



Board of Adjustment

Staff Report Variance Case BOA-23643

Hearing Date: April 9, 2024

Prepared by: Dylan Siers

dsiers@cityoftulsa.org

918-596-7584

Owner and Applicant Information

Applicant: Lynsey Bigheart

Property Owner: SJV LLC

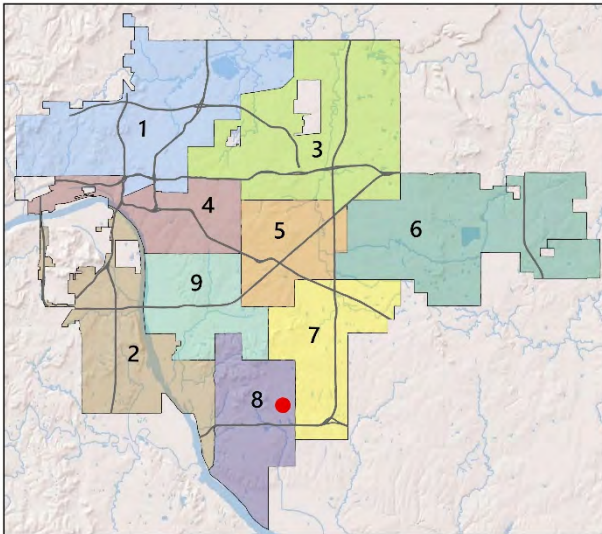
Property Location

5119 E 81st St S

Tract Size: ±20,251.13 square feet

Location within the City of Tulsa

(shown with City Council districts)



Elected Representatives

City Council: District 8, Phil Lakin Jr

County Commission: District 3, Kelly Dunkerley

Public Notice Required

Newspaper Notice – min. 10 days in advance

Mailed Notice to 300' radius – min. 10 days in advance

Case History:

2/27/2024: First appearance on an agenda. Staff was made aware of a noticing deficiency after the case was heard and re-noticed the item for the current agenda.

03/26/2024: Item was continued to 4/9/24 to correct a noticing error.

Request Summary

Variance to permit more than one on premise sign per street frontage in the OL District (Sec. 60.060-B.1)

Zoning

Zoning District: OL

Zoning Overlays: None

Comprehensive Plan Considerations

Land Use

Land Use Plan: Local Center

Small Area Plans: Choose an item.

Development Era: Late Automobile

Transportation

Major Street & Highway Plan: Multimodal Corridor

planitulsa Street Type: None

Transit: N/A

Existing Bike/Ped Facilities: None

Planned Bike/Ped Facilities: Bike Corridor

Environment

Flood Area: N/A

Tree Canopy Coverage: 30-50%

Parks & Open Space: N/A

Staff Analysis

The applicant is proposing a Variance to permit more than one on premise sign per street frontage in the OL District (Sec. 60.060-B.1)

60.060-B Signs Allowed

1. In addition to any sign exceptions allowed pursuant to [Section 60.030](#), and any development identification sign allowed pursuant to [§60.060-B2](#), lots in office zoning districts are allowed a maximum of one on-premise sign per street frontage. The allowed on-premise sign may be a wall sign, a projecting sign or a freestanding sign. Roof signs and off-premise outdoor advertising signs are prohibited in office districts.

Relevant Case History

- BOA-22494, 8/28/20218, Special Exception to allow a Personal Improvement Service in an OL Zoned District.

Statement of Hardship

"Recently, Twenty Twenty Eyecare opened a satellite clinic at 5119 E. 81st Street dedicated to the specialized fitting of scleral lenses for patients with abnormal corneas. Twenty Twenty Eyecare is leasing this space from Dr. Chris Vinson, who uses the west half of this property to conduct his dental practice. Dr. Vinson has wall signage facing south on the west side of the building in connection with his dental practice, while Twenty Twenty Eyecare does not have any signage on the building. Section 60.060-B(l) of the Tulsa Zoning Code, specifically applicable to all office zoning districts, only allows for one on-premise sign per street frontage. This presents a substantial hardship for Twenty Twenty Eyecare, as the absence of adequate signage severely inhibits their very low vision patients' ability to locate the clinic from the street."

Comprehensive Plan Considerations

Land Use Plan

The subject property is designated as Local Center.

Local Centers serve the daily needs of those in the surrounding neighborhoods. This designation implies that the center generally does not serve an area beyond the nearby neighborhoods. Typical uses include commercial or retail uses that serve the daily needs of nearby residents. In order to introduce a regional trip generator, the entire local center designation should be amended to be Regional Center with significant input from all affected properties and nearby neighborhoods.

Surrounding Properties:

<u>Location</u>	<u>Existing Zoning/Overlay</u>	<u>Existing Land Use Designation</u>	<u>Existing Use</u>
North	RS-3/PUD-457	Neighborhood	Reserve Area
East	OL	Local Center	Office
South	RD/PUD-389	Neighborhood	Apartments
West	OL	Local Center	Parking Lot

Small Area Plans

The subject properties are not within a small area plan.

Development Era

The subject property is located in an area developed during the Late automobile era.

The subject property is in an area developed during the Late Automobile Era (1950s-present), which has grown since the mainstreaming of automobile-centric lifestyles, with a high degree of separation between residential and nonresidential uses, and low levels of street connectivity. In these areas, transportation is nearly exclusively concentrated on the mile-by-mile arterial grid, and major streets are often both transportation corridors and destination corridors, which can lead to traffic congestion. Nonresidential uses are predominantly located at the intersections of major arterial streets. Priorities in these areas include commercial revitalization, placemaking, community gathering opportunities, conservation of natural areas, a high degree of privacy, one-stop shopping, and commuting routes.

Transportation

Major Street & Highway Plan: Multimodal Corridor

Comprehensive Plan Street Designation: Multimodal

Transit: N/A

Existing Bike/Ped Facilities: N/A

Planned Bike/Ped Facilities: Bike Corridor

Arterial Traffic per Lane: 7500 or more per lane

Environmental Considerations

Flood Area: The subject property not within a flood area.

Tree Canopy Coverage: Tree canopy in the area is 30-50%. The area would benefit from additional trees, which also capture and treat runoff before it enters the river.

Parks & Open Space: N/A

Sample Motion

I move to approve or deny a Variance to permit more than one on premise sign per street frontage in the OL District (Sec. 60.060-B.1)

- per the conceptual plan(s) shown on page(s) _____ of the agenda packet.
- subject to the following conditions (including time limitation, if any): _____:

The board finds the hardship to be _____.

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.

Property Description

LOT 4 BLOCK 1, THE OFFICES AT HOLLAND LAKE, City of Tulsa, Tulsa County, State of Oklahoma

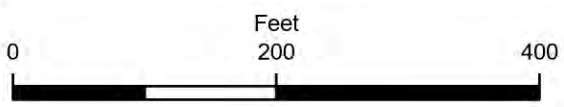
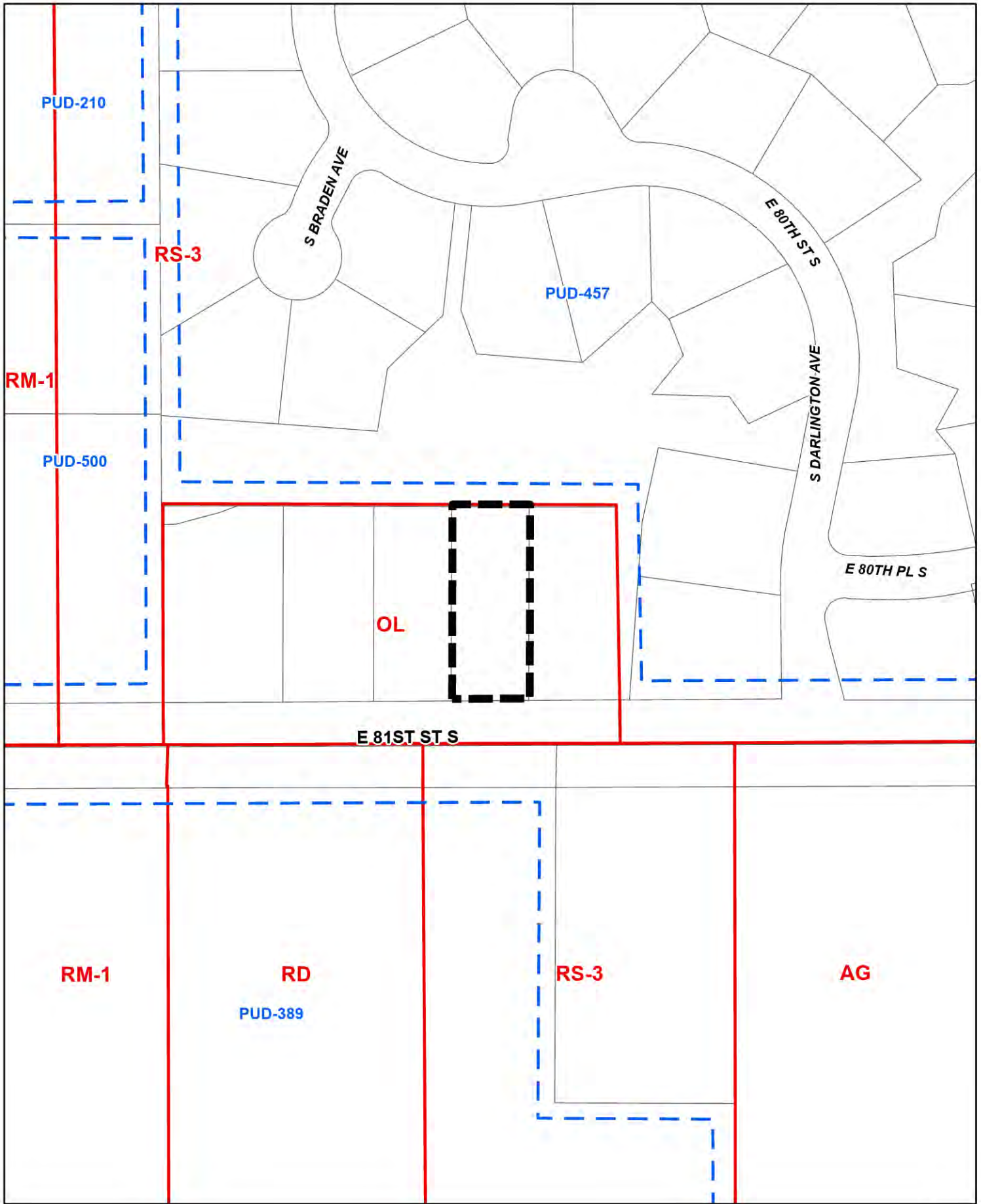
Photos:



Subject Property

Exhibits

Case map
Aerial (small scale)
Aerial (large scale)
Photos
Tulsa Comprehensive Plan Land Use Map



BOA-23643



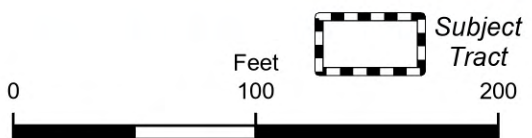


E 81ST ST S

BOA-23643

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

Aerial Photo Date: 2021



4.7



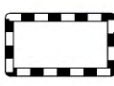
S BRADEN AVE

E 80TH ST S

S DARLINGTON AVE

E 80TH PL S

E 81ST ST S



Subject
Tract

Feet
200

400

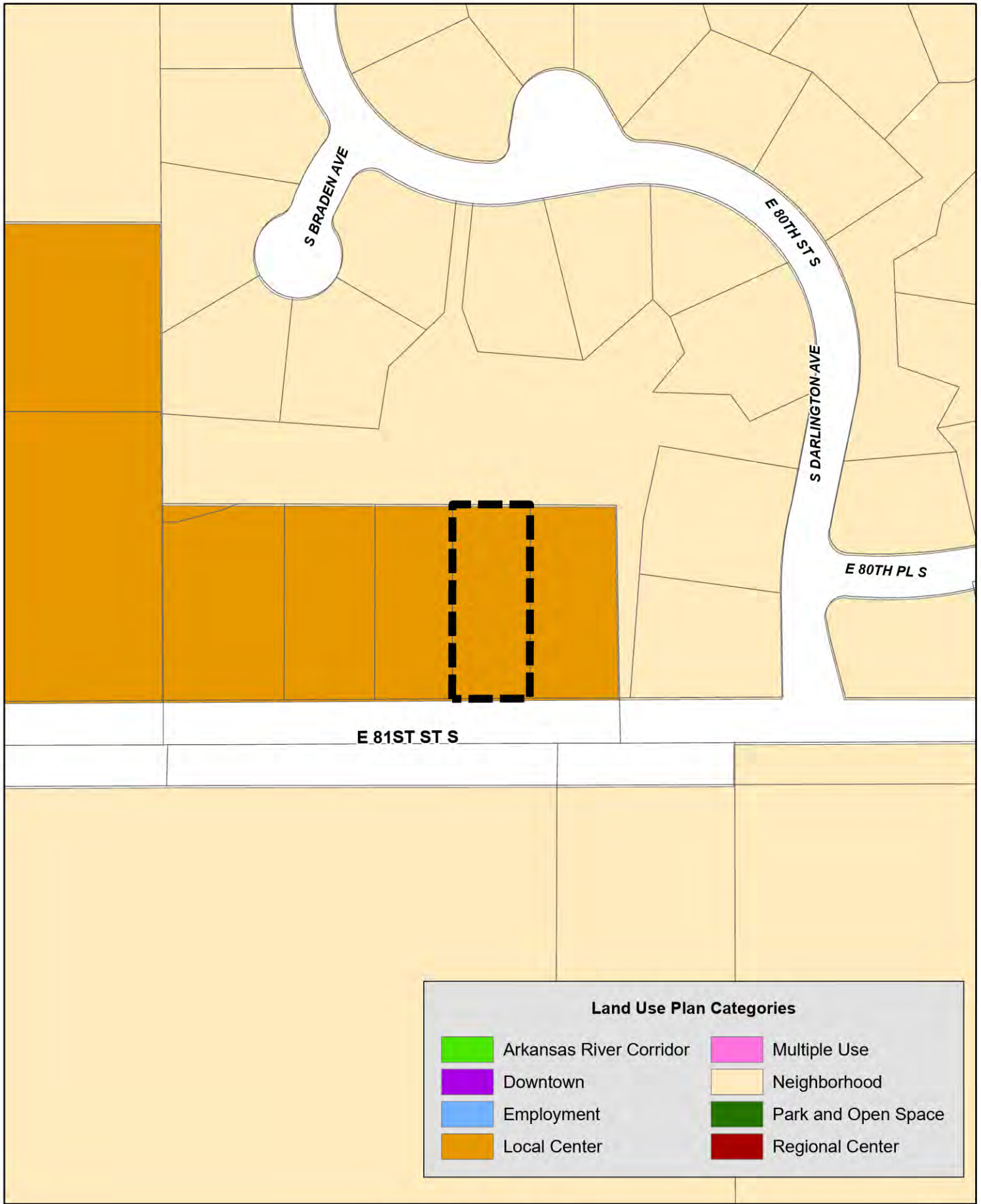
BOA-23643

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

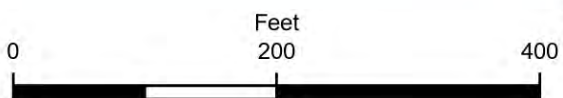
Aerial Photo Date: 2021



4.8



BOA-23643



4.9

**Attachment to the Variance Request of Twenty Twenty Eyecare
Before the Tulsa Board of Adjustment**

Twenty Twenty Eyecare is the trade name of Bigheart Morgans, LLC, owned by Lynsey Bigheart, O.D., and Shannon Morgans, O.D. Dr. Bigheart, Dr. Morgans, and the other optometrists employed by Twenty Twenty Eyecare are primary eye care physicians trained to treat eye infections, injuries, and diseases, as well as provide routine vision and ocular healthcare. Twenty Twenty Eyecare strives to provide the best comprehensive eye care for all ages and has been in business since 2013. Twenty Twenty Eyecare's clinic, optical shop, and offices are located at 7408 South Yale Avenue.

Response to #1:

Recently, Twenty Twenty Eyecare opened a satellite clinic at 5119 E. 81st Street dedicated to the specialized fitting of scleral lenses for patients with abnormal corneas. Twenty Twenty Eyecare is leasing this space from Dr. Chris Vinson, who uses the west half of this property to conduct his dental practice. Dr. Vinson has wall signage facing south on the west side of the building in connection with his dental practice, while Twenty Twenty Eyecare does not have any signage on the building. Section 60.060-B(1) of the Tulsa Zoning Code, specifically applicable to all office zoning districts, only allows for one on-premise sign per street frontage. This presents a substantial hardship for Twenty Twenty Eyecare, as the absence of adequate signage severely inhibits their very low vision patients' ability to locate the clinic from the street.

Response to #2:

Section 110.1 of the Tulsa Zoning Code states its purpose is to promote health, safety, peace, morals, comfort, convenience, prosperity, order, and general welfare. In this instance, granting the requested variance specifically promotes public health by helping Twenty Twenty Eyecare provide essential medical services to its patients. Granting the variance also provides a safety benefit, as Twenty Twenty Eyecare's patients driving to this location could cause traffic problems while searching to find the specific address. The literal enforcement of zoning code provisions regarding signage is not necessary in this instance to achieve the intended purposes of the code. Nor will granting the variance cause substantial detriment to the public good or the purposes, spirit, and intent of the zoning code or the comprehensive plan. In fact, in this instance, the granting of the variance is not only consistent with but promotes the purposes, spirit, and intent of the zoning code.

Response to #3:

Twenty Twenty Eyecare is providing services at the subject property that are unique even within the eye care industry. Accordingly, the requested variance is unique to this particular business. The needs of Twenty Twenty Eyecare and its patients in this regard are generally not applicable to other businesses or properties within the same zoning classification.

Response to #4:

The hardship for Twenty Twenty Eyecare and its patients, in not having adequate signage on the property, was not created by Twenty Twenty Eyecare. Twenty Twenty Eyecare's lease with the current owner specifically provides that Twenty Twenty Eyecare, as the tenant, can place a sign consistent with the rest of the building. The signage requested by Twenty Twenty Eyecare is consistent with those lease provisions. Accordingly, there are no self-imposed restrictions or limitations in this regard from the current property owner.

Response to #5:

The signage to be posted by Twenty Twenty Eyecare on the building is consistent with the existing signage on the building and is the minimum necessary to afford relief and meet the needs of Twenty Twenty Eyecare and its patients in this instance. It is necessary for Twenty Twenty Eyecare patients to see the signage from the street, and the proposed signage is the minimum in that regard.

Response to #6:

The requested variance granted will not have any effect on the essential character of the neighborhood where the subject property is located or cause any kind of impairment to the use or development of any adjacent property.

Response to #7:

The response with respect to this particular condition is discussed thoroughly in response to #2 above. Again, the granting of the variance in this instance will not cause substantial detriment to the public good or the purposes, spirit, and intent of the zoning code or the comprehensive plan. In fact, in this instance, the granting of the variance is not only consistent with but promotes the purposes, spirit, and intent of the zoning code.



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

CITY OF TULSA CORRECTIONS SUMMARY

SIGN-164464-2023 (5119 E 81ST ST S Tulsa, OK 74136) Markup Summary #1

Sign Review (1)



Subject: Sign Review
Page Label: 1
Author: DWhiteman
Date: 11/13/2023 12:49:23 PM
Status:
Color:
Layer:
Space:

60.060-B Signs Allowed. In addition to any sign exceptions allowed pursuant to Section 60.030, lots in office zoning districts are allowed a maximum of one on premise sign per street frontage. The allowed on premise sign may be a wall sign, a projecting sign or a freestanding sign. Roof signs and off-premise outdoor advertising signs are prohibited in office districts. Review Comments: only one sign is allowed on this Office zoned lot. Their appears to be a sign already on this building, which is on the same lot, for Tulsa Precision Dental. You may apply to the Board of Adjustment for a variance to allow more than one sign on an Office zoned lot.

2.1

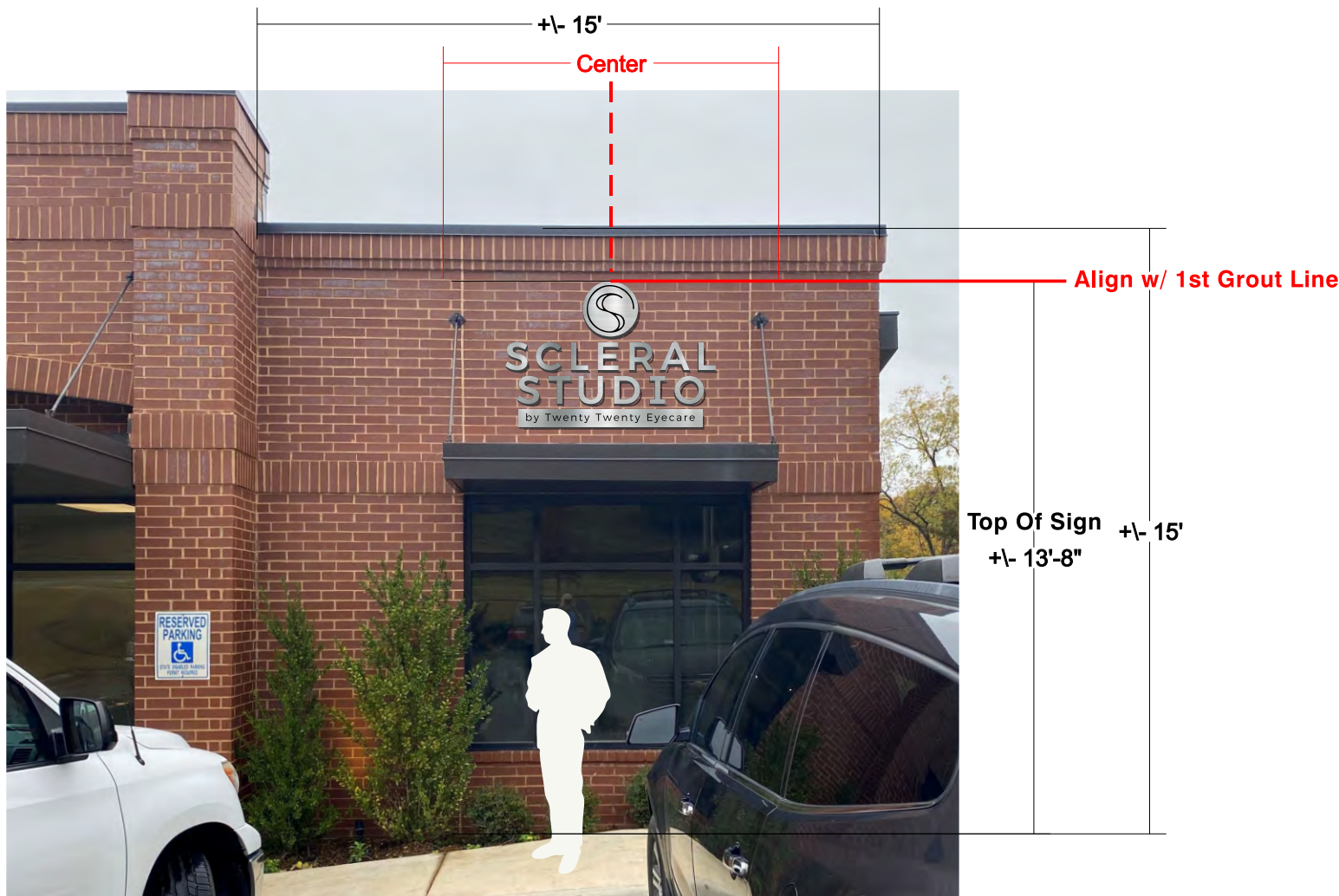
REVERSE CHANNEL LETTERS

SCALE: $3/4" = 1'-0"$

Fabricated Alum.,
2" Deep Returns w/ Clear Polycarbonate Backs,
Letters - White LED Halo Illumination,
Logo / Capsule - White LED Halo / (*Logo / Text Cut Out*) Face Illumination.
Stud Mount w/ 1-1/2" Spacers.

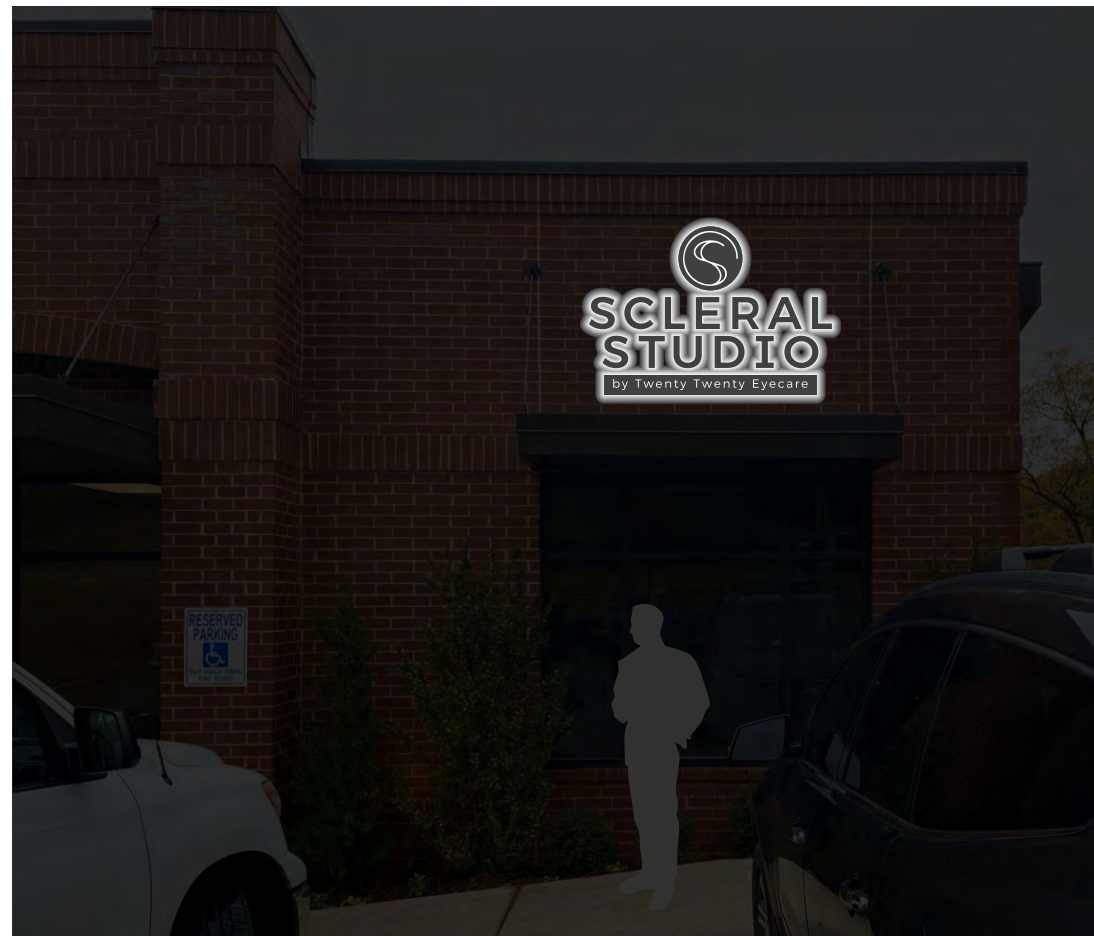
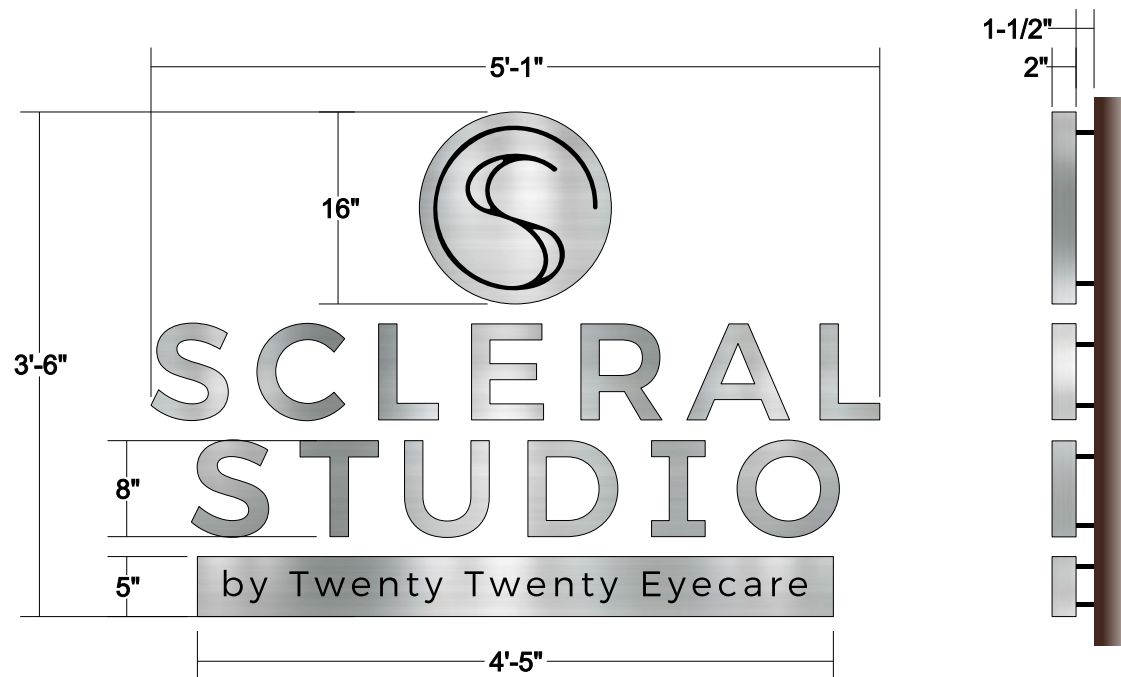
Finish: Fab Alum. (SAC Clear Semi Gloss Satin Alum.)
Horizontal Grain On Faces.

3.5' X 5.09'=17.81SQFT



PROPOSED - DAY

SCALE: $1/4'' = 1'-0''$



PROPOSED - NIGHT

SCALE: $1/4'' = 1'-0''$



QUALITY | VALUE | ASSURANCE

SCALE: AS NOTED WHEN PRINTED 11 x 17

DATE: 06-29-23

FILE : 2.1 Bldg II

SALES REP: Bruce Anderson

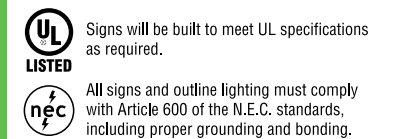
DRAWN BY: BB FINAL: RAM

PROJECT: Scleral Studio

LOCATION: Tulsa, OK

ADDRESS: 5119 E. 81st St.

CLIENT APPROVAL SIGNATURE & DATE:



REVISIONS:

- 1.
- 2.
- 3.
- 4.
- 5.

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FINAL APPROVAL FOR PRODUCTION

FINAL
RAM 10/16/2023

Project Manager: _____

WORK ORDER
61785

DWG
062923-21
4.13

