



CITY OF Tulsa

Board of Adjustment

Case Number: B0A-23548

Hearing Date: 09/12/2023 (Cont. from 08/22/23)

Case Report Prepared by:

Austin Chapman

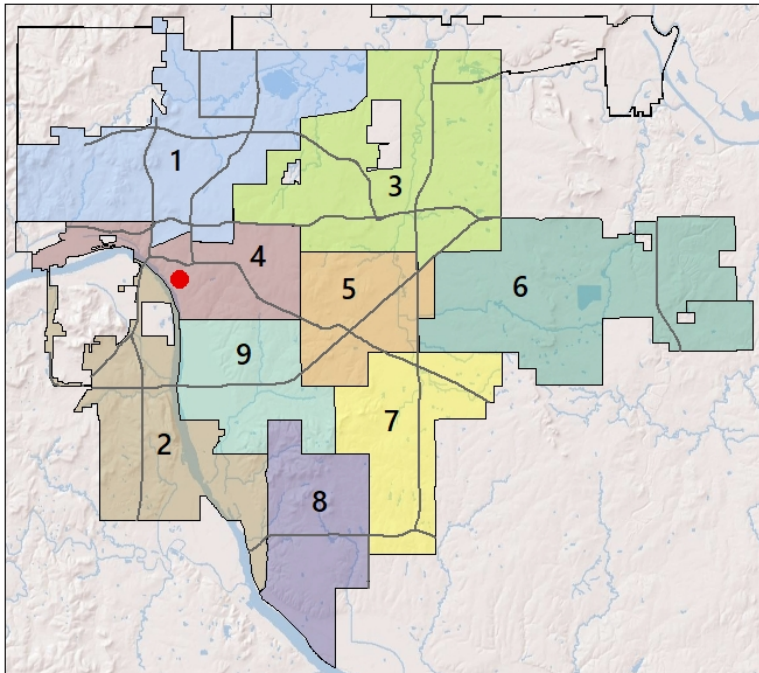
Owner and Applicant Information:

Applicant: Joseph L. Hull IV

Property Owner: Boston Avenue Realty LLC

Action Requested: Variance to increase the permitted size of Temporary Mobile Storage Units on a non-residential lot(Sec. 50.030-F.2.C)

Location Map:



Additional Information:

Present Use: Parking Lot

Tract Size: 0.15 acres

Location: 35 E. 18 St. S.

Present Zoning: CH



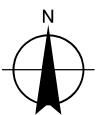
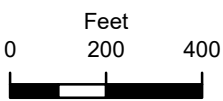
SUBJECT TRACT

BOA-23548

19-12 12

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

Aerial Photo Date: 2023



1.2



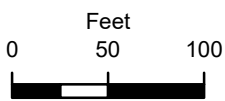
SUBJECT TRACT

S BALTIMORE AVE

S BOSTON AVE

E 18TH ST S

S BALTIMORE AVE



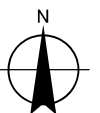
Subject Tract

BOA-23548

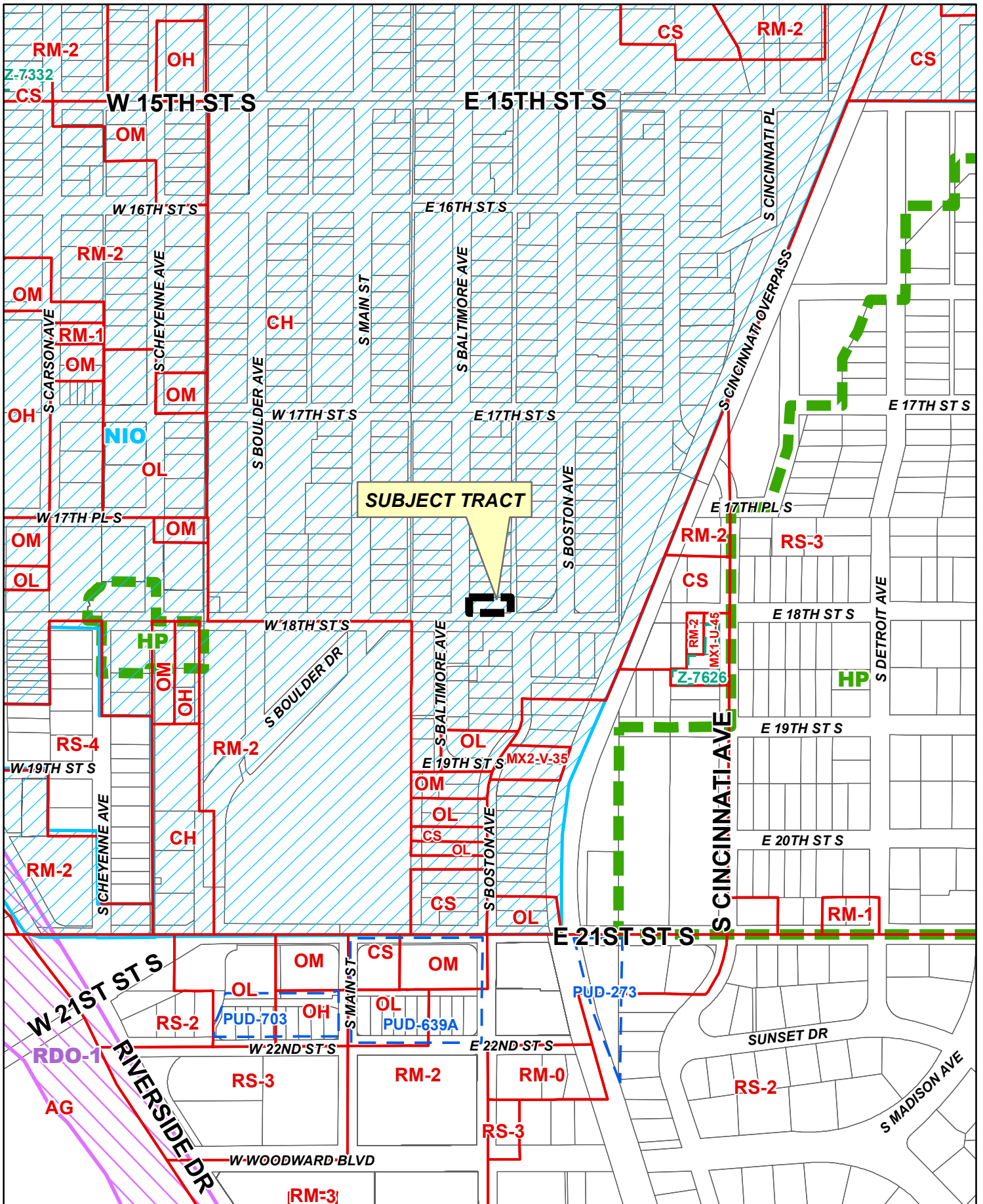
19-12 12

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

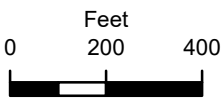
Aerial Photo Date: 2023



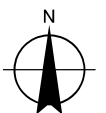
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BOA-23548



19-12 12



BOARD OF ADJUSTMENT CASE REPORT

STR: 9212

Case Number: BOA-23548

CD: 4

HEARING DATE: 09/12/2023 (Cont. from 08/22/23)

APPLICANT: Joseph L. Hull IV

ACTION REQUESTED: Variance to increase the permitted size of Temporary Mobile Storage Units on a non-residential lot(Sec. 50.030-F.2.C)

LOCATION: 35 E 18 ST S

ZONED: CH

PRESENT USE: Parking Lot

TRACT SIZE: 6499.18 SQ FT

LEGAL DESCRIPTION: LT 7 BK 2, STUTSMAN 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 "Multiple Use" Land Use designation.

Multiple Use areas are "Mostly Commercial or Retail Uses" which include restaurants, shops, services, and smaller format employment uses. This land use designation is most common in areas of the city from earlier development patterns, with Local Centers being more commonplace in newer parts of the city. For single properties that are commercial but surrounded by Neighborhood, Multiple Use is the preferred designation.

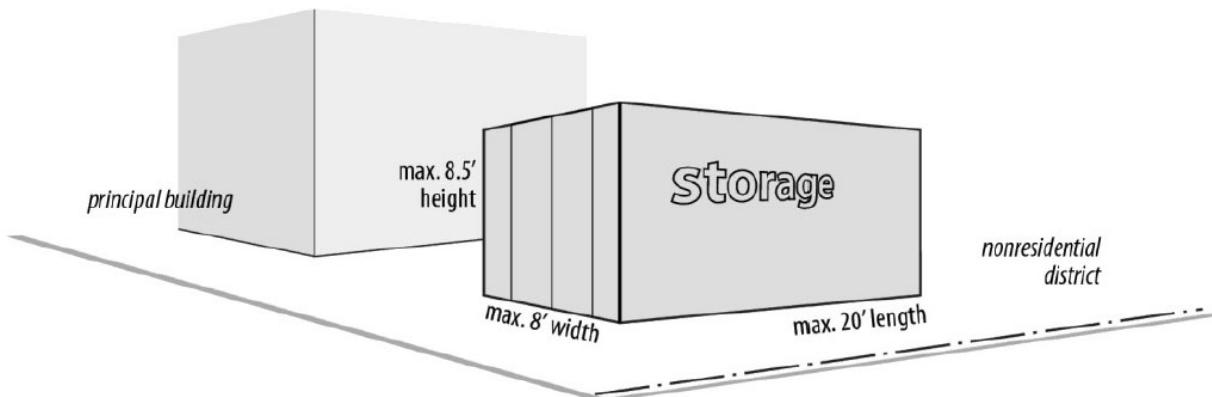
STATEMENT OF HARDSHIP:

Applicant has provided a separate exhibit included in you packet describing their hardship.

STAFF ANALYSIS: The applicant is requesting a Variance to increase the permitted size of Temporary Mobile Storage Units on a non-residential lot(Sec. 50.030-F.2.C):

- c.** Temporary mobile storage units may not exceed 20 feet in length, 8 feet in width, and 8.5 feet in height. See [Figure 50-2](#).

Figure 50-2: Maximum Mobile Storage Unit Size in Nonresidential Districts



The applicant is requesting permission to allow 2 storage units that are both 8-feet wide and 40-feet long.

Facts staff finds favorable for variance request:

- None.

Facts Staff find unfavorable for the variance request:

- The property would be allowed 3 storage units at a size of 20-feet x 8-feet by right. The applicant has not provided reasons why that would not be adequate toward the needs of the property owner.

SAMPLE MOTION: Move to _____ (approve/deny) a Variance to increase the permitted size of Temporary Mobile Storage Units on a non-residential lot (Sec. 50.030-F.2.C)

- 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."

Permit Number: TMH-148583-2023

[Permit Details](#) | [Tab Elements](#) | [Main Menu](#)

Type:	Manufactured/Mobile Temp Use: Commercial	Status:	In Review	Project Name:	
IVR Number:	249396	Applied Date:	05/10/2023	Issue Date:	
District:	Council District 4	Assigned To:		Expire Date:	
Finalized Date:					
Description:	40' shipping container will be used for temporary storage and office space for adjacent food truck business.				

Temporary Use Review

Submittal Status	Received Date	Due Date	Completed Date
Requires Re-submit	05/15/2023	06/28/2023	06/02/2023

❗ Planning/Zoning • Requires Re-submit • Bush Jeff • Completed : 05/25/2023

Due Date	Completed Date
06/28/2023	05/25/2023

Comment

Exceeds length. Marked plan 5/25/23

HARDSHIPS

In Feb 2022, the largest unit within the shopping center (1738 S Boston Ave) was destroyed in a fire. Proposed variance will allow for the efficient construction process that will significantly expand the shopping center's gross area leading to substantial increases in annual gross taxable revenues. The expansion of the gross area is a requirement for the feasibility of the project due to the current market and cost of construction conditions.

The adjacent shopping center will be undergoing a \$5.9MM re-development beginning in July 2023, with material procurement beginning immediately requiring storage. . Applicant is the owner of the surrounding and adjacent shopping center properties at 1734,1738,1740,1742 S Boston, 1735-1739 S Baltimore, and 39 E 18th, and as such has no objection to the variance(s) sought.

In January 2023 applicant/owner/developer demolished the derelict improvements atop the subject real estate at 35 E 18th St., with the purpose that the lot be used as a construction staging and storage site, in preparation for adjacent shopping center re-development project.

The proposed variance(s) in 50.030-f.2c (a-g) will allow for the temporary use of 35 E 18th for construction staging and storage during the 9-14 month construction period. The primary purpose of the proposed variances sought by applicant would to allow for the temporary use of (2) 40' shipping containers, to be situated at the NE corner of 6,500 SF asphalt parking lot at 35 East 18th Street. The 40' containers will be occupied within footprint left by the former 35 E

18th building, at the North and East perimeter walls. Approval of the proposed variance will help applicant surmount practical difficulties related to the volume and size requirements of the construction materials that will need to be stored in close proximity to the construction site.

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;

The physical surroundings of the subject 35 East 18th Street lot make it a part of an assemblage of properties that compose the 18th and Boston Ave shopping center, and is the only lot suitable for the dual use of construction storage and close proximity storage for operating restaurants that will be effected during new construction and shopping center renovation.

2. That the literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;

The intended purpose of 50.030-f.2c (a-g) collectively is to limit the size and term of use of temporary manufactured storage buildings in residential and commercial zones. The subject property is CH zoned, and is located in a historic business district that is undergoing historic levels of investment and re-development. The variance would allow for the proper storage of several large construction components within close proximity to the construction site, which can be achieved without the need for enforcement of the stated provisions.

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;

The mixed purpose of the variance(s) requested are 2-fold, 1) to act as storage for contractors during construction on adjacent 1738 S Boston Ave lot, 2) to act as storage for the operating businesses that will be effected by shopping center construction and renovations, which is a unique when compared to existing completed properties within the same zoning classification.

4. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;

The hardship was not intentionally created by owner.

5. That the variance to be granted is the minimum variance that will afford relief;

Affirmed.

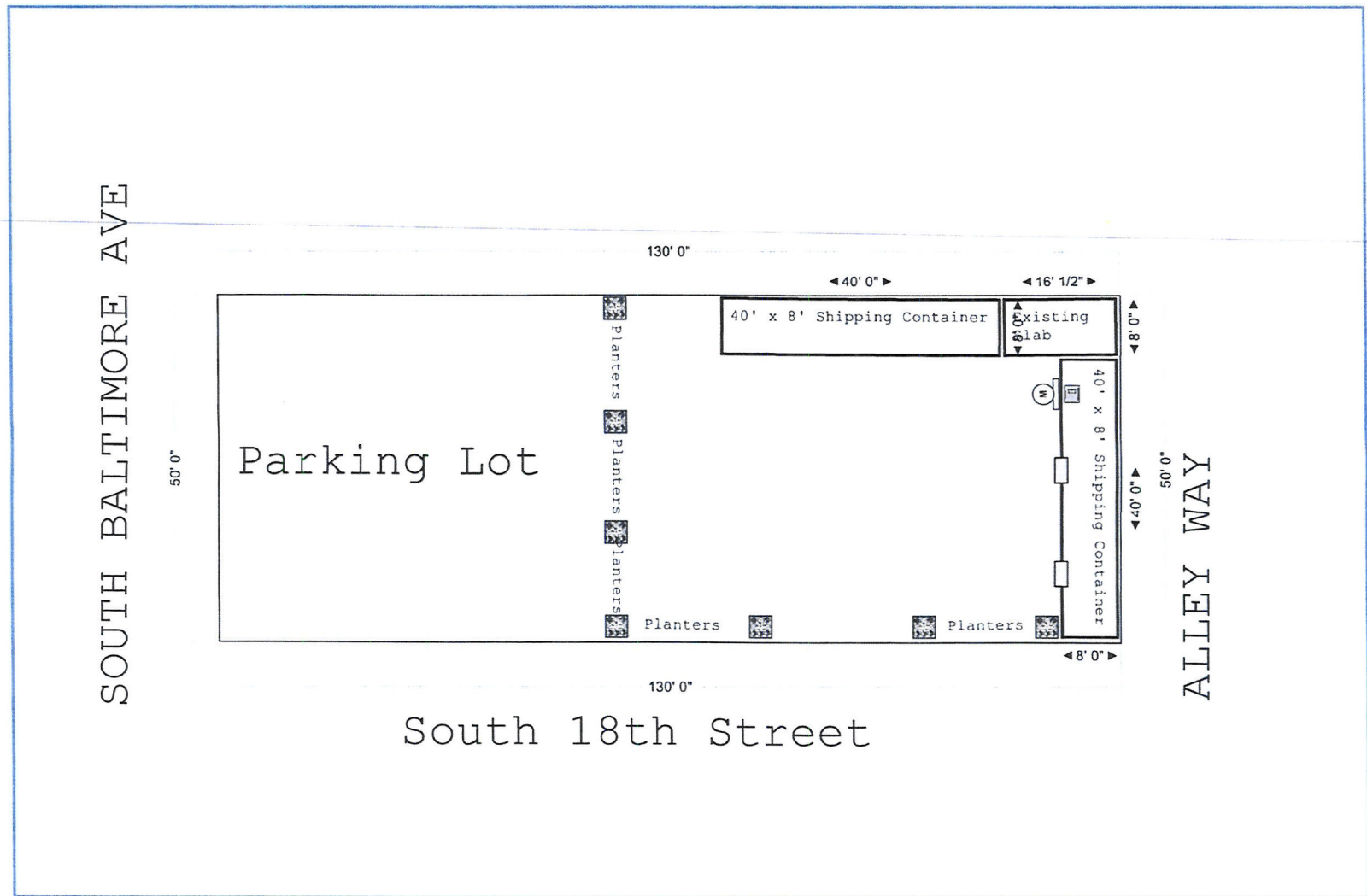
6. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property;
and

Affirmed. The temporary variance to be granted will only serve to facilitate the restoration of the essential character of adjacent historic fire ravaged property while enabling the efficient

operation of the existing businesses during the re-development of the shopping center as a whole.

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.

Affirmed.



Name:	35 East 18th Street	DATE:	5/10/23	Permit #:		Notes: Shipping Container(s) will be used be adjacent restaurant for storage	Boston Avenue Realty, LLC 1717 S Cheyenne Ave Tulsa, OK 74119 918.582.8252
Cat:	(Commercial) Temp Manufactured Storage Building	Scale:	1/32:1	Rev:	A		

Markups

Text	Added By	Page
<p>50.030-F.2.a- Temporary mobile storage units are permitted for a period not to exceed a total of 90 days within any calendar year unless a valid building or construction permit is in place for the subject property, in which case the temporary mobile storage unit may remain in place for a maximum of 180 days or until the permit expires, whichever occurs first. If the principal building on the subject lot has been damaged by natural disaster act of God, the development administrator is authorized to grant time extensions of otherwise applicable temporary mobile storage unit time limits. Review Comment: Temporary mobile storage unit not to exceed 180 days.</p>	Jeffrey Bush	1
<p>50.030-F.2.c. Temporary mobile storage units may not exceed 20 feet in length, 8 feet in width, and 8.5 feet in height. See Figure 50-2. Review Comment: Please submit plans indicating storage units no longer than 20' in length.</p>	Jeffrey Bush	1

1738 SOUTH BOSTON AVENUE
 BOSTON, MASSACHUSETTS 02111

DATE	DESCRIPTION	BY
01/15/2018	CONSTRUCTION DRAWINGS	AS-001
01/15/2018	ARCHITECTURAL SITE PLAN AND DETAILS	AS-001
01/15/2018	ENLARGED SITE PLAN @ MASONRY PLANTERS	A1
01/15/2018	ARCHITECTURAL SITE PLAN	A4
01/15/2018	SITE SECTION DETAIL @ ENTRY RAILING	A7

LILLY ARCHITECTS
 BOSTON DESIGN BY WSP |



CONSTRUCTION DRAWINGS

DATE	DESCRIPTION	BY
2017.04.11	CONSTRUCTION DRAWINGS	20108
2017.04.11	ARCHITECTURAL SITE PLAN AND DETAILS	AS-001
2017.04.11	ENLARGED SITE PLAN @ MASONRY PLANTERS	A1
2017.04.11	ARCHITECTURAL SITE PLAN	A4
2017.04.11	SITE SECTION DETAIL @ ENTRY RAILING	A7

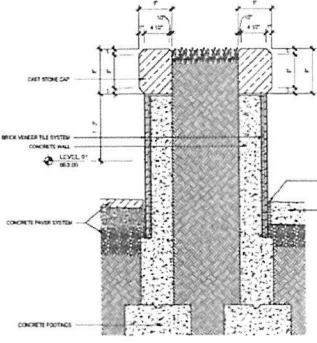
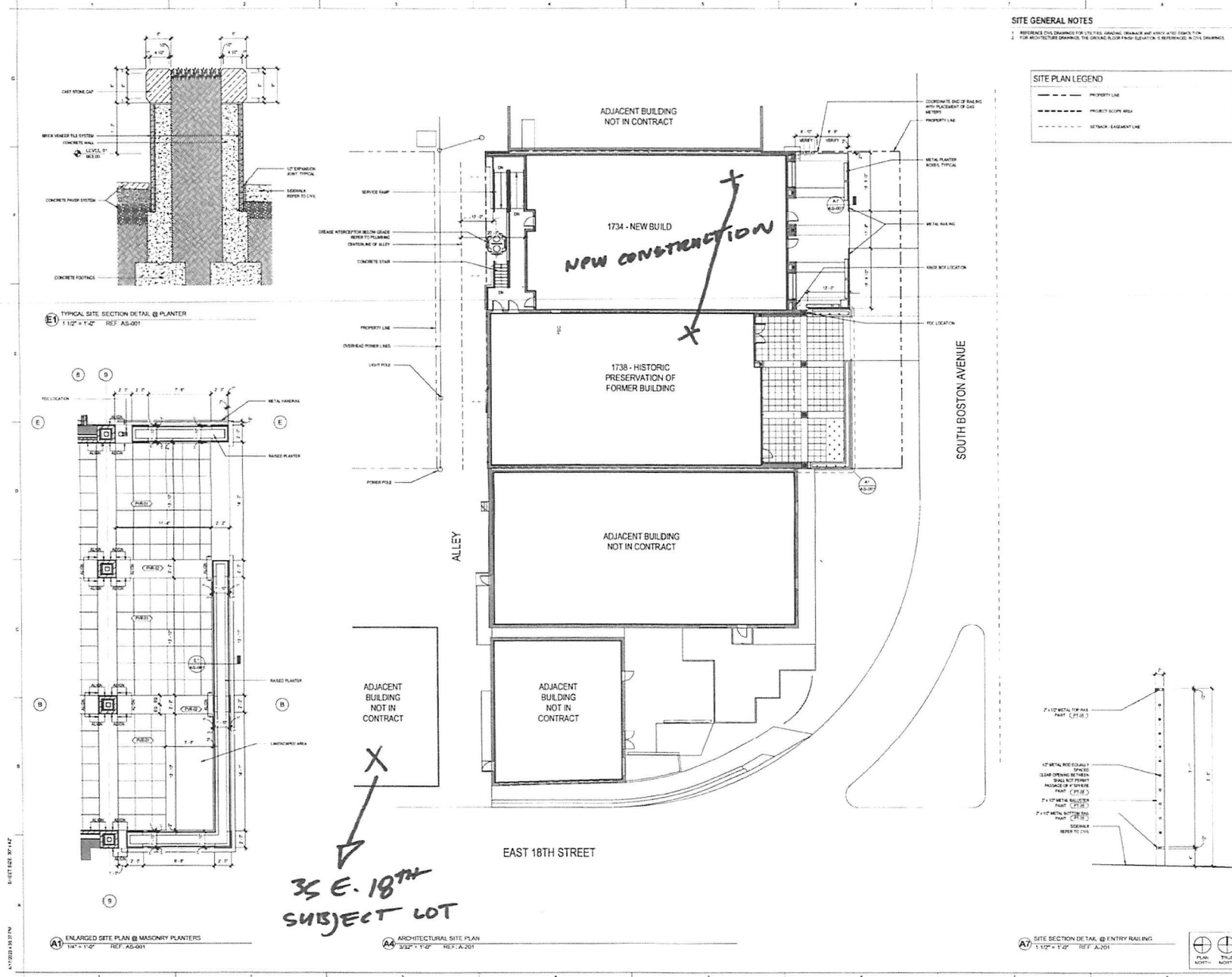
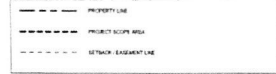
ARCHITECTURAL SITE PLAN AND DETAILS

AS-001

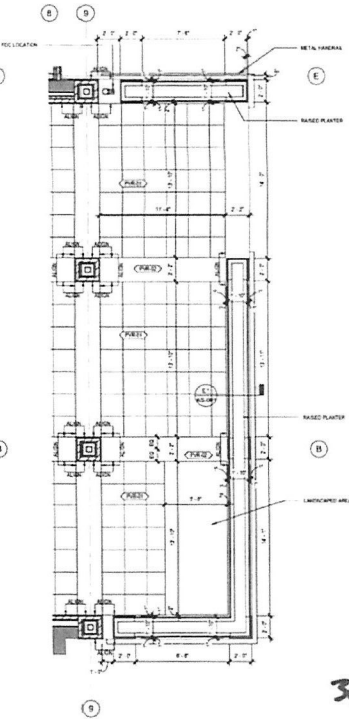
SITE GENERAL NOTES

- REFERENCE CIVIL DRAWINGS FOR SITE UTILS, GRADING, FINISHES AND ADJACENT EXISTING TOWN.
- FOR ARCHITECTURE DRAWINGS THE GRADING FLOOR FINISH ELEVATION IS REFERENCED TO CITY DRAINAGE.

SITE PLAN LEGEND



TYPICAL SITE SECTION DETAIL @ PLANTER
 1/2" = 1'-0" REF: AS-001



ENLARGED SITE PLAN @ MASONRY PLANTERS
 1/4" = 1'-0" REF: AS-001

ARCHITECTURAL SITE PLAN
 3/32" = 1'-0" REF: A-201

SITE SECTION DETAIL @ ENTRY RAILING
 1/2" = 1'-0" REF: A-201



SHEET SIZE 30" x 42"

**35 E. 18TH
 SUBJECT LOT**

From: [Joseph L. Hull, III](#)
To: [Chapman, Austin](#)
Cc: [Joseph Hull](#)
Subject: Application for Variance of Boston Avenue Realty, LLC set for hearing July 11, 1:00 PM
Date: Monday, July 10, 2023 4:56:47 PM

Mr. Chapman: Please be advised that the captioned application, which involves the placement of storage containers at 35 East 18th, needs to be continued to the next BOA meeting in August. The wind storm of June 18th, 2023, actually blew one of the containers strapped with chains to the top of the other one into one of the restaurants at 39 East 18th, resulting in the need to rethink the basis for the application.

Please note this request and advise if I still need to be present for the hearing tomorrow to seek this continuance, or if the request can be confirmed by a responsive email.

I will await your advice. Thanks

Joseph L. Hull, III



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