**Case Number:** BOA-23459  
**Hearing Date:** 12/13/2022 1:00 PM

**Case Report Prepared by:**  
Austin Chapman

**Owner and Applicant Information:**  
**Applicant:** Justin Moydell Crown Neon Signs  
**Property Owner:** Zag Holdings LLC

**Action Requested:** Variance to permit a dynamic display sign within 200-feet of a Residential District (Sec.60.100-F)

**Location Map:**

**Additional Information:**  
**Present Use:** Commercial  
**Tract Size:** 0.99 acres  
**Location:** 4609 E. 31 St. S.  
**Present Zoning:** CS
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9316  
CD: 4

HEARING DATE: 12/13/2022 1:00 PM

APPLICANT: Justin Moydell Crown Neon Signs

ACTION REQUESTED: Variance to permit a dynamic display sign within 200-feet of a Residential District (Sec.60.100-F)

LOCATION: 4609 E 31 ST S  
ZONED: CS

PRESENT USE: Commercial  
TRACT SIZE: 43333.67 SQ FT

LEGAL DESCRIPTION: BEG 685.06W SEC R SE TH W115.77 N448.6 SELY 188.4 S300 TO BEG SEC 16 19 13, SOUTHERN ELMS ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS: 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 increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

STATEMENT OF HARDSHIP:

1. That the physical surroundings, shape, or topographic 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: RS-4 extends all the way to the fire station which is surrounded by businesses, leaving no allowed space for a display, even though the display will not be in direct line of sight of residential housing.

2. That the literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose: Although residential housing is close by, view of the display is either obstructed, or is facing away from their line of sight.

3. 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: This property is unique in its location in relation to the residential properties surrounding it.

4. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner: Following the zoning strictly there is no place on the property which allows the display to be placed, even though the display will not directly affect residential property.
5. That the variance to be granted is the minimum variance that will afford relief: The sign will be close to 200’ from the northwest RM property, and 110’ to the fire station / more than 200’ past it to the residential housing.

6. 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: Display will be seen from the road advertising car repair services.

7. 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: Display will not be in direct line of sight, residential properties will not be affected.

STAFF ANALYSIS:

Applicant is requesting to place a dynamic display sign approximately 110-feet from a Residential property.

Facts staff finds favorable for variance request:
- Dynamic Display sign has no place on the property where it can be placed.

Facts Staff find unfavorable for the variance request:
- Sign will be visible to the Residentially zoned fire station across the street. Firefighters do reside inside that building.

SAMPLE MOTION: Move to _________ (approve/deny) a Variance to permit a dynamic display sign within 200-feet of a Residential District (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
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: See attached page for illustration. On the west property line, the corner of the property line for the Residential lot is located 230’ from the center of 31st St., or 180’ to the edge of the 31st St. right of way (ROW). The proposed dynamic display sign should be no closer than 200’ to this corner, since this is the closest point of the residential lot.

Then, the fire station lot to the south is a also residential zoned lot. At this location, 31st St. has a 100’ wide ROW. That means the sign needs to be at least 100’ away from the south property line, or 150’ from the center of the street, to be at least 200’ from this residential lot.

It does not appear that there is any location on this lot that is not within 200’ of one of these residential districts. Your options would be to resubmit plans indicating the sign will not have a dynamic display, or you may seek a variance from the Board of Adjustment to allow a dynamic display sign to be located within 200’ of a residentially zoned lot.
TULSA PERMIT 01 SIGN ARTWORK

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CLIENT
Expedited Auto Repair

DATE
10/12/2022

LOCATION
4609 E. 31st St.
Tulsa, OK 74135

DESIGNER
MG

NOTES

APPROVAL

SIGN DETAILS

<table>
<thead>
<tr>
<th>Type</th>
<th>Monument Sign</th>
</tr>
</thead>
<tbody>
<tr>
<td>Materials</td>
<td>Acrylic / Aluminum</td>
</tr>
<tr>
<td>Overall Size</td>
<td>62&quot; x 86&quot;</td>
</tr>
<tr>
<td>Square Footage</td>
<td>34.44 sq. ft.</td>
</tr>
</tbody>
</table>

LOCATION

- Closest Street Name: E 31st Street
- Leading Edge to Middle: 70'
- Closest Intersection: 760'
- Distance to Residential: 185'
- Street Frontage: 128'
- LED to Curb: 20'
- Distance to RS-4: 110'

SIGN A

- MAIN ID 20" x 4'6" - 1.5" Retainers Internally Illuminated Cabinet
- Full Color LED Display 3'6" x 6'8"
- Genstone Rock Base
- 36" Centers
- 7'6" Height

CROWN NEON SIGNS

10101 E. 46TH PL TULSA, OK 74146
INFO@CROWNNEONSIGNS.COM
PH: 918-872-8425
WWW.CROWNNEONSIGNS.COM
Within 200’ of the corner of the R lot to the northwest, in the red circle, would be too close. And anything within 200’ of the R lot across the street, south of the green line, would be too close. Or, another way to look at it; the sign can't be any closer to the center of the street than 150’, and that puts you less than 200’ from the R lot to the NW. I just don't see that there is any area that isn't within 200’ of an R district. You could still go to the Board of Adjustment and ask for a variance for a sign within 200’ of an R district.
Property Search:
https://www.assessor.tulsacounty.org/assessor-property-search.php

General Information
- Account Number: R99316931623220
- Situs Address: 4609 E 31ST ST TULSA 74135
- Owner Name: ZAG HOLDINGS LLC
- Market Value: $275,000
- Last Year’s Taxes: $3,995.12

Tax Information
- Fair Cash Value: $275,000
- Taxable Value: $275,000
- Assessment Ratio: 11%
- Gross Assessed: $30,250
- Exemptions: $0
- Net Assessed: $30,250
- Tax Rate: $1.5
- Estimated Taxes: $3,941

Values
- 2020: $216,700
- 2021: $216,700
- 2022: $216,700
- Improvement Value: $58,300
- Fair Cash (Market) Value: $275,000

Exemptions
- Homestead: -
- Additional Homestead: -
- Senior Valuation Freeze: -
- Veteran: -

Improvements
- Imp #: 1/00
- Property Type: Commercial
- Livable: 3.120 SF
- Stories: 2.00
- Foundation: -
- Exterior: 0.00
- Roof: -
- Bath: -
- HVAC: 0.00
- Fire and Cool Air Zone: -

Recent Sales
- Sale Date: 6/7/2021
  - Grantor: BACKYARD GROWERS LLC
  - Grantee: ZAG HOLDINGS LLC
  - Sale Price: $425,000
  - Doc Type: General Warranty Deed
  - Book/Page/Doc #: 20210608B01
- Sale Date: 12/13/2019
  - Grantor: ALLEN FAMILY LIMITED PARTNERSHIP
  - Grantee: BACKYARD GROWERS LLC
  - Sale Price: $275,000
  - Doc Type: Special Warranty Deed
  - Book/Page/Doc #: 2019116414
- Sale Date: 9/14/2012
  - Grantor: DB CORP
  - Grantee: ALLEN FAMILY LTD.
  - Sale Price: $95,000
  - Doc Type: History
  - Book/Page/Doc #: 20000509B2

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Zoning Maps: Zone Code [CS]
http://www.incog.org/Mapping_GIS_Resources/mapping_map_index.html

03 Property Info

TULSA PERMIT

http://www.incog.org/Mapping_GIS_Resources/mapping_map_index.html

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