

SUBJECT TRACT

BOA-23194

5.1



19-13 09



**BOARD OF ADJUSTMENT
CASE REPORT**

Case Number: **BOA-23194**

STR: 9309

CZM: 37

CD: 4

HEARING DATE: 10/26/2021 1:00 PM

APPLICANT: Christian Ortiz

ACTION REQUESTED: Variance to permit a Dynamic Display sign within 20-feet of the driving Surface (Sec. 60.100-E) Variance to permit a dynamic display sign within 200-feet of a residentially zoned lot (Sec. 60.100-F)

LOCATION: 1116 S TOLEDO AV E; 4424 E 11 ST S; 1116 S TOLDEO AV E **ZONED:** RS-3,CH

PRESENT USE: Church

TRACT SIZE: 55386.77 SQ FT

LEGAL DESCRIPTION: LTS 22 23 & 24 LESS 20X20 IN NWC BLK 4; LTS 1 2 3 & 4 BLK 4; LT 21 BLK 4, BEVERLY HILL ADDN

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-14941: On 09.15.88 the Board approved a Special Exception to expand the existing Church and variances of the frontage and setback requirements, the lot and area requirements and to allow off-site parking for the church.

BOA-3765: On 01.10.62 the Board approved a request to expand the church use.

BOA-1988: On 08.11.48 the Board approved a request to expand the church use into an existing house for Sunday School purposes.

BOA-1726: On 08.21.45 the church approved a request to allow the church.

Surrounding properties:

BOA-5820: On 06/04/68 the Board allowed off-street parking for the Church at the SE/c of 11th St. and Toledo Ave.

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

Main Streets are Tulsa's classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off street lots, or in shared lots or structures.

5.2

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 SW/c of S. Toledo and E. 11th St. S.

STAFF COMMENTS: The Applicant is requesting Variance to permit a Dynamic Display sign within 20-feet of the driving Surface (Sec. 60.100-E) Variance to permit a dynamic display sign within 200-feet of a residentially zoned lot (Sec. 60.100-F)

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.

The subject sign is 17.5 from the driving surface per the applicant. It should be noted that the sign could be moved to alternative locations on the site that would meet the zoning code standards. Staff is not aware of any topographical conditions on the site that would prevent it from being moved. It should be noted that this sign has been granted funds through the Neon Sign Grant Program to fund a portion of the sign, but no funds are being granted to fund the dynamic display portion of the sign. The property is in the Route 66 overlay and the sign would be permitted by right were it not for the dynamic display portion of the sign. Properties in the Route 66 Overlay are granted additional sign allowances when the sign incorporates exposed neon, though Dynamic Display signage is not granted the same allowances. Below is the stated intent of the Route 66 overlay:

Section 20.070 Route 66 Overlay

20,070-A General

1. Purpose and Intent

The Route 66 Overlay establishes zoning regulations and incentives intended to ensure the enhancement, development, and revitalization of the authentic Route 66 through the promotion of historic and historically inspired signage, especially neon, along and adjacent to the two alignments of Route 66 in Tulsa. The regulations are generally intended to guide the character of both public and private development as it occurs along Route 66.

STATEMENT OF HARDSHIP: The Church needs to be able to communicate efficiently with the Food Bank and Community Outreach program, this is an undue hardship caused by the topographical conditions that are not self-imposed.

SAMPLE MOTION: Move to _____ (approve/deny) a **Variance** to permit a Dynamic Display sign within 20-feet of the driving Surface (Sec. 60.100-E) **Variance** to permit a dynamic display sign within 200-feet of a residentially zoned lot (Sec. 60.100-F)

- 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 and existing sign

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



DEVELOPMENT SERVICES
175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103-3227

SIGN PLAN REVIEW

September 1, 2021

LOD Number: 1

Phone: 918-286-8535

Christian Ortiz
9810 E. 58th St.
Tulsa, OK 74146

APPLICATION NO: **S-2300** (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)
Location: 4424 E. 11th 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 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)

REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT WWW.INCOG.ORG

Application No. S-2300

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 60.100-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.

Review Comments: No distance is shown from the dynamic display portion of the sign to the curbs of E. 11th St. or S. Toledo Ave. Show the distance from the sign to these two curbs, to show that the leading edge of the dynamic display portion of the sign is at least 20 feet from both curbs. Alternatively, you may pursue a variance from the BOA to permit a dynamic display sign to be located closer than 20 feet to the driving surface of a street.

2. Section 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.

Review Comments: The proposed sign appears to be within 200 feet of an RS-3 residential zoned lot to the south. You may change the sign type to non-dynamic display, or you may seek a variance from the Board of Adjustment to permit a sign with a dynamic display to be within 200 feet of a residential zoned lot.

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.



CUSTOMER:
Sandusky Avenue Christian Church

CITY AND STATE:
1101 S Sandusky Ave, Tulsa, OK 74112

DRAWN BY:
Martha Hernandez

SOLD BY:
Christian Ortiz

DRAWING NUMBER:
SACC06221-004

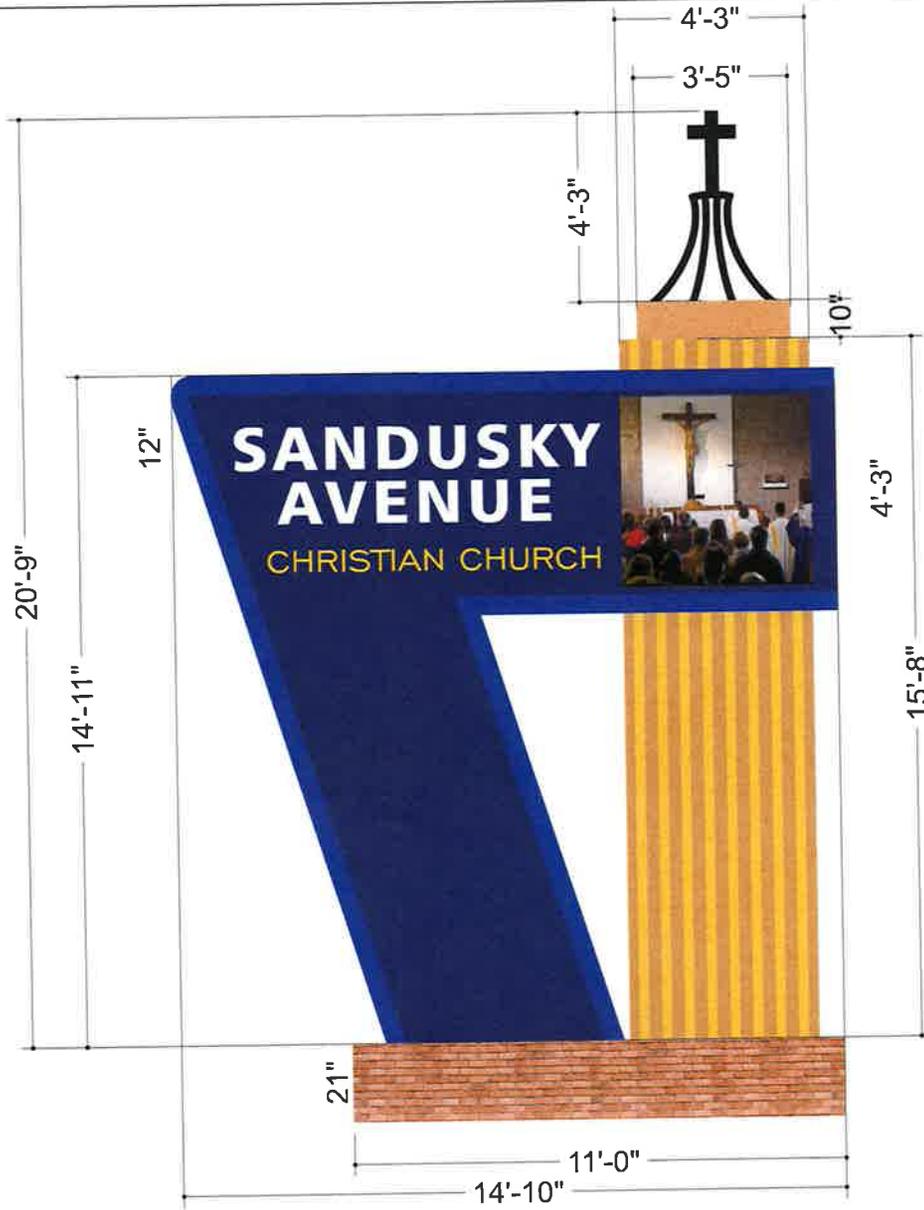
APPROVED BY:

DATE APPROVED:

Please proofread 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.



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



THIS DESIGN IS SOLELY FOR REFERENCE ONLY, REMAINS PROPERTY OF ENCINOS 3D CUSTOM PRODUCTS LLC, UNTIL AGREEMENT HAS BEEN REACHED BETWEEN THE CLIENT AND ENCINOS 3D CUSTOM PRODUCTS LLC



9810 E 58th St, Tulsa, OK 74146
 (918) 286 8535
 www.encinos3d.com



CUSTOMER:
 Sandusky Avenue Christian Church

CITY AND STATE:
 1101 S Sandusky Ave, Tulsa, OK 74112

DRAWN BY:
 Martha Hernandez

SOLD BY:
 Christian Ortiz

DRAWING NUMBER:
 SACC06221-006

APPROVED BY:

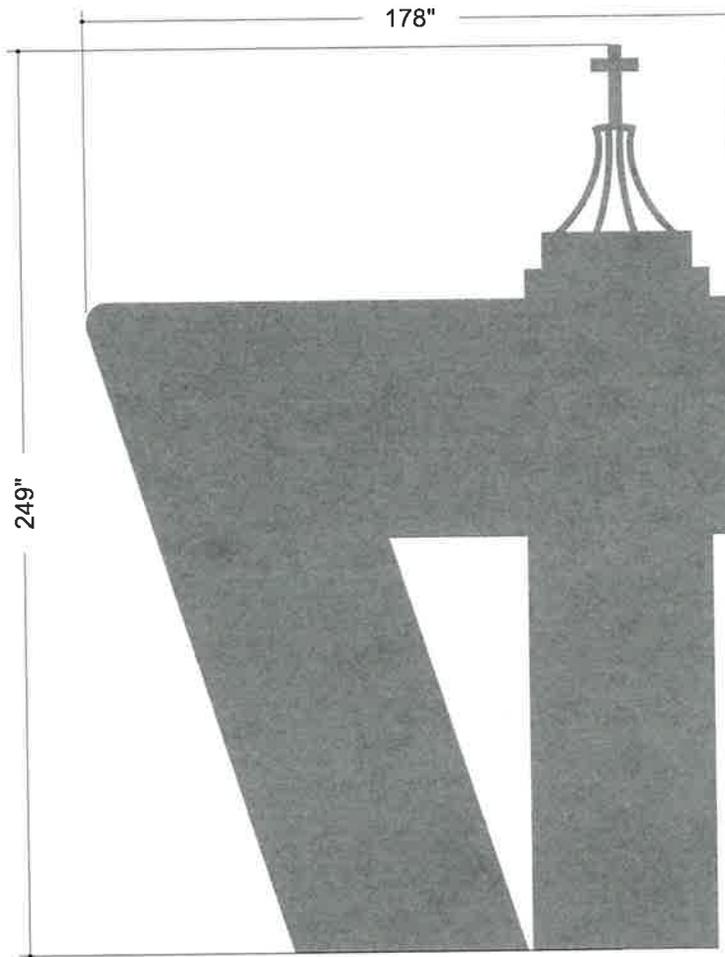
DATE APPROVED:

Please proofread 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.



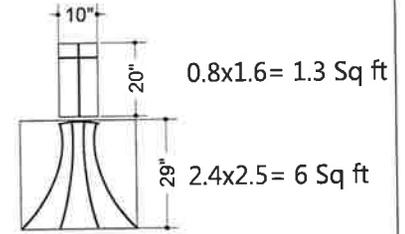
- Pylon Signs
- Casino Signs
- Monument Signs
- Neon Signs
- Blade Signs
- Wall Signs
- Channel Letters
- Interior Signs
- Way finding Signs
- Post & Panel
- LED Display
- Commercial & Architectural Signs

Sign face calculation

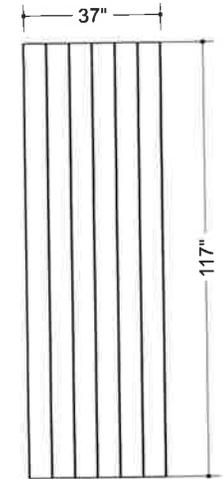
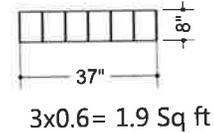


Shape $14.8 \times 20.7 = 307.1$ Sq ft

Neon Coverage



$8.5 \times 2.5 = 21.25$ Sq ft



Total: 59.7 Sq ft

$9.75 \times 3 = 29.25$ Sq ft

THIS DESIGN IS SOLELY FOR REFERENCE ONLY, REMAINS PROPERTY OF ENCINOS 3D CUSTOM PRODUCTS LLC, UNTIL AGREEMENT HAS BEEN REACHED BETWEEN THE CLIENT AND ENCINOS 3D CUSTOM PRODUCTS LLC

5.9



9810 E 58th St, Tulsa, OK 74146
 (918) 286-8535
 www.encinos3d.com



CUSTOMER:
 Sandusky Avenue Christian Church

CITY AND STATE:
 4424 E 11th St, Tulsa, OK 74112

DRAWN BY:
 Martha Hernandez

SOLD BY:
 Christian Ortiz

DRAWING NUMBER:
 SACC06221-005

APPROVED BY:

DATE APPROVED:

Please proofread 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.



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



THIS DESIGN IS SOLELY FOR REFERENCE ONLY, REMAINS PROPERTY OF ENCINOS 3D CUSTOM PRODUCTS LLC, UNTIL AGREEMENT HAS BEEN REACHED BETWEEN THE CLIENT AND ENCINOS 3D CUSTOM PRODUCTS LLC

01'S



9810 E 58th St, Tulsa, OK 74146
(918) 286 8535
www.encinos3d.com



CUSTOMER:
Sandusky Avenue Christian Church

CITY AND STATE:
1101 S Sandusky Ave, Tulsa, OK 74112

DRAWN BY:
Martha Hernandez

SOLD BY:
Christian Ortiz

DRAWING NUMBER:
SACC112320-002

APPROVED BY:

DATE APPROVED:

Please proofread 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.



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



THIS DESIGN IS SOLELY FOR REFERENCE ONLY, REMAINS PROPERTY OF ENCINOS 3D CUSTOM PRODUCTS LLC, UNTIL AGREEMENT HAS BEEN REACHED BETWEEN THE CLIENT AND ENCINOS 3D CUSTOM PRODUCTS LLC

5.11



 Subject Tract

BOA-23194

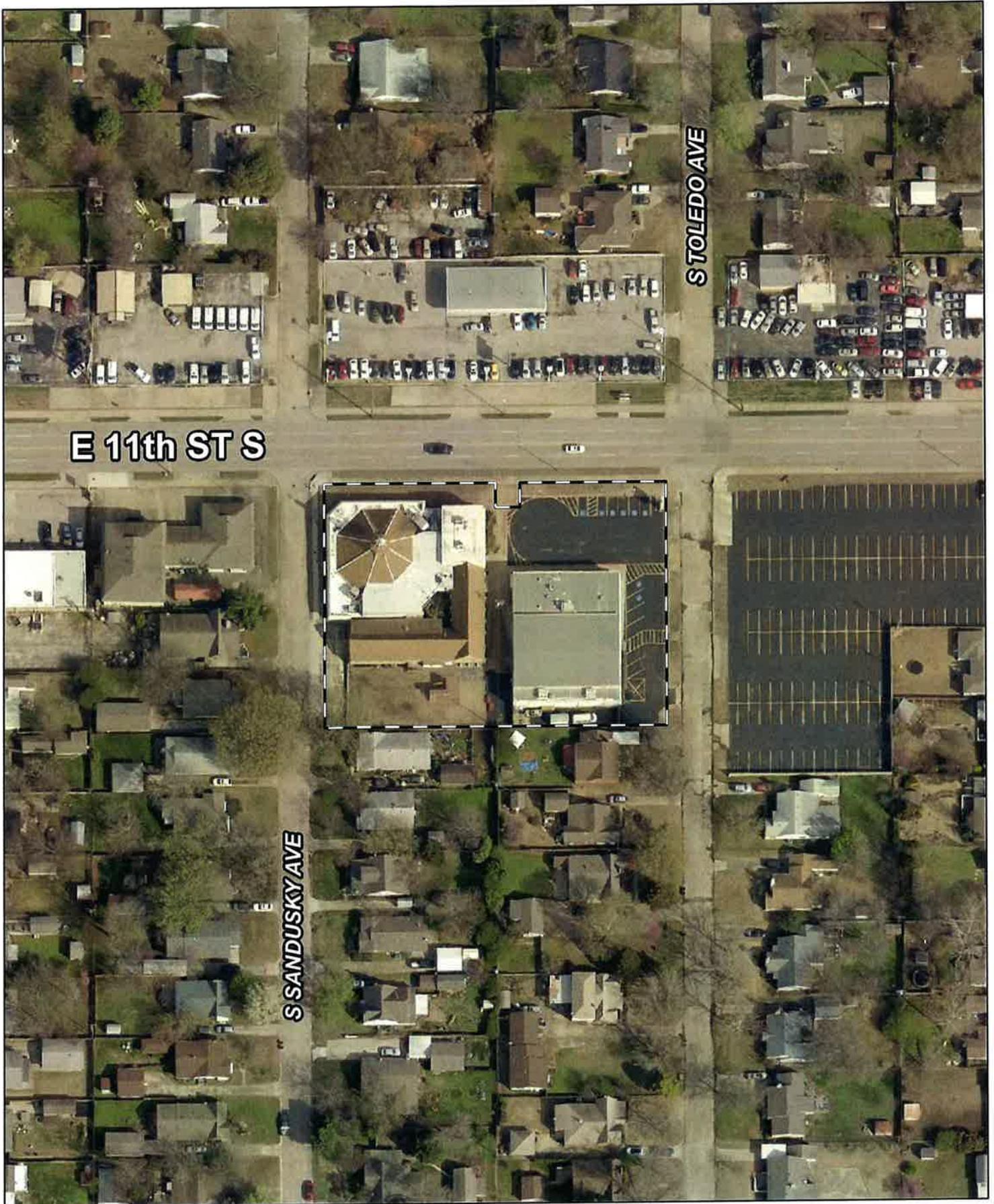
19-13 09

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

Aerial Photo Date: 2020/2021



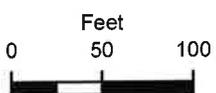
5.12



E 11th ST S

STOLEDO AVE

S SANDUSKY AVE



 **Subject Tract**

BOA-23194

19-13 09

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

Aerial Photo Date: 2020/2021



5.13

**THIS PAGE
INTENTIONALLY
LEFT BLANK**