



CITY OF Tulsa

Board of Adjustment

Case Number: BOA-23583

Hearing Date: 10/10/2023 1:00 PM

Case Report Prepared by:

Austin Chapman

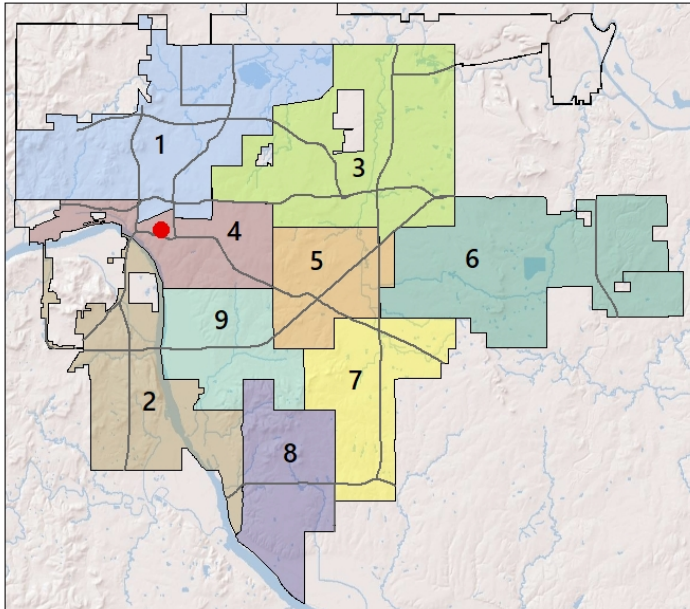
Owner and Applicant Information:

Applicant: Conner Van Holten

Property Owner: Tayburn Music Building LLC

Action Requested: ~~Variance to increase the permitted display area for wall signs in the Central Business District (Sec. 60.080-B.1);~~ Variance to permit a Dynamic Display sign to exceed 48 square feet (Sec. 60.080-E); Variance to permit a dynamic display sign within 50-feet of a signalized intersection (Sec. 60.100-D)

Location Map:



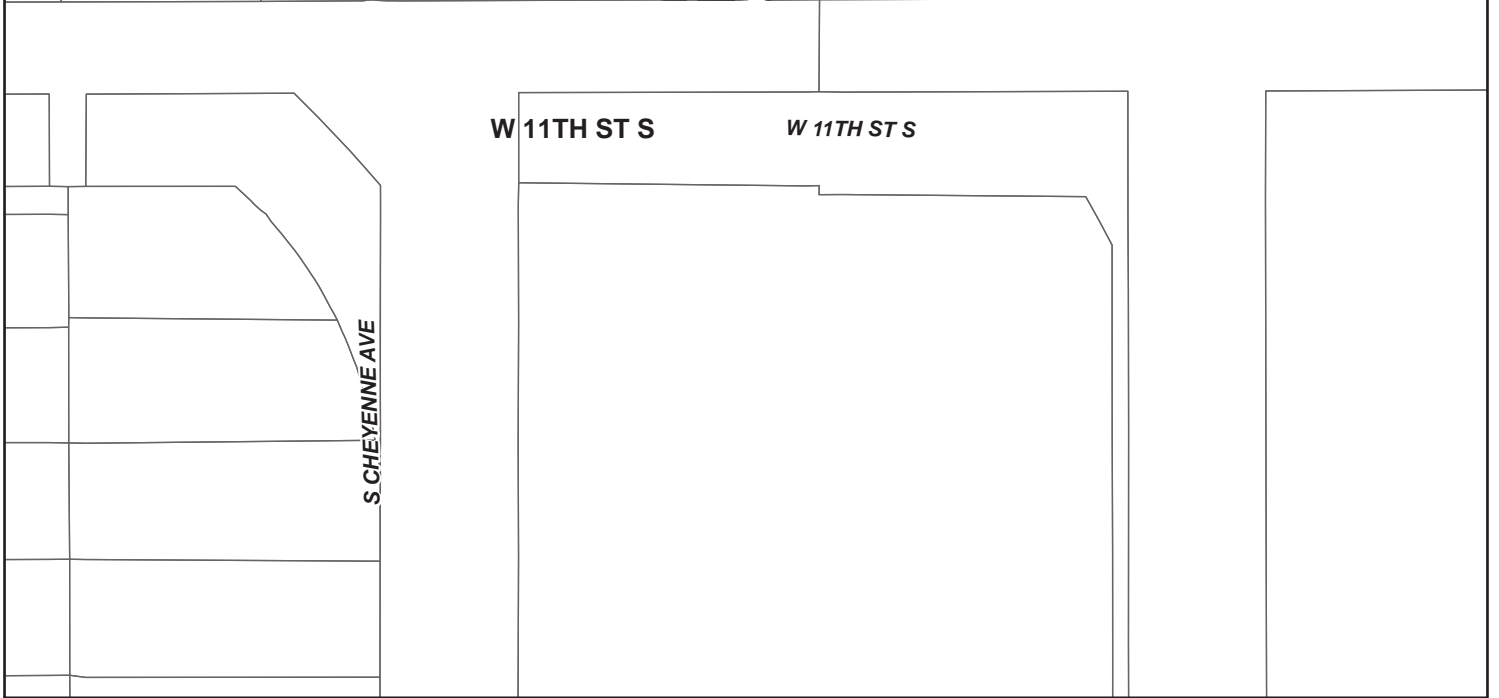
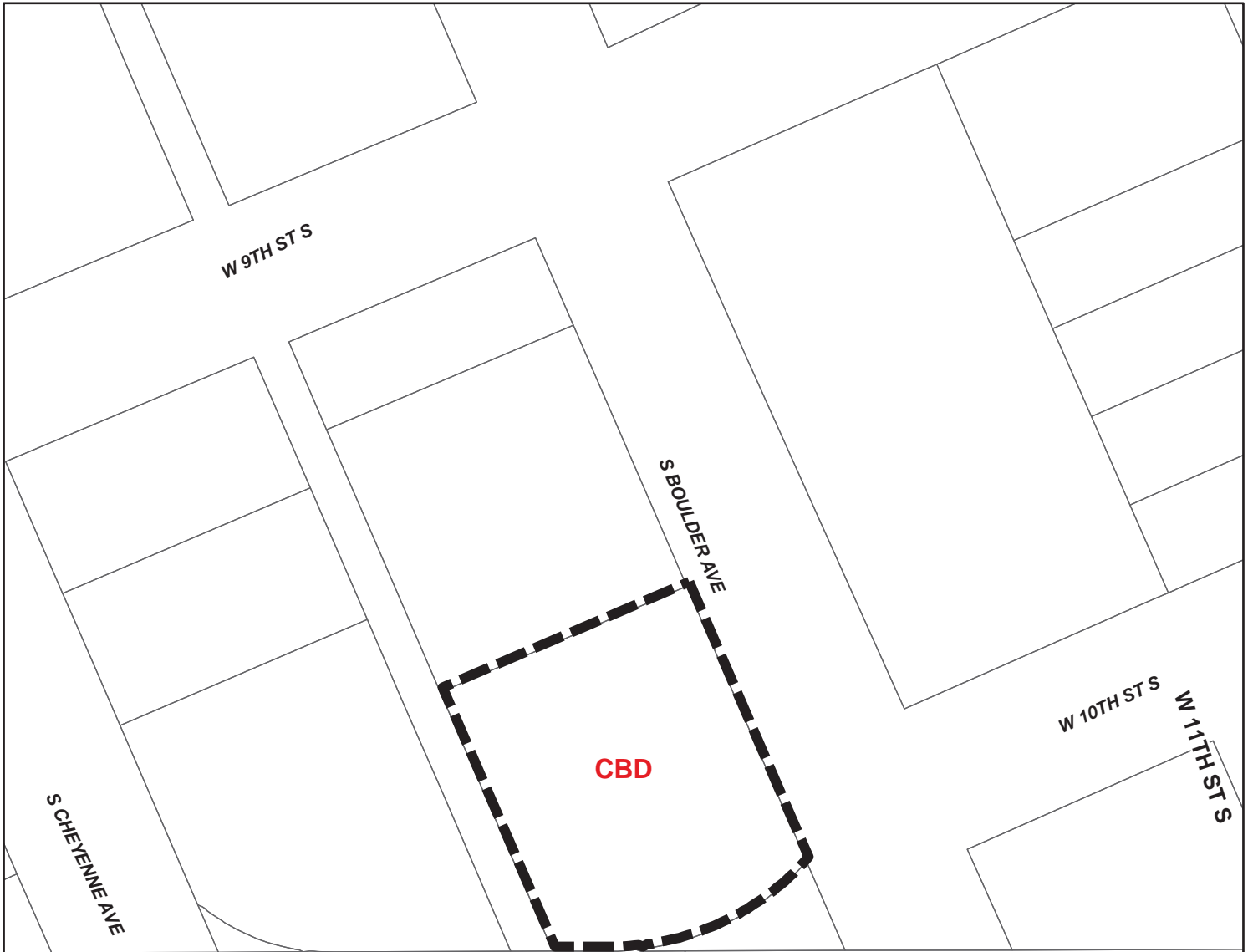
Additional Information:

Present Use: Event Center

Tract Size: 0.5 acres

Location: 924 S. Boulder Ave.

Present Zoning: CBD



BOA-23579



*Subject
Tract*

7.2





W 9TH ST S

S BOULDER AVE

W 10TH ST S

W 14TH ST S

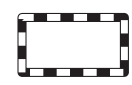
S CHEYENNE AVE

W 11TH ST S

W 11TH ST S

S CHEYENNE AVE

BOA-23579



Subject
Tract

7.3



**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9212

Case Number: **BOA-23583**

CD: 4

HEARING DATE: 10/10/2023 1:00 PM

APPLICANT: Conner Van Holten

ACTION REQUESTED: Variance to permit a Dynamic Display sign to exceed 48 square feet (Sec. 60.080-E);
Variance to permit a dynamic display sign within 50-feet of a signalized intersection (Sec. 60.100-D)

LOCATION: 924 S. Boulder Ave.

ZONED: CBD

PRESENT USE: Church

TRACT SIZE: 21980.47 SQ FT

LEGAL DESCRIPTION: LTS 3 & 4 LESS ST BLK 192, TULSA-ORIGINAL TOWN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-23526; On 04.06.23 the Board approved a Special Exception to allow a Large (Greater than 250 person-capacity) Commercial Assembly & Entertainment Use in the Central Business District (CBD) (Sec.15.020, Table 15-2).

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of the Downtown Land Use Designation.

The area within the Inner Dispersal Loop (IDL) highway is generally understood to be the downtown area of Tulsa. This area has fewer development limitations than most areas of the city, and a high density of employment, residential, mixed-use, commercial, retail, and institutional uses. Land uses and transportation infrastructure in this area should be primarily pedestrian-oriented, with parking either on street, behind buildings, or in structured parking garages.

STATEMENT OF HARDSHIP: See attached exhibit titled "Hardship".

STAFF ANALYSIS: The applicant is seeking a Variance to permit a Dynamic Display sign to exceed 48 square feet (Sec. 60.080-E) and a Variance to permit a dynamic display sign within 50-feet of a signalized intersection (Sec. 60.100-D):

60.080-E Dynamic Displays on On-premise Wall, Projecting and Freestanding Signs

A maximum of one of the on-premise wall signs, projecting signs or freestanding signs allowed on a lot in a mixed-use, commercial or industrial zoning district may include a dynamic display. The dynamic display may not exceed the maximum sign area allowed for the respective sign type or **48 square feet**, whichever is less. The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall, projecting or freestanding sign, but rather is counted as part of the maximum area of the wall, projecting or freestanding sign. Only one, contiguous dynamic display is allowed on a wall, projecting or freestanding sign face. Off-premise outdoor advertising signs that incorporate a dynamic display are subject to the dynamic display regulations of [Section 60.100](#).

The proposed sign would be 227 square feet.

60.100-D Dynamic displays may not be located within 50 feet of the driving surface of a signalized intersection, measured horizontally in a straight line from the nearest point of the sign structure to the nearest point of the intersection.

The proposed sign is within 50-feet of the intersection of S. Boulder and W. 11th St.

Facts staff finds favorable for variance request:

- None.

Facts Staff find unfavorable for the variance request:

- The applicant's statement of hardship did not provide any unique characteristics of the physical surroundings, shape, or topographical conditions of the subject property that distinguishes it from any other property inside the Central Business District.
- Property is inside the geography covered by the adopted Plan 66, because of that the property is eligible for the Neon Sign Grant Program to partially fund signs which incorporate at least 25% neon or neon equivalent into the signage because of the historical significance neon has in the development of Route 66.

SAMPLE MOTION: Move to _____ (approve/deny) a Variance to permit a Dynamic Display sign to exceed 48 square feet (Sec. 60.080-E); Variance to permit a dynamic display sign within 50-feet of a signalized intersection (Sec. 60.100-D)

- 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

Hardship

To whom it may concern,

We are writing to express our earnest request for a special exception to allow an outdoor dynamic display with a surface area greater than 48 square feet at our new music venue located at 924 South Boulder in the central business district of Tulsa, Oklahoma. We understand the regulations in place but firmly believe that the benefits of this display warrant an exemption due to the unique challenges we face as a new establishment in a rapidly evolving technological landscape.

The music industry has witnessed a significant shift in audience expectations and preferences, with the rise of a technology-driven generation that seeks immersive and engaging experiences. This dynamic generation expects more than traditional static displays; they crave interactive and visually captivating content that resonates with their digital lives. By having a programmable display, we are equipped to cater to their desires and create an environment that truly resonates with their expectations.

The proposed outdoor dynamic display will not flash or cause any disruptive visual effects. It will adhere to all agreed-upon guidelines for displayed content, ensuring that it seamlessly integrates with the surrounding urban aesthetics and contributes positively to the overall ambiance of the central business district.

We recognize the direct correlation between the presence of large dynamic displays and enhanced attendance rates at music and entertainment venues. A prime example of this correlation can be observed at the BOK Center, which has successfully harnessed the power of technology to elevate the concert experience for attendees. By having a similar display at our venue, we anticipate increased foot traffic and a heightened overall experience for our patrons.

The challenges we face as a new music venue are unique. Establishing a foothold in a competitive market requires us to leverage the latest technological advancements to capture the attention and loyalty of the modern audience. Our location further compounds this challenge, as we are competing with established entertainment hubs and venues that already benefit from dynamic displays. Granting us this special exception will level the playing field and provide us with the tools we need to succeed.

In conclusion, we implore you to consider our request for a special exception that would allow us to install an outdoor dynamic display with a greater surface area than 48 square feet. We firmly believe that this display will not only align with the evolving expectations of our audience but also contribute positively to the vibrancy and technological appeal of the central business district. We are committed to adhering to all guidelines and regulations to ensure that this addition is a valuable asset to our community.

Thank you for your time and consideration.

Summary of Comments on 924 Boulder Signage_v1.pdf

Page: 6

Number: 1 Author: DWhiteman Subject: Sign Review Date: 8/25/2023 3:32:44 PM

Section 60.080-B.1, On-premise Wall Signs. On-premise wall signs are allowed in all mixed-use, commercial and industrial zoning districts. Wall signs may not exceed an aggregate area of more than 3 square feet per linear foot of building wall to which they are attached. Wall signs are not counted against a lot's allowed sign budget, pursuant to 60.080-C.

Review Comment: A wall length of 80.25' would allow a total of 240.75 square feet of wall sign area. The sign below the proposed sign, reading "The Dome" will require a permit as well. It appears that the total area of both signs will exceed 240.75 square feet. You may request a variance from the Board of Adjustment for the aggregate surface area of wall signs in the CBD district to exceed 3 square feet per linear foot of wall. Please apply for a wall sign permit for "The Dome".

Number: 2 Author: DWhiteman Subject: Sign Review Date: 8/25/2023 3:36:16 PM

60.080-E, Dynamic Displays on On-premise Wall, Projecting and Freestanding Signs.

A maximum of one of the on premise wall signs, projecting signs or freestanding signs allowed on a lot in a mixed-use, commercial or industrial zoning district may include a dynamic display. The dynamic display may not exceed the maximum sign area allowed for the respective sign type or 48 square feet, whichever is less. The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall, projecting or freestanding sign, but rather is counted as part of the maximum area of the wall, projecting or freestanding sign. Only one, contiguous dynamic display is allowed on a wall, projecting or freestanding sign face.

Review Comment: dynamic display signs in the CBD zoning district are limited to 48 square feet in area. Please request a variance from the Board of Adjustment for a dynamic display wall sign to exceed 48 square feet.

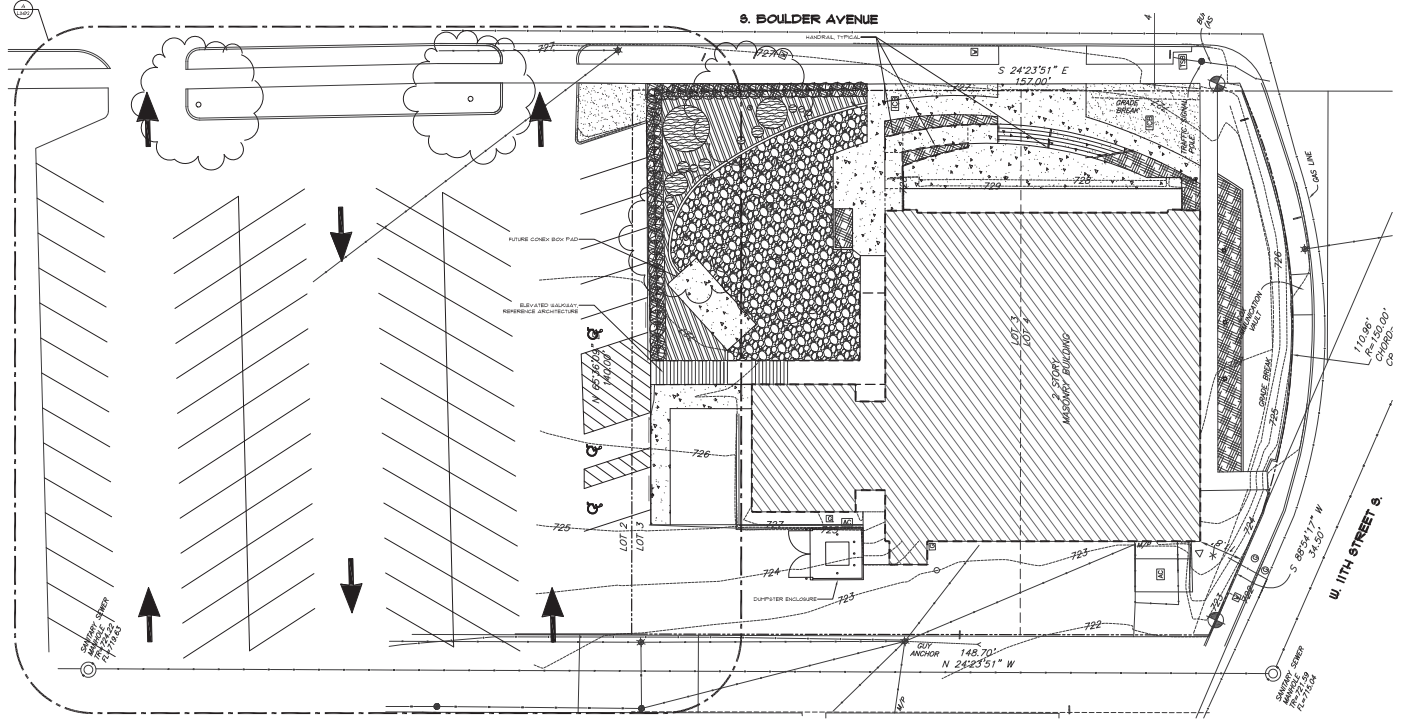
Number: 3 Author: DWhiteman Subject: Sign Review Date: 8/25/2023 3:38:55 PM

Section 60.100-D. Dynamic displays may not be located within 50 feet of a signalized intersection, measured horizontally in a straight line from the nearest point of the sign structure to the nearest point of the intersection.

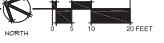
Review Comment: It appears that the proposed dynamic display sign may be within 50' of the intersection of 11th and Boulder which is an intersection with a traffic signal. Please clarify the distance from the closest edge of the dynamic display sign to this intersection. If it is less than 50', you must request a variance from the Board of Adjustment for a dynamic display sign to be located within 50' of a signalized intersection.

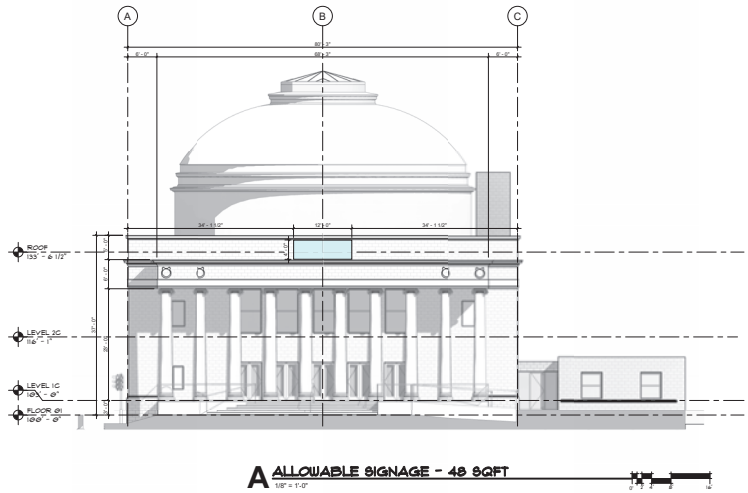
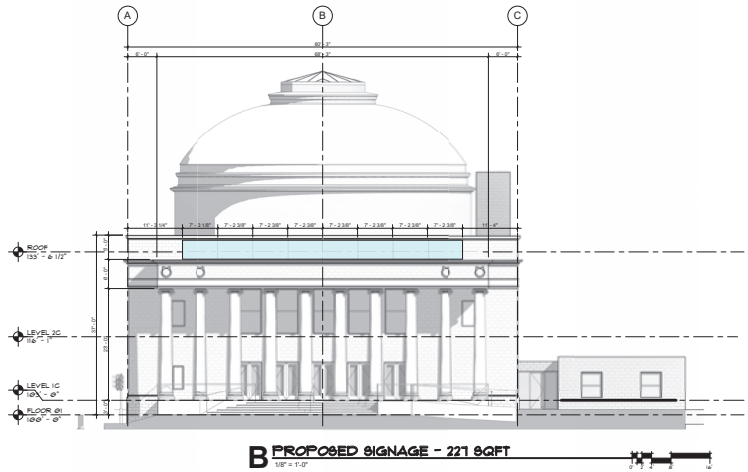
LEGEND / PLANT LIST			
QUANTITY	COMMON NAME	BOTANICAL NAME	NOTE
41	BROOK EASTERN RED CEDAR	JUNIPERUS VIRGINIANA	H-HEIGHT
			BRIDGE
	EXISTING TREES TO REMAIN, PROTECT DURING CONSTRUCTION		
	HOLOGRAPH PLANT	---	PROPERTY LINE
	CONCRETE PAVING		SOD
	LANDSCAPE BED		DECORATIVE AGGREGATE TYPE 1
	DECORATIVE AGGREGATE TYPE 2		ARCHITECTURAL CONCRETE

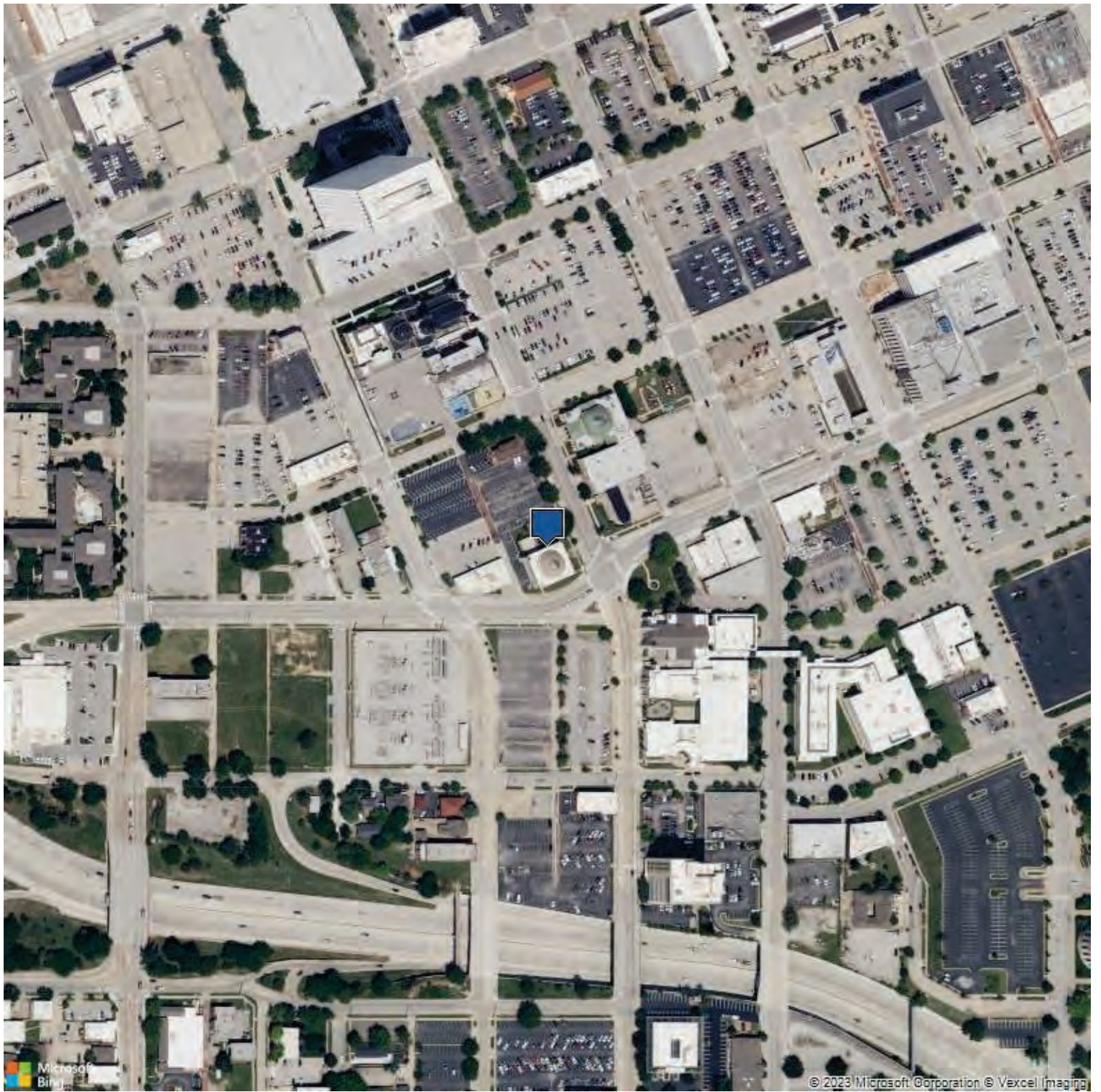
- GENERAL NOTES
1. VISIT SITE PRIOR TO BEGINNING TO DETERMINE THE EXTENT AND NATURE OF THE CONDITIONS WHICH MAY OCCUR DUE TO THE ACTIONS OR LACK OF ACTIONS OF THE PROJECT SITE DURING CONSTRUCTION OPERATIONS.
 2. VERIFY THE EXISTENCE AND LOCATION OF UTILITIES PRIOR TO STARTING ANY WORK.
 3. MAINTAIN UTILITY SERVICES AND PROTECT THEM AGAINST DAMAGE DURING CONSTRUCTION OPERATIONS.
 4. CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE CAUSED TO THE UTILITIES OVERHEAD AND BURIED WHICH MAY OCCUR DUE TO THE ACTIONS OR LACK OF ACTIONS OF THE PROJECT SITE DURING CONSTRUCTION OPERATIONS. MAKE ADEQUATE RECORDS OF LOCAL UTILITIES IN LOCATING THE UTILITIES PRIOR TO BEGINNING OPERATIONS IN ANY AREAS THAT UNDERGOES TO THE PROJECT.
 5. OBTAIN APPROVAL OF FINAL QUANTITIES AND REPORT AND SUBSEQUENCES TO THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
 6. PLANT SPECIFICATIONS AND QUANTITIES ARE SUBJECT TO APPROVAL FROM THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
 7. LAYOUT PLANTS IN THE FIELD AND MAINTAIN THE LAYOUT APPROVED BY THE LANDSCAPE ARCHITECT THROUGHOUT PROCEEDING WITH THE INSTALLATION.
 8. MAINTAIN SUFFICIENT OPENING ROOMS TO ACCOMMODATE THE PLANTS.
 9. PLANTING BEDS SHALL BE LOWERED AT EDGE AS NEEDED TO PROVIDE 3" DEPTH TO COVER AND BENCHING TO BE MINIMUM OF 18" IN HIGH-BUOYAL-BUILDING THREAT.
 10. TREES SHALL BE SECURED AT 4" DIAMETER STABILIZATION SYSTEM.
 11. TREES SHALL BE SECURED WITH BRUSH WARRING STABILIZATION SYSTEM.
 12. REPLACE ANY REMOVED TREES WITH THE SAME SPECIES AND SIZE TO 4" IN DIAMETER AND 10' IN HEIGHT WITHIN 60 DAYS.
 13. GUARANTEE ALL LANDSCAPE WORK AND PLANT MATERIAL FOR A PERIOD OF ONE-YEAR FROM DATE OF ACCEPTANCE OR THE DATE OF THE SODS.
 14. PLANT MATERIAL SHALL BE DELIVERED DURING THE ONE-YEAR GUARANTEE PERIOD SHALL BE REPLANTED WITHIN 90 DAYS.
 15. CONTRACTOR IS RESPONSIBLE FOR THE PROTECTION OF THE PLANTS UNTIL COMPLETION OF THE PROJECT AND ACCEPTANCE BY THE OWNER.
 16. ALL PLANTS SHALL BE DELIVERED BY THE CONTRACTOR TO THE PROJECT SITE AND BE STORED IN A PROTECTED AREA WITH THE PROPER CARE AND PROTECTION THROUGHOUT THE PROJECT.
 17. PLANT MATERIAL SHALL BE SPECIFICALLY APPROVED AS DETERMINED BY THE AMERICAN STANDARD FOR FORESTRY STOCK, PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN, TREE OR PLANT MATERIALS AND TYPES OF SPECIFIC GRADES OF THE SPECIES AND HAVING A HEALTHY TERNAL ROOT SYSTEM.
 18. TREES AND SHRUBS ON THE PROJECT SITE ARE TO BE PROTECTED THROUGHOUT THE PROJECT.
 19. PLANTS SHALL NOT BE PLANTED IN TOBERNS OR IN AREAS OF POOR DRAINAGE.
 20. PLANTS SHALL NOT BE PLANTED IN AREAS THAT HAVE BEEN DAMAGED BY CONSTRUCTION OPERATIONS UNLESS THE AREAS HAVE BEEN PROTECTED BY A CERTIFIED ANCHOR, AND REPAIRS TO THE AREAS SHALL BE MADE PRIOR TO THE PLANTING OPERATIONS.
 21. THE GRASS AND SOD AREAS DAMAGED BY CONSTRUCTION OPERATIONS SHALL BE REPAIRS TO THE AREAS DAMAGED BY CONSTRUCTION OPERATIONS TO MAINTAIN THE PLANT HEALTH.
 22. TOPSOIL, SODS AND GRASS SEED SHALL BE SPECIFICALLY APPROVED BY THE AMERICAN ASSOCIATION OF NURSERYMEN, TREE OR PLANT MATERIALS AND TYPES OF SPECIFIC GRADES OF THE SPECIES AND HAVING A HEALTHY TERNAL ROOT SYSTEM.
 23. CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PLANTS UNTIL COMPLETION OF THE PROJECT AND ACCEPTANCE BY THE OWNER.
 24. ALL PLANTS SHALL BE DELIVERED BY THE CONTRACTOR TO THE PROJECT SITE AND BE STORED IN A PROTECTED AREA WITH THE PROPER CARE AND PROTECTION THROUGHOUT THE PROJECT.



A LANDSCAPE PLAN - OVERALL
 1" = 10'-0"







John A. Wright - Tulsa County Assessor
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