from 06/09/2020)

APPLICANT: Lamar Outdoor Advertising

ACTION REQUESTED: Verification of the spacing requirement for an outdoor advertising sign with a Dynamic Display (Sec 60.100-K)

LOCATION: 10025 E 44 PL S

ZONED: IL

PRESENT USE: IL

TRACT SIZE: 101016.05 SQ FT

LEGAL DESCRIPTION: PRT TR IN SE NW ADJ LT 1 & PRT LT 1 BEG 200N SWC LT 1 TH N APR 142.37 E18 N160 W18 N142.33 SE217.90 SE90.74 S303.33 W275.03 POB BLK 1 SEC 30 19 14 .33AC, IDEAL BRICK INDUSTRIAL TRACTS

## RELEVANT PREVIOUS ACTIONS:

### Surrounding Properties:

**BOA-22862;** On 02.25.20 the board accepted a verification of spacing for an Off-Premise Outdoor Advertising sign with Dynamic Display (sec. 60.100-J). The subject sign in BOA-22862 has been converted to dynamic display and is within 1,200 feet of the subject sign. The subject sign in BOA-22862 has received their sign permit since the acceptance of their spacing. The signs are located 773 feet apart according to the survey provided by the applicant.



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**STAFF COMMENTS:** The applicant is requesting Verification of the spacing requirement for an outdoor advertising sign with a Dynamic Display (Sec 60.100-K)

**60.100-K** Except as provided in §~~60.100-J~~, any 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 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

**SAMPLE MOTION:**

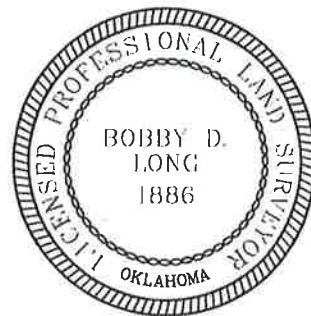
I move that based upon the facts in this matter as they presently exist, we approve the applicant's verification of spacing between dynamic display (digital) outdoor advertising signs subject to the action of the Board being void should another outdoor advertising sign or conflicting use be constructed prior to this sign.





I, Bobby D. Long, of Tulsa Engineering & Planning Associates, Inc. and a Professional Land Surveyor registered in the State of Oklahoma, hereby certify that this exhibit accurately portrays the locations of and distances between proposed and existing outdoor advertising signs as determined by field survey data gathered on the 3rd of February, 2020.

*Bobby D. Long*      02/24/2020  
 Bobby D. Long      Date



## OUTDOOR ADVERTISING SIGN SPACING EXHIBIT



Tulsa Engineering & Planning Associates, Inc.  
 9810 East 42nd Street Tulsa, Oklahoma 74146  
 Phone: 918-252-9621 Fax: 918-250-4566



Job No: 20-011  
 Scale: 1" = 500'  
 Date: 02/24/2020

Certificate of Authorization No. 531 Renewal Date June 30, 2021

**DANNY WHITEMAN**  
SIGN PLANS EXAMINER  
TEL (918)596-9664  
EMAIL dwhiteman@cityoftulsa.org



**DEVELOPMENT SERVICES**  
175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103-3227

## SIGN PLAN REVIEW

March 13, 2020

LOD Number: 1

Phone: 918-665-1755

Lorinda Elizando  
Lamar Central Outdoor Inc.  
7777 E. 38<sup>th</sup> St.  
Tulsa, OK 74145

**APPLICATION NO:** SIGN-055101-2020 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)  
**Location:** 10102 E. Broken Arrow Exp.  
**Description:** Outdoor Advertising 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 2<sup>nd</sup> STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A \$55 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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 WEST 2<sup>ND</sup> STREET, 8<sup>TH</sup> 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)

**REVIEW COMMENTS**

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT [WWW.INCOG.ORG](http://WWW.INCOG.ORG)

Application No. SIGN-055101-2020

10102 E. Broken Arrow Exp.

March 13, 2020

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.

**Section 60.100 K Dynamic Displays**

Except as provided in §60.100-J, any 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 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

**Review Comments:** Converting a conventional outdoor advertising sign to a dynamic display outdoor advertising sign requires a 1,200 foot spacing verification from the BOA per section 70.110 from any digital outdoor advertising sign facing the same traveled way. In addition, the proposed dynamic display outdoor advertising sign appears to be closer than 1,200 feet to a previously permitted outdoor advertising sign with a dynamic display facing the same traveled way. As an option, you may pursue a variance from the BOA to allow an outdoor advertising sign with a dynamic display to be closer than the 1,200 feet spacing requirement of 60.100 K.

NOTE: Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, spacing verifications, 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.





**City of Tulsa**  
 175 E 2nd St., Suite #450  
 Tulsa, OK 74103  
 (918) 596-9456

Permit	Permit NO. <b>SIGN-053121-2020</b> Permit Type: <b>Sign</b> Work Classification: <b>Outdoor Advertising</b> Permit Status: <b>Issued</b>
Issue Date: <b>03/10/2020</b>	Expiration: <b>09/08/2020</b>

<b>Location Address</b>	<b>Parcel Number</b>
<b>9810 E 42ND ST S Tulsa, Tulsa, OK 74146</b>	<b>76150943013560</b>

<b>Contacts</b>	
<b>WHISTLER SIGN COMPANY LLC</b> 6304 E 102ND ST S Tulsa, Tulsa, OK 74137 (918)491-7446	<b>Applicant</b>  elaine@whistlerworks.com

<b>Description:</b> dynamic display outdoor advertising sign	<b>Valuation:</b> <u>          </u> <b>\$0.00</b>	<b>Inspection Requests:</b> For Building/Trades: (918) 596-9656 For Right Of Way: (918) 596-2519
	<b>Total Sq Feet:</b> <u>          </u> <b>0.00</b>	

Fees	Amount
Application Fee (Sign)	\$65.00
Outdoor Advertising Sign	\$335.00
Permit and Licensing System Maintenance Fee	\$4.00
Record Retention Fee	\$136.50
Resubmittal (Sign)	\$55.00
System Development Fee	\$36.85
<b>Total:</b>	<b>\$632.35</b>

Payments	Amt Paid
<b>Total Fees</b>	<b>\$632.35</b>
Credit Card	\$65.00
Check # 3092	\$567.35
<b>Amount Due:</b>	<b>\$0.00</b>

Available Inspections:	
Inspection Type	IVR
Sign Foundation	1905
Final Sign	1901

**Additional Information**

**New/Existing:** New  
**Electric amps of Sign:** 400  
**Sign Text:** changeable message technology  
**Location on Lot:** South on Broken Arrow Expressway frontage  
**Sign Permit Notes:** Permit to convert the existing tri-fold Outdoor Advertising Sign (Original digital sign permit 190243 issued 4/7/2009) to a digital Outdoor Advertising Sign of the same size and location per 60.100-J, lawfully established digital sign prior to 1/1/2010. Spacing acceptance per BOA-22862 approved 2/25/2020. Digital sign shall comply with T42 chapter 60.100 for dynamic displays and with T42 chapter 60.100-I for illuminative brightness. This permit shall become null and void with the erection of a digital OAS prior to the OAS of this permit, by the preemptive effect of negating the 1200 ft. spacing verification of this permit. Contractor shall not place any sign or part of any sign structure in a manner that would interfere with, cause damage to or obstruct service to any public utility. Contractor shall call OKIE at 1-800-522-6543 prior to any excavation, to identify and locate existing utilities on the sign construction site. Electrical work shall be done by separate permit. No approval is granted for any construction or use violating any provision of The City of Tulsa Ordinances Title 42, 49, 51 & 52. No other signs are included in this permit.

Issued By: Brian Mathis	March 10, 2020
Authorized Signature	Date

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BOA-22902  
Addendum # 1

**Chapman, Austin**

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**From:** Elaine Allred <elaine@whistlerworks.com>  
**Sent:** Monday, April 27, 2020 6:03 PM  
**To:** Chapman, Austin  
**Cc:** Nathalie M Cornett; Shawn Whistler  
**Subject:** Re: BOA-22902  
**Attachments:** IMG-4455.JPEG; 60963433387--6553790E-88C6-46E0-BA02-8FD0D4A8855A.JPEG

Austin:

We greatly appreciate the notice. We have already permitted, ordered and installed dynamic displays at the subject location. I have attached photos showing the installed displays.

Please let me know if we can provide you with any additional information.

Thank you,

Elaine

On Wed, Apr 22, 2020 at 2:58 PM Chapman, Austin <[AChapman@incog.org](mailto:AChapman@incog.org)> wrote:

Elaine,

I'm contacting you as the applicant in BOA-22862 and I've copied Nathalie Cornett because she represented you the BOA hearing regarding that case. On the April 28<sup>th</sup>, 2020 hearing there will be another verification of spacing request for a dynamic display outdoor advertising sign, BOA-22902. The proposed sign is located 10025 E 44 PL S on the opposite side of the highway as your sign. There appears to be a conflict between your sign and the proposed sign and I did seek to provide you notice of their application.

The applications materials and agenda will be available at the link below by this Friday April 24<sup>th</sup>.

<http://tulsaplanning.org/boards-commissions/city-of-tulsa-board-of-adjustment/city-boa-agenda/>

Below is the information regarding the April 28<sup>th</sup> City of Tulsa Board of Adjustment hearing and how to join remotely if your choose :

The City Board of Adjustment will be held in the Tulsa City Council Chambers and by videoconferencing and teleconferencing at 1:00 pm.



Board of Adjustment members and members of the public may attend the meeting in the Tulsa City Council Chamber, but are encouraged to attend and participate in the Board of Adjustment meeting via videoconferencing and teleconferencing by joining from a computer, tablet or smartphone.

Join Videoconference: <https://www.gotomeet.me/COT5/board-of-adjustment-april-28th>

Join Teleconference by dialing: **1 (872) 240-3212**

Participants must then enter the following **Access Code: 775-970-485**

Best,



**Austin Chapman**

Planner, City of Tulsa Board of Adjustment

Tulsa Planning Office

2 W. 2nd St., 8th Floor | Tulsa, OK 74103

918.579.9471

[achapman@incog.org](mailto:achapman@incog.org)

Determining compliance to zoning or building code requirements is not a function of this office.

The Building Permits Division will address compliance upon application for a building permit or occupancy  
{(918) 596-9456}

*Elaine Allred*

Whistler Billboards

direct 918-392-5208

[elaine@whistlerworks.com](mailto:elaine@whistlerworks.com)





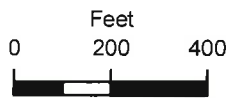
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Subject Tract

**BOA-22902**

19-14 30

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

Aerial Photo Date: February 2018



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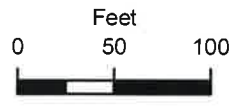
51

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E 44 PLS

E 45 PLS

S 101 E AVE



Subject Tract

**BOA-22902**

19-14 30

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

Aerial Photo Date: February 2016



1.14