



CITY OF Tulsa

Board of Adjustment

Case Number: B0A-23445

Hearing Date: 10/25/2022 (Cont. from 10/11/22
at the request of the applicant)

Case Report Prepared by:

Austin Chapman

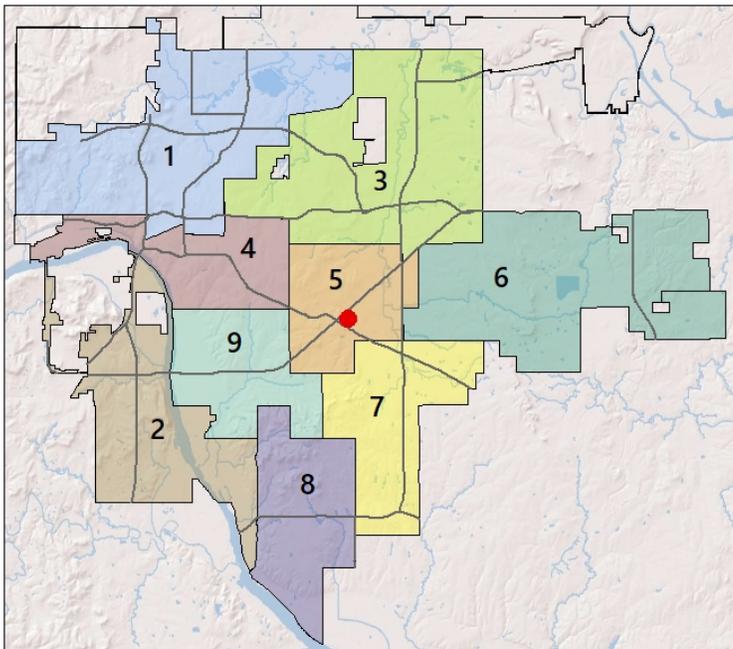
Owner and Applicant Information:

Applicant: Nathalie Cornett

Property Owner: Warren Clinic Inc c/o
Nickel & Company LLC

Action Requested: Variance to increase the maximum aggregate sign area in the CS District (Sec.60.080-C, Table 60-3)

Location Map:



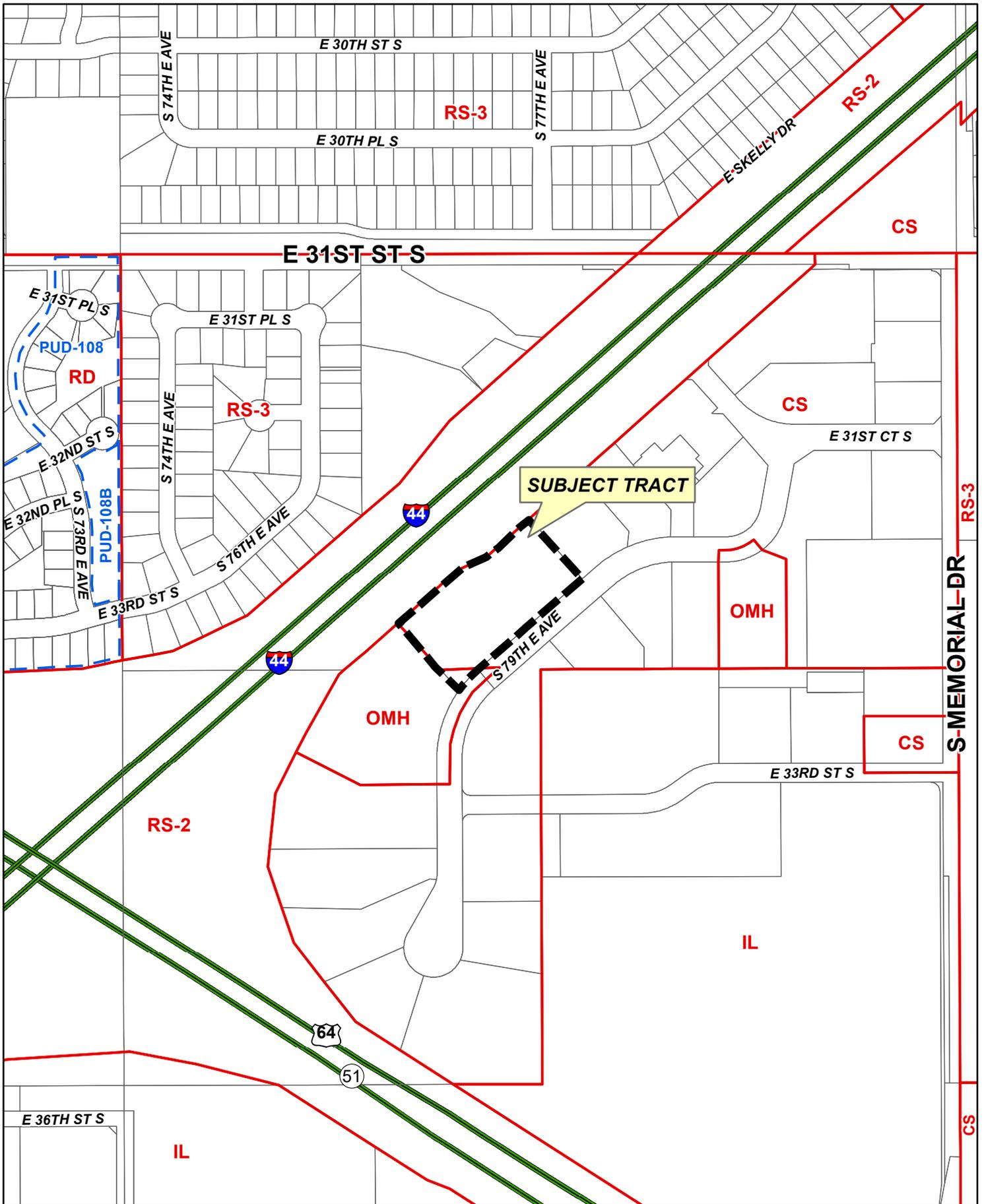
Additional Information:

Present Use: Commercial

Tract Size: 3.13 acres

Location: 3218 S. 79th Ave. E.

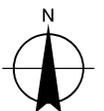
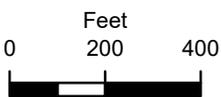
Present Zoning: CS, OMH

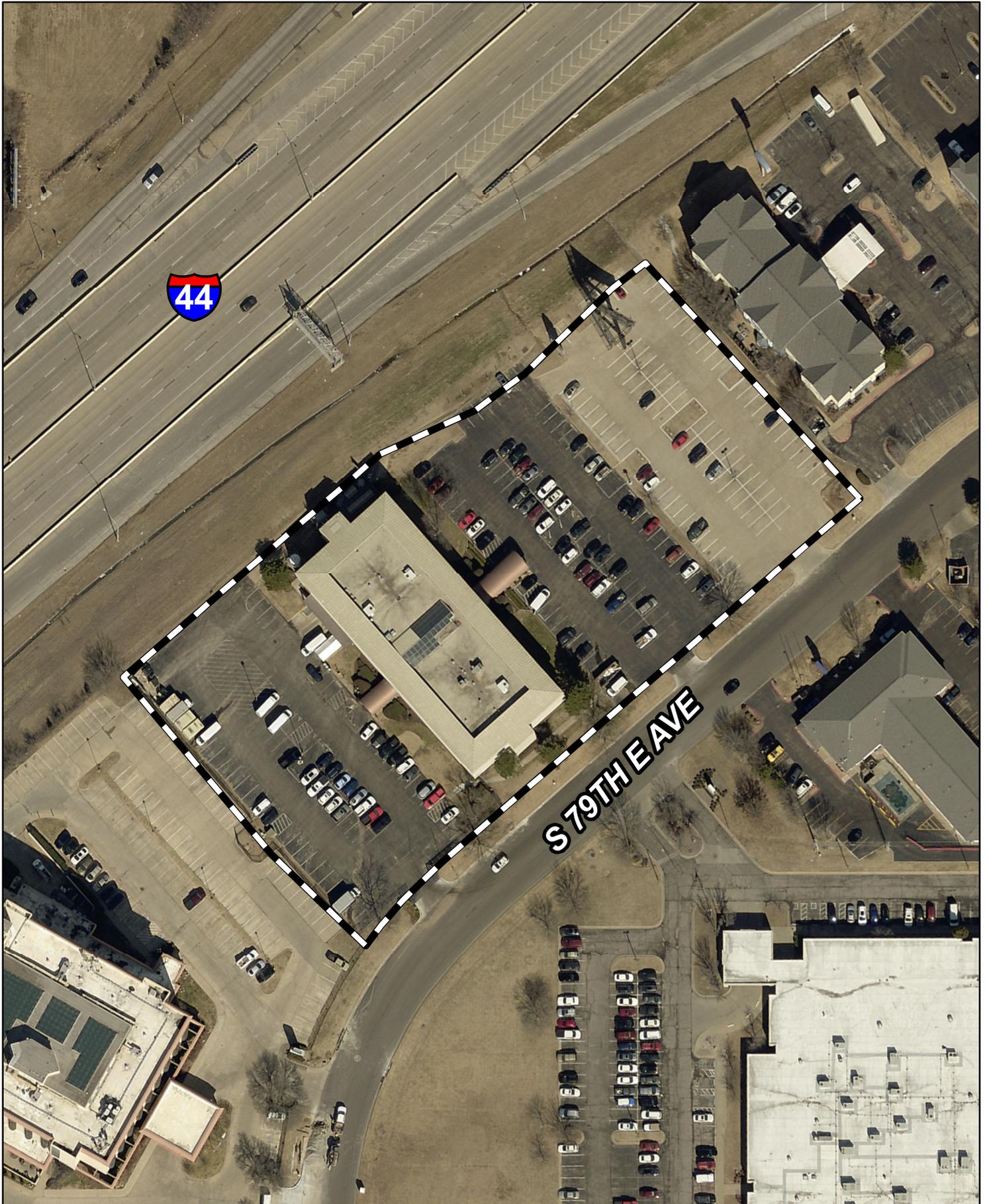


SUBJECT TRACT

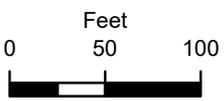
BOA-23445

19-13 23





S 79TH AVE



Subject Tract

BOA-23445

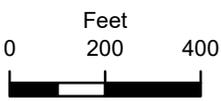
19-13 23

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

Aerial Photo Date: 2020/2021



6.3



 Subject Tract

BOA-23445

19-13 23

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

Aerial Photo Date: 2020/2021



6.4

BOARD OF ADJUSTMENT CASE REPORT

STR: 9323

Case Number: BOA-23445

CD: 5

HEARING DATE: 10/25/2022 (Continued from 10/11/2022)

APPLICANT: Nathalie Cornett

ACTION REQUESTED: Variance to increase the maximum aggregate sign area in the CS District (Sec.60.080-C, Table 60-3)

LOCATION: 3218 S. 79th E. Ave.

ZONED: CS/OMH

PRESENT USE: Commercial

TRACT SIZE: 136421.77 SQ FT

LEGAL DESCRIPTION: See attached.

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-21919: On 07.28.15 the Board **accepted** a verification of spacing for dynamic display off-premise outdoor advertising sign.

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

Regional Centers are mid-rise mixed-use areas for large-scale employment, retail, and civic or educational uses. These areas attract workers and visitors from around the region and are key transit hubs; station areas can include housing, retail, entertainment, and other amenities. Automobile parking is provided on-street and in shared lots. Most Regional Centers include a parking management district.

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.

STATEMENT OF HARDSHIP: The applicant has provided a separate exhibit identified as Exhibit "B" in your packet.

STAFF ANALYSIS: The applicant is requesting a **Variance** to increase the maximum aggregate sign area in the CS District (Sec.60.080-C, Table 60-3)

Table 60-3: Maximum Aggregate Sign Area

Zoning District	On-premise Projecting and Freestanding Signs & Off-premise Outdoor Advertising Signs (sq. ft. per linear foot of major street frontage)			
	Not Within Freeway Sign Corridor[1]		Within Freeway Sign Corridor	
	If More than 1 Such Sign	If Only 1 Such Sign	If More than 1 Such Sign	If Only 1 Such Sign
MX, CO and CS	1	2	1	2
CG, CH, CBD, IL, IM and IH	1	2	2	3

[1] Off-premise outdoor advertising signs are prohibited outside of freeway sign corridors and prohibited in MX districts.

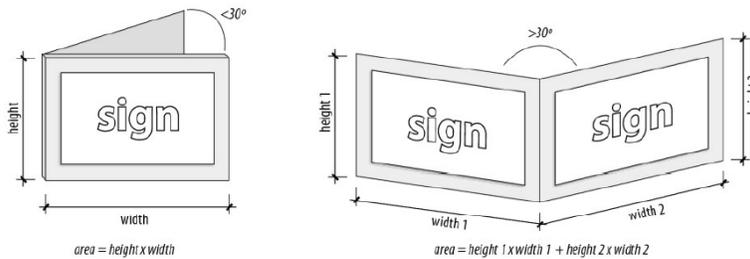
The applicant is allowed 3 signs on site with a total display area of 538 square feet for the entire property. The applicant is requesting 2 signs and to increase aggregate display area of the existing off-premise outdoor advertising sign to 672 square feet and the display area of the existing on-premise advertising sign.

The proposed sign is multisided, below is how the code measures those signs.

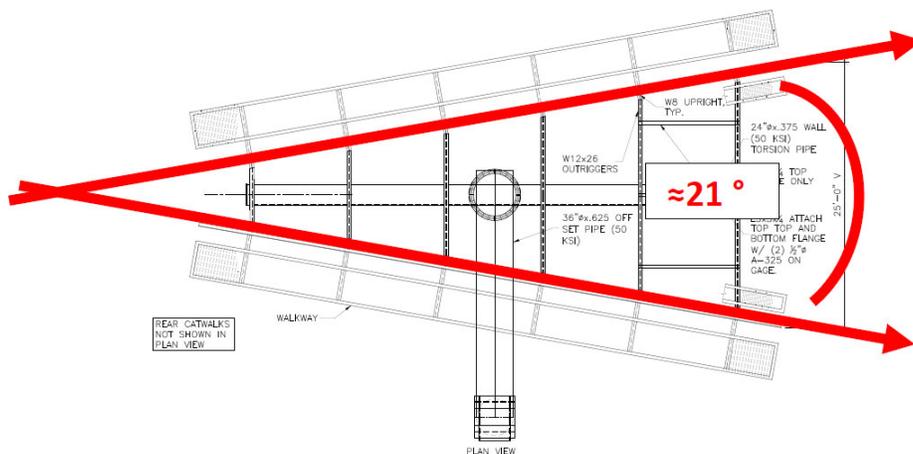
3. Multi-Sided Signs

Unless otherwise expressly stated, when the sign faces of a multi-sided sign are parallel or within 30 degrees of parallel, only one side is counted for the purpose of determining the area and number of signs. If the sign faces are not parallel or within 30 degrees of parallel, all sign faces are counted (see [Figure 60-5](#)).

Figure 60-5: Multi-Sided Signs



The proposed sign face are roughly 21 degrees from being parallel so only once sign face is counted as display area.

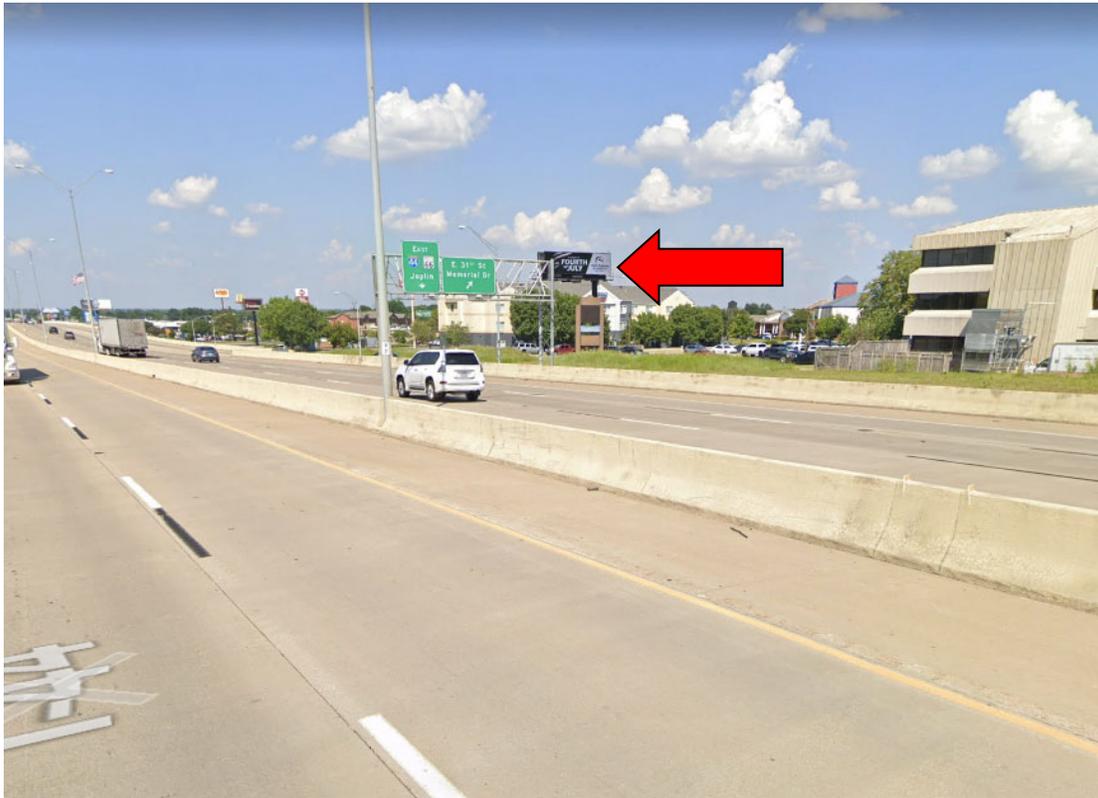


Facts staff finds favorable for variance request:

- Staff does not see any facts favorable to the applicant without more information provided.

Facts Staff find unfavorable for the variance request:

- Applicant has not provided any exhibits showing the display area of the existing on-premises sign. This exhibit has been requested by the applicant, but the Board should only act with complete information about their potential approval.
- The applicant has not presented any evidence the hardship of the lots being reconfigured have not been caused by the current property owner.
- The current size seem adequately sized and provide visibility from the highway. The board may wish to request of the applicant a rendering showing what the proposed signs with their new size would look like from the highway.



Taken from Google Street view, image capture July of 2022. Image shown from South face of sign. Red arrow indicates the current sign.



Taken from Google Street view, image capture July of 2022. Image shown from North face of sign. Red arrow indicates the current sign.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** to increase the maximum aggregate sign area in the CS District (Sec.60.080-C, Table 60-3)

- 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.”



Existing North face of sign



Existing South face of sign and the existing on-premise advertising sign.



Fairfield Inn & S

↓ 30 feet

↓ 24 ft

6.11



On-Premise Sign
Height: 25 feet
Sign Frame: ~132 sq. ft.
All Saints Sign Face: ~ 37 sq. ft.



6.13

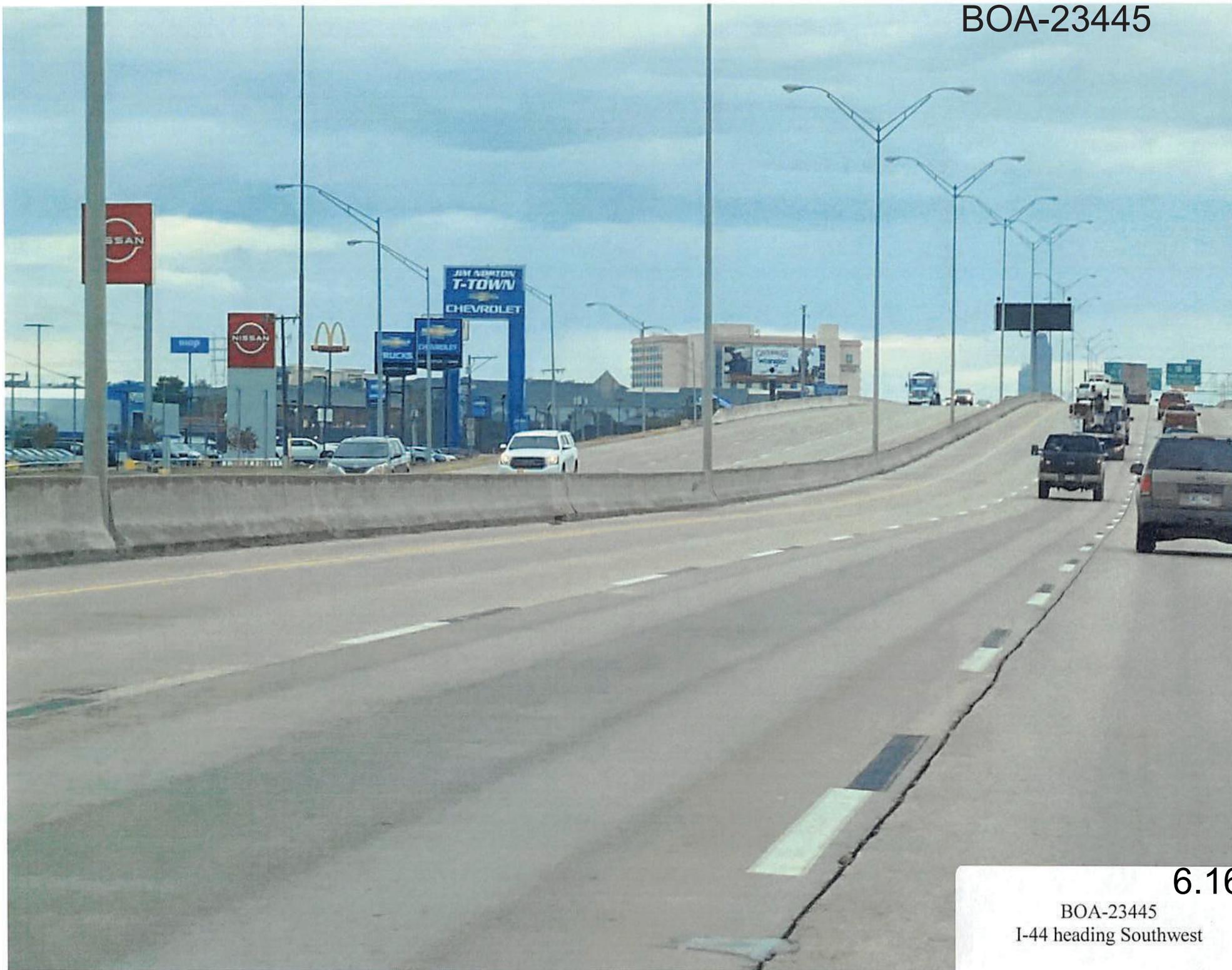
BOA-23445
Existing Sign Area (Red)
Requested Sign Area (Green)



6.14

BOA-23445
I-44 heading Northeast
I-44 & Broken Arrow Interchange









6.18

BOA-23445
I-44 heading Southwest

