

**BOA-22938**

18.1



# BOARD OF ADJUSTMENT CASE REPORT

STR: 9308

Case Number: **BOA-22938**

CZM: 37

CD: 4

**HEARING DATE:** 06/23/2020 1:00 PM

**APPLICANT:** Christian Ortiz

**ACTION REQUESTED:** Variance of the maximum allowable sign area in an OM District (sec. 60.060-C) Variance to allow a Dynamic Display sign in an OM District for a use that is not public, civic or institutional (Sec. 60.060-E)

**LOCATION:** 2651 E 21 ST S

**ZONED:** OM

**PRESENT USE:** Office Building

**TRACT SIZE:** 47223.59 SQ FT

**LEGAL DESCRIPTION:** RESERVE GREENHOUSE SECOND

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Property:**

**BOA-22405:** On 03.13.2018 the Board **approved** a Special Exception to permit a Freestanding Sign to be located inside the City of Tulsa Right-of-Way.

**Surrounding properties:** None.

**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

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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 on the Northside of E. 21<sup>st</sup> Street West of the Broken Arrow Expressway at the NW/c of E. 21<sup>st</sup> Street S. and S. Columbia.

**STAFF COMMENTS:** The Applicant is requesting **Variance** of the maximum allowable sign area in an OM District (sec. 60.060-C) **Variance** to allow a Dynamic Display sign in an OM District for a use that is not public, civic or institutional (Sec. 60.060-E)

**60.060-C Maximum Area**

Signs allowed in the OH district may not exceed 48 square feet in area or 0.50 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may a sign in an OH district exceed 225 square feet in area. Signs allowed in all other O districts may not exceed 32 square feet in area or 0.30 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.

**60.060-E Dynamic Displays**

Dynamic displays are prohibited in O districts except that on a lot occupied by an allowed public, civic or institutional use, either the allowed wall sign or the allowed freestanding sign may 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 O districts may operate only between the hours of 7:00 a.m. and 9:00 p.m.
4. Dynamic displays are subject to the dynamic display regulations of Section 60.100.

The applicant is requesting a variance to increase their allowed display area for their freestanding dynamic display sign from 108 square feet to 114 square feet (based on a street frontage of 359 linear feet) to serve an office building.

**STATEMENT OF HARDSHIP:** Unique Conditions.

**SAMPLE MOTION:** Move to \_\_\_\_\_ (approve/deny) a **Variance** of the maximum allowable sign area in an OM District (sec. 60.060-C) **Variance** to allow a Dynamic Display sign in an OM District for a use that is not public, civic or institutional (Sec. 60.060-E)

- 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 (West face of building)*



*Subject property (South and East face of Building)*



*Facing West on 21<sup>st</sup> Street*



*Facing East on 21<sup>st</sup> Street*

- 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:

**E. 6" LT 9 ALL LT 10 BLK 1, LEWISTON GARDENS SECOND ADDN RESUB L10 GLEN ACRES, City of Tulsa, Tulsa County, State of Oklahoma**

**22405—Danny Overton**

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**Action Requested:**

**Special Exception** to permit a freestanding sign within the City of Tulsa Right of Way (Section 60.020-E). **LOCATION:** 2651 East 21<sup>st</sup> Street South (CD 4)

**Mr. Flanagan recused and left the meeting at 2:59 P.M.**

**Presentation:**

**Danny Overton**, 6440 South Lewis Avenue, Suite 2400, Tulsa, OK; stated he is the CEO for the asset management company for the subject property. Mr. Bullick of Bullick Enterprises, LP is the owner of the subject property. Mr. Bullick purchased the property two years ago with the intent of revitalizing the property and has been finalizing the renovations ever since. One of the last agreed to items in an agreement with the tenant was to erect a monument sign on the property. Once the other tenants heard about the monument sign they were all in support of it. The City has approved the sign so what he is asking is to be able to use the right-of-way to push the sign into the parking space, so it will fit. In 1959 an off-street parking easement was created for the subject property with the right to off-street parking. The easement is still in existence today. That is essentially the area he is asking to go into for the sign. Nobody takes advantage of the easement and this property has used it exclusively. The sign being erected is 10'-0" x 2'-6" x 17'-0" wide. All of those measurements have been agreed to by the City and have been finalized. The edge of the sign will stick into the drive area by about four feet or less. The detriment to the owner would be that he would not be able to live up to the full execution of the agreement that he has with the tenant, and he would lose the competitive advantage that most building of this size have. The ability to modernize is important for any development for today with multi-tenant buildings. At this time there

BDA-22405

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has been no utility infringement found that would interfere with placing the sign. The area for the sign is essentially five feet of one parking space. The sign will be a static sign with low energy LED lighting and the architecture will complement the building.

Mr. Van De Wiele asked Mr. Overton if he knew he had to have a license agreement with the City. Mr. Overton answered affirmatively.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

Ms. Back would like to have the condition added that the applicant receive utility company approval or sign off stating the sign will not interfere with any utilities.

**Board Action:**

On **MOTION** of **BACK**, the Board voted 4-0-1 (Back, Bond, Ross, Van De Wiele "aye"; no "nays"; Flanagan "abstaining"; none absent) to **APPROVE** the request for a **Special Exception** to permit a freestanding sign within the City of Tulsa Right of Way (Section 60.020-E), subject to conceptual plans 5.8, 5.9 and 5.10 of the agenda packet. The approval is subject to the following conditions: utility company approval or sign off to allow the sign to be located in the area depicted on the site plan, and subject to the City of Tulsa approval for a license and removal agreement within the right-of-way for the area. 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:

**RESERVE GREENHOUSE SECOND, GREENHOUSE SECOND, BOOKER'S 2ND ADDN, City of Tulsa, Tulsa County, State of Oklahoma**

Mr. Flanagan re-entered the meeting at 3:07 P.M.

**22406—Brian Seller**

**Action Requested:**

Variance to reduce the lot width in an RS-4 District to allow a lot split (Section 5.030). **LOCATION:** 1301 North Main Street (CD 1)

**Presentation:**

The applicant was not present. Mr. Van De Wiele moved the case to the end of the agenda.

**Interested Parties:**

There were no interested parties present.

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

May 14, 2020

LOD Number: 2

Phone: 918-286-8535

Christian Ortiz  
9810 E. 58<sup>th</sup> St.  
Tulsa, OK 74146

APPLICATION NO: **SIGN-057882-2020** (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)  
Location: 2651 E. 21<sup>st</sup> St.  
Description: Freestanding 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-057882-2020

2651 E. 21<sup>st</sup> St.

May 14, 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.

**1. Section 60.060-C**

**Maximum Area**

Signs allowed in the OH district may not exceed 48 square feet in area or 0.50 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may a sign in an OH district exceed 225 square feet in area. Signs allowed in all other O districts may not exceed 32 square feet in area or 0.30 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.

**Review Comments:** The proposed 114 square foot wall sign exceeds the 108 square foot permitted total display surface area based on a 359 foot street frontage. You may reduce the total sign area to 108 square feet, or you may pursue a variance from the Board of Adjustment (BOA) to permit the permitted display area for a street frontage of 359 feet to be increased from 108 square feet to 114 square feet of display surface area in an OM district.

**2. Section 60.060-E**

**Dynamic Displays**

Dynamic displays are prohibited in O districts except that on a lot occupied by an allowed public, civic or institutional use, either the allowed wall sign or the allowed freestanding sign may include a dynamic display.

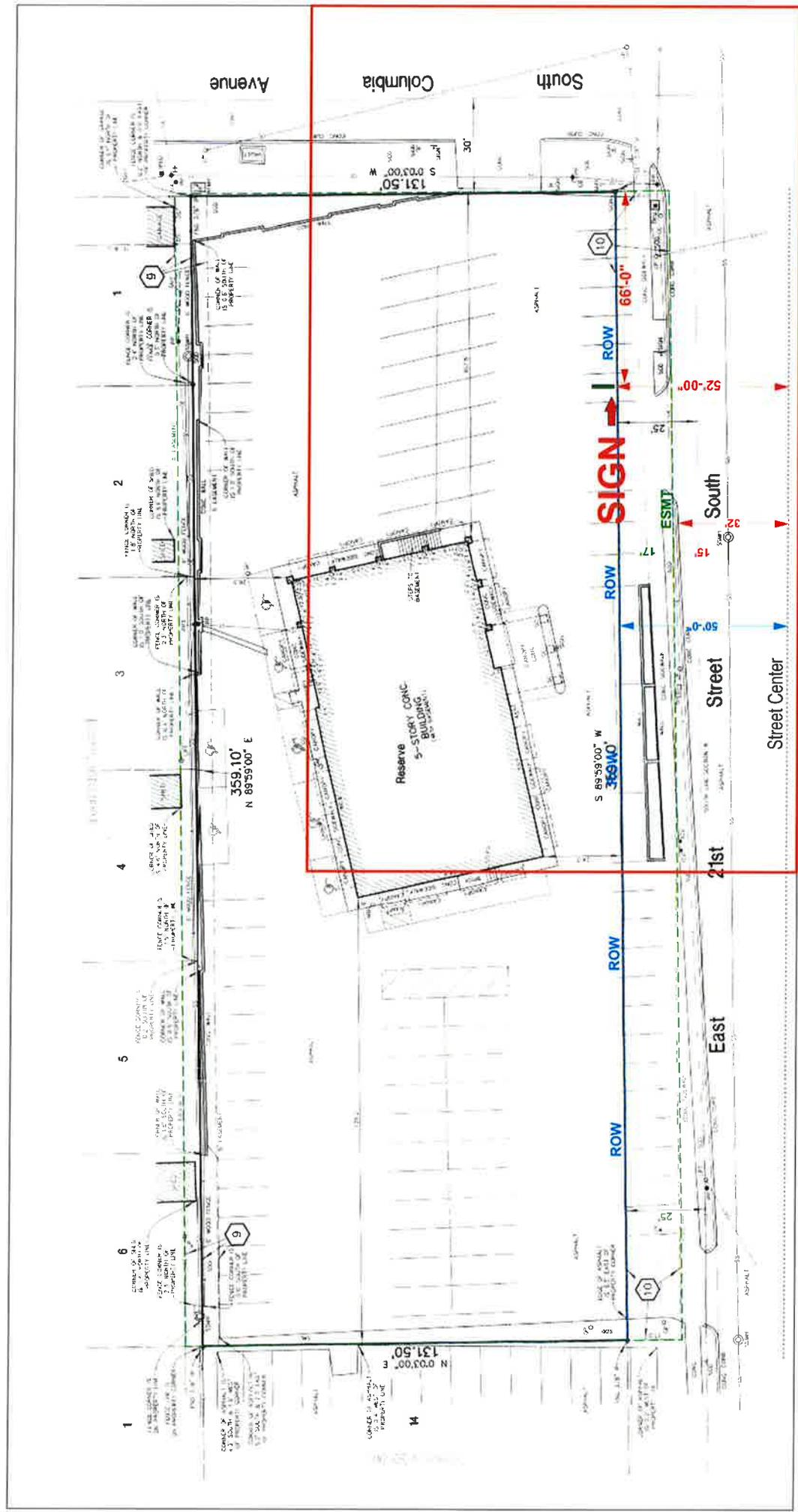
**Review Comments:** The proposed sign contains a dynamic display which is not permitted in an O district. You may remove the dynamic display from the sign, or you may pursue a variance from the BOA to allow a dynamic display sign in an O district.

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.



**ENCINOS**  
3D CUSTOM PRODUCTS, LLC  
www.encinos3d.com

**TULSA, OK**  
(918) 286 8535  
2610 E 38th St, Tulsa, OK 74115  
Tulsa, Oklahoma 74115  
www.encinos3d.com

**Customer:** Columbia  
City and State: Sapulpa, Ok.

**Job Location:** 2651 E 21 ST S  
74114

**Drawn By:** Luis Fonseca  
**Sold By:** Roddy Murphy

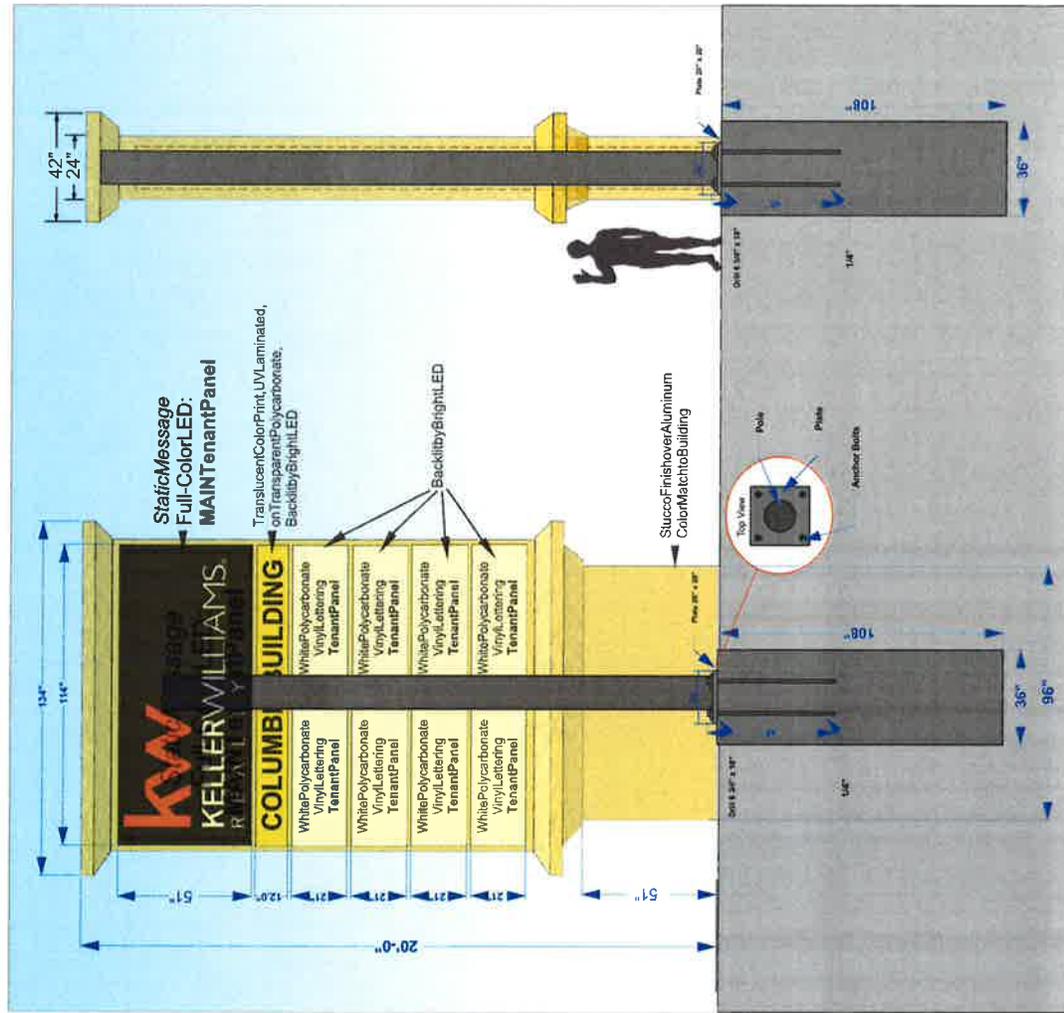
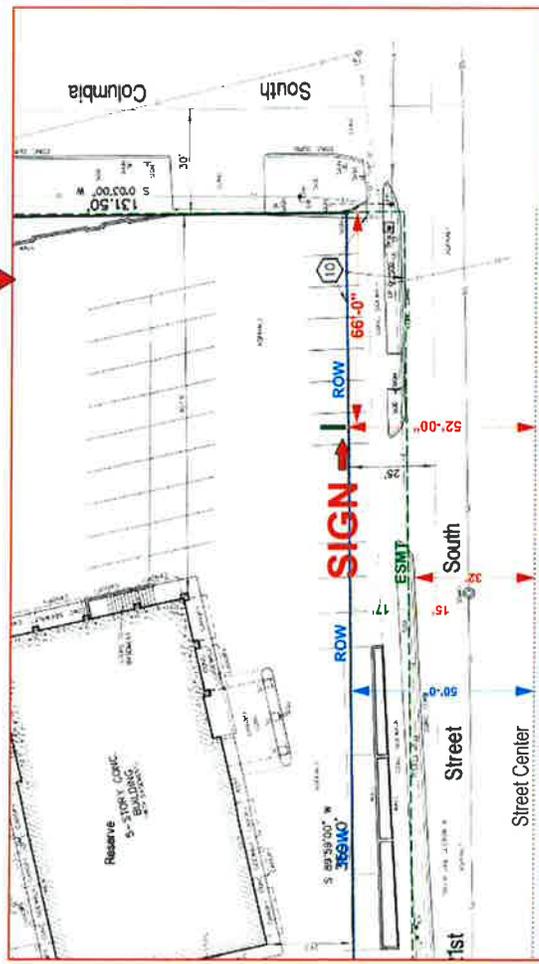
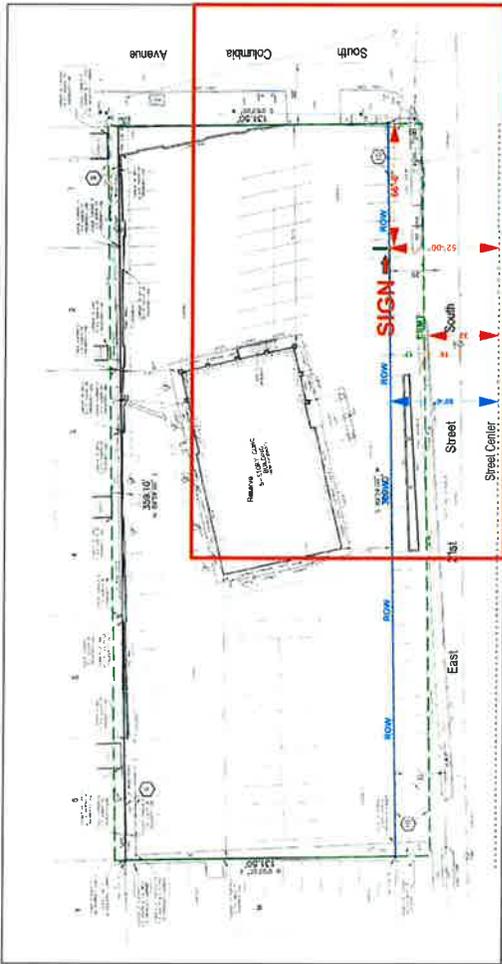
**Drawing Number:** CO061520-002  
**Scale:**

**Approved By:**  
**Date Approved:**

Pylon Signs · Casino Signs · Monument Signs · Neon Signs · Blade Signs · Wall Signs · Channel Letters · Interior Signs · Way finding Signs · Pest & Panel · LED Display · Commercial & Architectural Signs

Please proof read all information carefully for accuracy before signing. Check names, numbers, spelling, punctuation as well as the general layout. Revisions requested after second proof are not included in the original quoted price and will be charged accordingly. Any typographical and or layout errors not found now will be the customers responsibility.

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**ENCINOS**  
3D CUSTOM PRODUCTS, LLC  
www.encinos3d.com

TULSA, OK  
(918) 286 8535  
9810 E 56th St, Tulsa, OK 74146

Monument Signs · Casino Signs · Neon Signs · Bleed Signs · Wall Signs · Channel Letters · Interior Signs · Way Finding Signs · Post & Panel · LED Display · Commercial & Architectural Signs

Customer: **Columbia**  
 City and State: **Sapulpa, Ok.**

Job Location: **2651 E 21 ST S  
74114**

Drawn By: **Luis Fonseca**  
 Sold By: **Roddy Murphy**

Drawing Number: **CO061620-001**  
 Scale:

Approved By: \_\_\_\_\_  
 Date Approved: \_\_\_\_\_

Please proof read all information carefully for accuracy before signing. Check names, numbers, spelling, punctuation as well as the general layout. Revisions requested after second proof are not included in the original quoted price and will be charged accordingly. Any typographical and or layout errors not found now will be the customers responsibility.

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## Sparger, Janet

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**From:** Daniel Ashbaugh <DAshbaugh@walterpmoore.com>  
**Sent:** Monday, June 15, 2020 3:00 PM  
**To:** esubmit  
**Subject:** BOA-22938

Good afternoon. My name is Dan Ashbaugh and I live at 2663 E. 20<sup>th</sup> St. I'm emailing today in reference to BOA-22938. I have a few questions and concerns that I would love to voice.

- The variance is for "dynamic display sign" but the plans call out for a static LED sign. I just wanted to confirm that the plan is for the LED message to change slowly and not display any videos. I understand that the logo on the top can change as requested by tenants, but the plan is for that to become a video board. If my understanding is correct, then I have no complaints
- The sign looks really close to the drive and roadway. Have they looked at stopping sight distance leaving the driveway? The sign looks like it will be blocking sight of cars leaving the drive as well as hiding cars behind the sign from cross traffic. I wasn't able to see how far behind the sidewalk the base of the sign would be, but would want to ensure that we aren't creating a hazard at the driveway. It would be great for a car to be able to stop behind the sidewalk and then make a left turn out of the drive safely, though I am actually not sure if that is a codified requirement.
- I know Tulsa isn't a dark sky city, but they did recently come out with a list of guidelines about reducing blue light and glare in city's electronic signs. <https://www.darksky.org/wp-content/uploads/2019/05/EMC-Guidelines-IDA2019-1.pdf> A lot of these make perfect sense, eg. Reducing the backlight during extreme night (eg 11pm-5am), reducing the luminance to be consistent or below the existing area, etc. Again, I'm not sure if we have any requirements that would require them to adhere to making this area more pleasant and less jarring, but would love if you could at least ensure the applicant gets the information and realizes how easy it can be.

Again, I don't have any major complaints with the idea of the large sign being proposed, nor with the top of the sign being a static LED board. I would appreciate if the design were more than "standard".

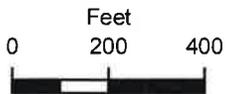
Daniel Ashbaugh, P.E. / Engineer

**Walter P Moore**

Triad I, 7666 East 61st St., Ste. 251, Tulsa, Oklahoma 74133  
918.806.7201 p / 918.340.9134 c / [dashbaugh@walterpmoore.com](mailto:dashbaugh@walterpmoore.com) / [www.walterpmoore.com](http://www.walterpmoore.com)

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Subject  
Tract

**BOA-22938**

19-13 08

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

Aerial Photo Date: February 2018





E 20 ST S

S COLUMBIA AVE

E 21st ST S



Subject Tract

**BOA-22938**

19-13 08

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

Aerial Photo Date: February 2018



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