<table>
<thead>
<tr>
<th><strong>Case Number:</strong></th>
<th>BOA-23548</th>
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<tbody>
<tr>
<td><strong>Hearing Date:</strong></td>
<td>07/11/2023 1:00 PM</td>
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<td><strong>Case Report Prepared by:</strong></td>
<td>Austin Chapman</td>
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<tr>
<td><strong>Owner and Applicant Information:</strong></td>
<td></td>
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<tr>
<td><strong>Applicant:</strong></td>
<td>Joseph L. Hull IV</td>
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<tr>
<td><strong>Property Owner:</strong></td>
<td>Boston Avenue Realty LLC</td>
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<td><strong>Action Requested:</strong></td>
<td>Variance to increase the permitted size of Temporary Mobile Storage Units on a non-residential lot (Sec. 50.030-F.2.C)</td>
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<td><strong>Location Map:</strong></td>
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<td><strong>Additional Information:</strong></td>
<td></td>
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<tr>
<td><strong>Present Use:</strong></td>
<td>Parking Lot</td>
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<tr>
<td><strong>Tract Size:</strong></td>
<td>0.15 acres</td>
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<td><strong>Location:</strong></td>
<td>35 E. 18 St. S.</td>
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<td><strong>Present Zoning:</strong></td>
<td>CH</td>
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BOA-23548

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

Aerial Photo Date: 2023

Subject Tract

19-12 12

9.2
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9212  
CD: 4  
HEARING DATE: 07/11/2023 1:00 PM  

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):  

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.***
Subject Property
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;

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.
Parking Lot

South 18th Street

Name: 35 East 18th Street
Date: 5/10/23
Cat: (Commercial) Temp Manufactured Storage Building
Scale: 1/32:1
Rev: A

Notes: Shipping Container(s) will be used for storage.

Boston Avenue Realty, LLC
1717 S Cheyenne Ave
Tulsa, OK 74119
918.592.8252

9.11
<table>
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<tr>
<th>Text</th>
<th>Added By</th>
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<tbody>
<tr>
<td>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.</td>
<td>Jeffrey Bush</td>
<td>1</td>
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<td>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.</td>
<td>Jeffrey Bush</td>
<td>1</td>
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