



**CITY OF**  
**Tulsa**  
**Board of Adjustment**

**Case Number: BOA-23512**

**Hearing Date: 04/11/2023 1:00 PM**

**Case Report Prepared by:**

Austin Chapman

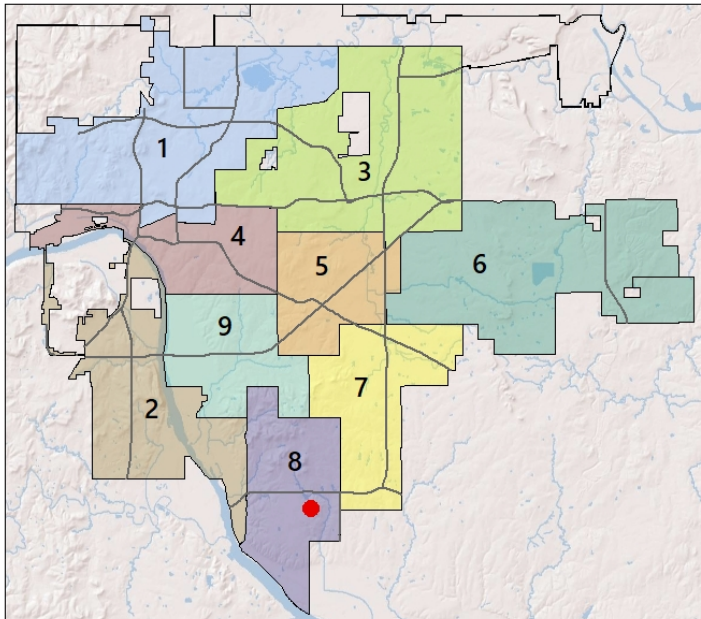
**Owner and Applicant Information:**

**Applicant: John Anderson**

**Property Owner: FTL-95 LP**

**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: 2.62 acres**

**Location: 10032 S. Sheridan Rd.**

**Present Zoning: CS**





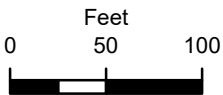




S NORWOOD AVE

S SHERIDAN RD

E 101ST ST S



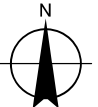
Subject Tract

**BOA-23512**

18-13 22

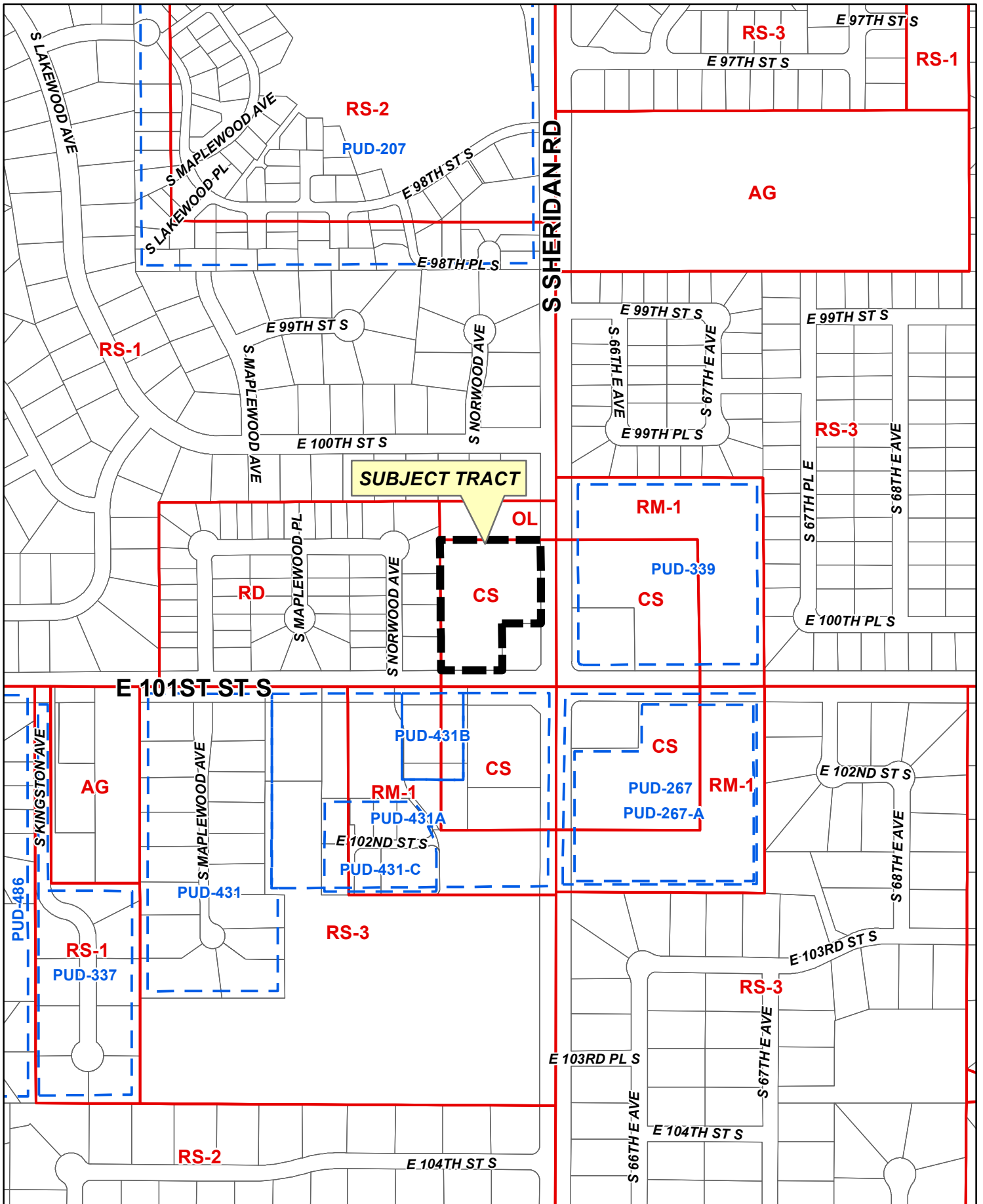
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2020/2021



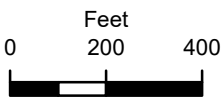
5.3



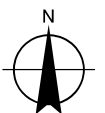


**SUBJECT TRACT**

**BOA-23512**



18-13 22





# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 8322

**Case Number:** BOA-23512

**CD:** 8

**HEARING DATE:** 04/11/2023 1:00 PM

**APPLICANT:** John Anderson

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

**LOCATION:** 10032 S SHERIDAN RD E

**ZONED:** CS

**PRESENT USE:** Commercial

**TRACT SIZE:** 114271.42 SQ FT

**LEGAL DESCRIPTION:** PRT LT 17 BEG SWC TH N417 E319 S267 W125 S150 W194 POB BLK 2, SUN MEADOW V 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 "Neighborhood Center" and an "Area of Growth".

**Neighborhood Centers** are small-scale, one to three story mixed-use areas intended to serve nearby neighborhoods with retail, dining, and services. They can include apartments, condominiums, and townhouses, with small lot single family homes at the edges. These are pedestrian-oriented places served by transit, and visitors who drive can park once and walk to number of destinations.

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 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: Existing signpost cannot be relocated.*
- 2. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose: Existing sign post was permitted and now sites at 66-feet from street center.*
- 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: Existing sign post cannot be moved and additional 14-feet East.*
- 4. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner: Existing sign was previously approved.*
- 5. That the variance to be granted is the minimum variance that will afford relief: Rule: 200 feet from residential need: 186-feet approval.*



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: **Additional signage does not negatively effect neighborhood.**

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: **Additional LED sign has automatic dimming.**

**STAFF ANALYSIS:** Applicant is requesting Variance to permit a dynamic display sign within 200-feet of a Residential District (Sec.60.100-F)

**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.

**Facts staff finds favorable for variance request:**

- None.

**Facts Staff find unfavorable for the variance request:**

- The applicant should provide a statement explaining what physical surroundings, shape, or topographical conditions of the subject property would prevent moving the signpost.
- Sign will be visible from the abutting residential properties.

**Other Staff comments:** There is note form the permit Center that sign is inside an easement, that comment was placed in err and is being removed.

**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 sign to be converted to Dynamic Display**



# EXISTING SIGNS - Square Footage

## 285 Sq Ft Total

N.T.S.



DEVELOPMENT SERVICES  
175 E 2ND ST., STE 405  
TULSA, OK 74103  
918-596-9456

### CITY OF TULSA CORRECTIONS SUMMARY

SIGN-133314-2022 (10032 E SHERIDAN RD S Tulsa Tulsa, OK 74137) 133314 PLANS\_v1.pdf Markup Summary #1

#### Area Measurement (2)

	Subject: Area Measurement Page Label: 1 Status: Author: DWhiteman Date: 11/18/2022 2:17:06 PM Color: ■	63 sf
	Subject: Area Measurement Page Label: 1 Status: Author: DWhiteman Date: 11/18/2022 2:17:13 PM Color: ■	33 sf

#### Length Measurement (1)

	Subject: Length Measurement Page Label: 1 Status: Author: DWhiteman Date: 11/18/2022 2:16:52 PM Color: ■	4'-5"
--	---	-------

#### Sign Review (2)

	Subject: Sign Review Page Label: 3 Status: Author: DWhiteman Date: 11/18/2022 2:57:40 PM Color: ■	Section 60.110-A, Administration. Any person proposing to erect any sign requiring a sign permit must submit a sign permit application to the development administrator. Applications for such permit must be accompanied by detailed plans, including scaled drawings of the proposed sign, a detailed site plan and other information deemed necessary by the development administrator to determine compliance with applicable regulations.
		✓ Review Comment: Please provide dimensions and display areas for all freestanding signs on this lot. This includes the existing signage remaining unchanged on this pole, and the Little J's coffee and bakeshop sign.
		The zoning review will resume once these revised plans are submitted.

This constitutes a Plan Review to date in response to the information submitted with and after 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 client. Any code items not reviewed are still in force, and it shall be the responsibility of the owner and design professional(s) to ensure that all code requirements are satisfied.

5.8



CUSTOMER: BLUESTONE STEAKHOUSE

DESCRIPTION: SITE and MARK-UPS

10032 S SHERIDAN RD

SCALE: NTS

APPROVED BY:  
x

REV: A  
CHECKED BY: x

DRAWN BY: TH  
SHT: 0  
PAGE: 1 of 5

# MONUMENT SIGN - Location

N.T.S.



DEVELOPMENT SERVICES  
175 E 2ND ST., STE 405  
TULSA, OK 74103  
918-596-9456

## CITY OF TULSA CORRECTIONS SUMMARY



Subject: Sign Review  
Page Label: 3  
Status:  
Author: DWhiteman  
Date: 11/28/2022 4:45:55 PM  
Color: ■

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 Comment: This sign appears to be within 200' of the west property line, which abuts a residential zoned district. Dynamic display signs cannot be located within 200' of R zoned districts.

186' just 14' short. 8 ft fence and tree. LED has Brightness controls to prevent LEDs from being over-driven by power and brightness, which leads to pre-mature failure. Unlike others, we warranty for 5-years, that means it costs us.

### WSD Comment (1)



Subject: WSD Comment  
Page Label: 3  
Status:  
Author: Mike Henley  
Date: 11/29/2022 10:24:31 AM  
Color: ■

Minimum sign setback from center of 101st is 75' to the outside leading edge of the proposed sign. (50' ROW + 25' Easement.) If construction is to remain occupying area of dedicated easement, you must first:  
a. Obtain permission from the City of Tulsa for an encroachment agreement and/or easement closure. This process takes a minimum of about 6 weeks, as the proposal must be approved by the Mayor.  
b. To begin, please contact the Utility coordinator (link below), at Engineering services, City of Tulsa, to discuss the process required to obtain approval to construct within U/E.  
<https://www.cityoftulsa.org/government/department-s/engineering-services/right-of-way-easement-and-encroachment-closures/>

Where would a past agreement be found for the existing sign? Previous variance or Rule change?

Note: If you already have an agreement to encroach on an easement for this location, please provide it with revised plans.

Seems the rule should not apply to existing, since no modification to the pole position or width of the existing signs.

This constitutes a Plan Review to date in response to the information submitted with and after 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 client. Any code items not reviewed are still in force, and it shall be the responsibility of the owner and design professional(s) to ensure that all code requirements are satisfied.

5.9



CUSTOMER: BLUESTONE STEAKHOUSE

DESCRIPTION: SITE and MARK-UPS

10032 S SHERIDAN RD

SCALE: NTS

APPROVED BY:  
x

REV: A  
CHECKED BY: x

DRAWN BY: TH  
SHT: 11/01/22  
PAGE: 0  
2 of 5



**SITE FRONTAGE**

**N.T.S.**



**190 + 265 = 455 Lineal Feet Frontage**

**5.10**



CUSTOMER: BLUESTONE STEAKHOUSE

DESCRIPTION: SIGN FRONTAGE TOTALS

10032 S SHERIDAN RD

SCALE: NTS

APPROVED BY:  
x

REV:  
A

CHECKED BY:  
x

DRAWN BY:  
TH 11/01/22

SHT:  
0

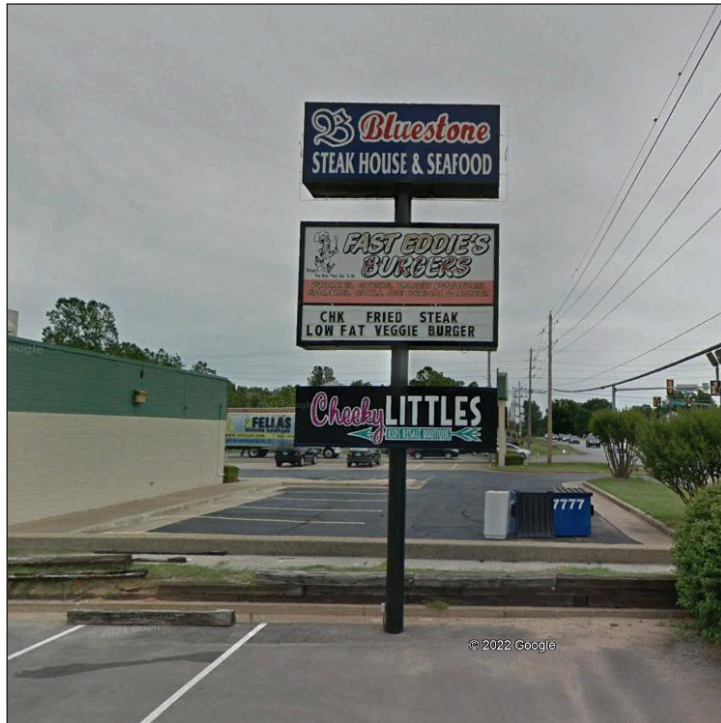
PAGE:  
3 of 5

## EXISTING AND UPGRADE

N.T.S.

### SCOPE OF WORK

- Remove the existing "Bluestone Steakhouse & Seafood" sign
- Add a 5ft Extension to the pole
- Install LED Sign, Endcap and bottom trim
- Reinstall "Bluestone Steakhouse & Seafood" sign



5.11



CUSTOMER: BLUESTONE STEAKHOUSE

DESCRIPTION: PLAN SHOWING THE EXISTING SIGN STRUCTURE AND THE CHANGES TO BE MADE

10032 S SHERIDAN RD

SCALE: NTS

APPROVED BY:  
x

REV: A  
CHECKED BY: x

DRAWN BY: TH  
SHT: 0  
PAGE: 4 of 5  
11/01/22



# SIGN DETAIL

N.T.S.

## SCOPE OF WORK

- Remove the existing "Bluestone Steakhouse & Seafood" sign
- Add a 5ft Extension to the pole
- Install LED Sign, Endcap and bottom trim
- Reinstall "Bluestone Steakhouse & Seafood" sign

Our LED signs are warranted and maintained by us with a 5-Year Parts and labor warranty. Overdriving the LEDs will cause premature failure, and costly repairs. All are equipped with automatic dimmers and timers to adjust the ambient light within the spec of local codes and regulations.

**CURRENT SIGN 110-3/8" X 49-1/16"**  
37.50 SQ FT

**FINISHED SIZE 110-3/8" X 99-3/8"**  
76.18 SQ FT



CUSTOMER: BLUESTONE STEAKHOUSE

10032 S SHERIDAN RD

APPROVED BY:  
x

DESCRIPTION: PLAN SHOWING THE EXISTING SIGN CAN AND THE LED SIGN WITH TRIM ADDED

SCALE: NTS

REV: A CHECKED BY: x

DRAWN BY: TH 11/01/22 SHT: 0 PAGE: 5 of 5