



**Board of Adjustment**

**Staff Report  
Variance Case BOA-23652**

**Hearing Date:** March 12, 2024  
**Prepared by:** Sean Wallace  
swallace@cityoftulsa.org  
918-596-7585

**Owner and Applicant Information**

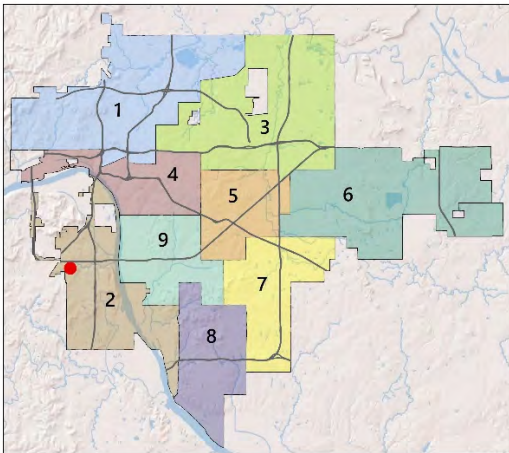
Applicant: Superior Signs  
Property Owner: Caseys Marking Company

**Property Location**

5150 S. 33rd Ave W.  
Tract Size: ±.3 acres

**Location within the City of Tulsa**

*(shown with City Council districts)*



**Elected Representatives**

City Council: District 2, Jeannie Cue.  
County Commission: District 2, Karen Keith.

**Public Notice Required**

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

**Request Summary**

Variance to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec.60.100-F).

**Zoning**

Zoning District: CS  
Zoning Overlays: None

**Comprehensive Plan Considerations**

**Land Use**

Land Use Plan: Multiple Use  
Small Area Plans: None  
Development Era: Late Automobile

**Transportation**

Major Street & Highway Plan: N/A  
planitulsa Street Type: N/A  
Transit: N/A  
Existing Bike/Ped Facilities: None  
Planned Bike/Ped Facilities: An on-street signed bike route is recommended on S 33rd W Ave in the Go Plan.

**Environment**

Flood Area: N/A  
Tree Canopy Coverage: 10-20%  
Parks & Open Space: Lubell Park is nearby

**Staff Analysis**

The applicant is requesting a Variance to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (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.

Relevant Case History

- BOA-18272, January - 1999, Board approved a Variance of maximum height limit and required street setback for a pole sign.
- BOA-16870, November - 1994, Board approved a Variance of required street setback to permit an addition to an existing sign.
- BOA-10286, March - 1979, the Board approved a special exception to permit additional signs in a CS district and a variance of the maximum display area of a sign.

**Statement of Hardship**

"1. Loss of income and lack of business. 2. There are already existing signage in the area where we plan on installing the new sign. 3. n/a. 4. With no pylon or hi-rise up no one has any idea that this location is in business or affiliated with Casey's. 5. Yes, this will help inform customers who runs the business and let them know the gas station is in business. 6. There is existing signage in each of these locations. I am not seeing any issue. 7. This signage will not cause substantial detriment to the public or impair the purposed."

**Comprehensive Plan Considerations**

**Land Use Plan**

The subject property is designated as Multiple Use. **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.

Surrounding Properties:

<u>Location</u>	<u>Existing Zoning/Overlay</u>	<u>Existing Land Use Designation</u>	<u>Existing Use</u>
North	CS	Local Center	Restaurant
East	CS	Employment	Banking Center
South	RS-3	Neighborhood	Residential
West	RS-3	Neighborhood	Residential

**Small Area Plans**

The subject property is within the Southwest Tulsa Neighborhood Revitalization Plan (2009/2011).

**Development 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: N/A

Comprehensive Plan Street Designation: N/A

Transit: N/A

Existing Bike/Ped Facilities: None

Planned Bike/Ped Facilities: An on-street signed bike route is recommended on S 33rd W Ave in the Go Plan

Arterial Traffic per Lane: 2,985 vehicles per lane on S 33rd Ave.

**Environmental Considerations**

Flood Area: The subject property is not in a Flood Area.

Tree Canopy Coverage: Tree canopy in the area is 16%. Preserving the limited existing canopy should be encouraged, as well as measures to increase the canopy through landscaping. Street-lining trees in particular should be encouraged to spread the benefit of the tree canopy to the pedestrian realm.

Parks & Open Space: Lubell Park is nearby.

**Sample Motion**

I move to approve or deny a Variance to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec.60.100-F),

- 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**

LTS 10 11 & 12 LESS BEG NEC LT 10 TH S61 NW TO PT 32.25W NEC LT 11 TH NWLY TO PT TH N24.02 E150 POB & LESS E10 LT 12 & LESS BEG SECR LT 11 N45 NWLY TO PT 10W & 47.84N SECR LT 11 TH S TO PT TH E10 POB & LESS W15 E25 LT 11 & 12 BLK 1, RICHMOND ACRES, ANDERSONS RESUB PRT B1 & ALL B2 RICHMOND ACRES, City of Tulsa, Tulsa County, State of Oklahoma.

**Exhibits**

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

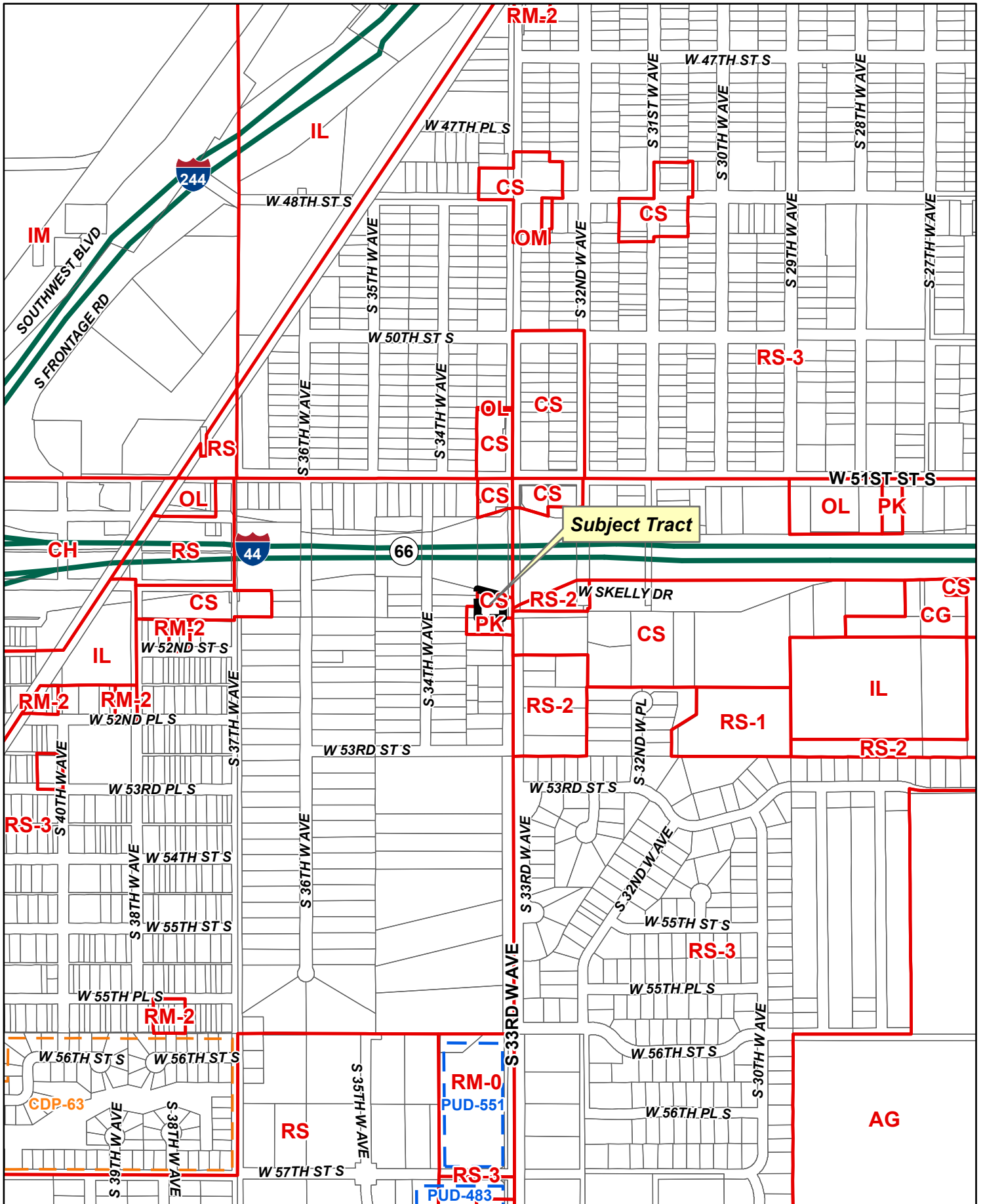


(Subject property)

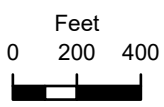


**Exhibits**

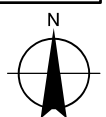
- Photos
- Case map
- Aerial (small scale)
- Aerial (large scale)
- Tulsa Comprehensive Plan Land Use Map
- Applicant's Exhibit



Subject Tract



BOA-23652





S 34TH WAVE



W SKELLY DR

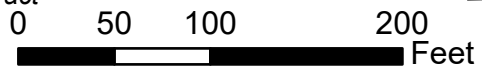


S 34TH WAVE

S 33RD WAVE



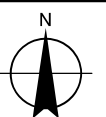
Subject Tract



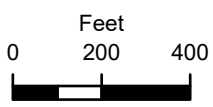
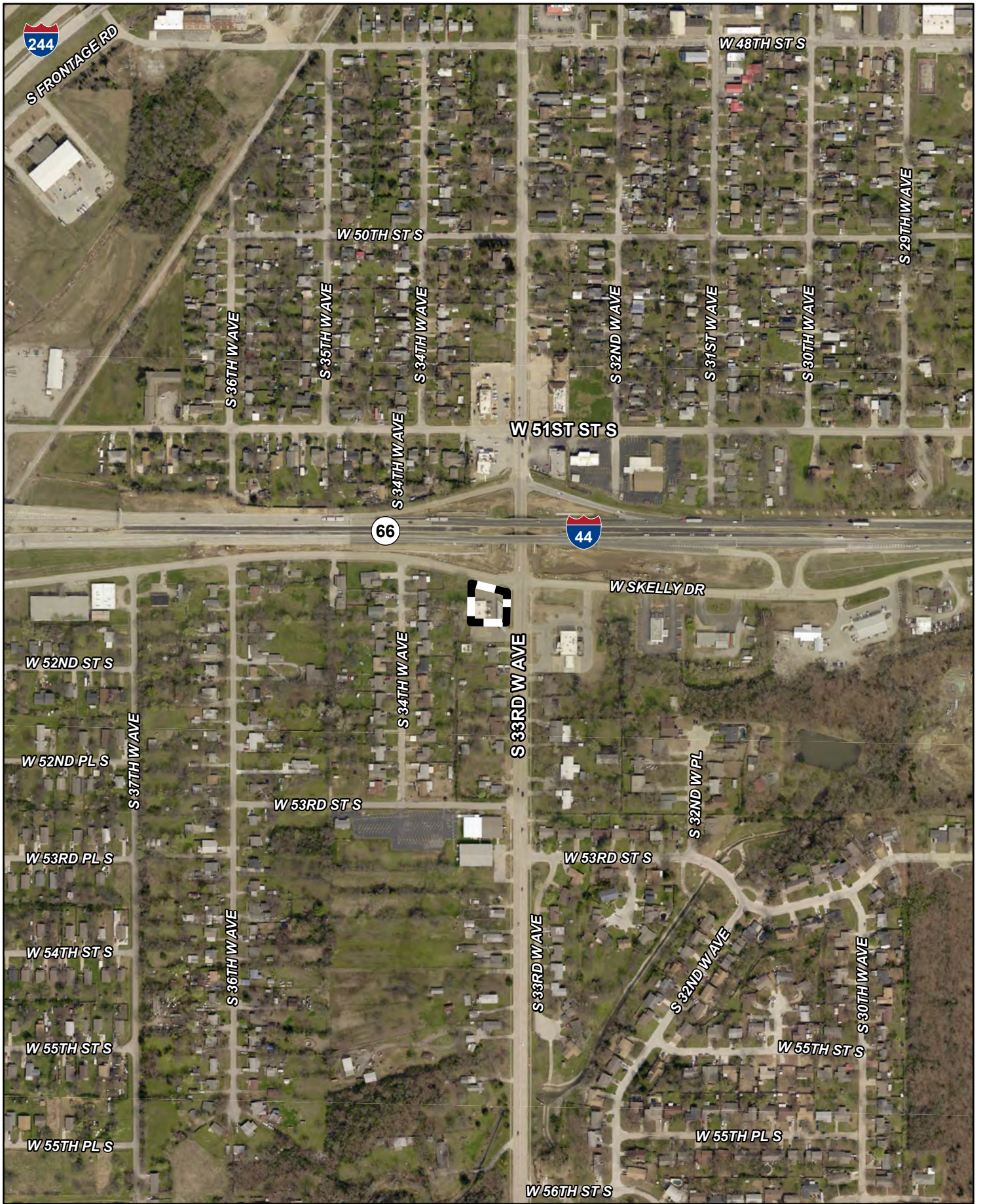
**BOA-23652**

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

Aerial Photo Date: 2021



4.7

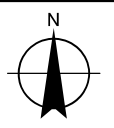


 Subject Tract

**BOA-23652**

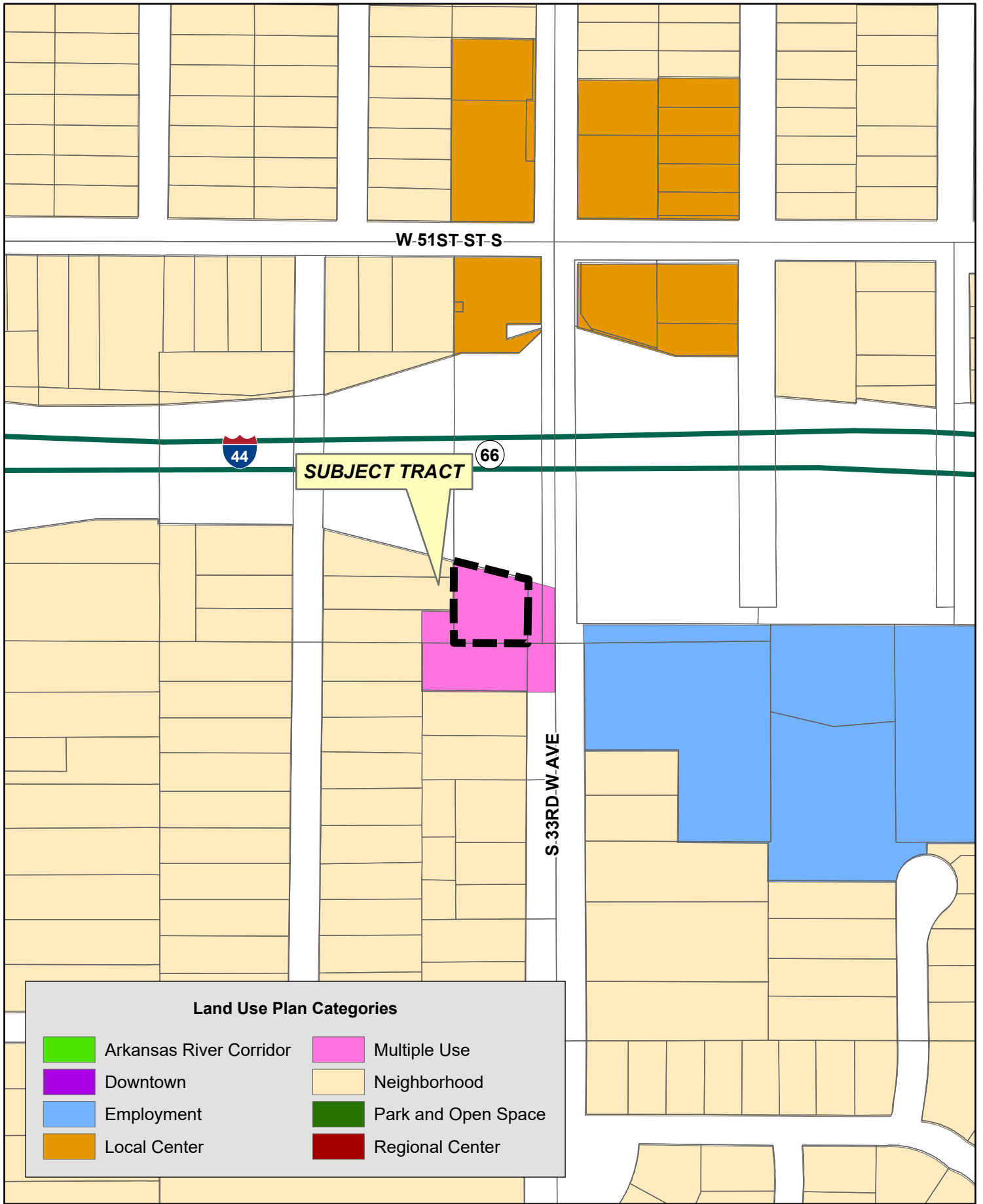
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2021











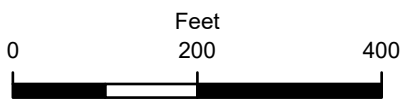
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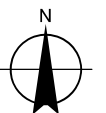
**Land Use Plan Categories**

- |   |   |
|---|---|
|  Arkansas River Corridor |  Multiple Use        |
|  Downtown                |  Neighborhood        |
|  Employment              |  Park and Open Space |
|  Local Center            |  Regional Center     |



**BOA-23652**

19-14 04



4.9

# Summary of Comments on 230284 Casey's Site Plan Documents - Revised 12-8\_v2 (1) (004).pdf

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Page: 6

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Author: DWhiteman      Subject: Sign Review      Date: 12/18/2023 12:05:21 PM

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Section 60.100-F. Dynamic displays may not be located within 200 feet of any of the following: (1) an 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 and AG districts if approved through the special exception process. Review Comments: This gas price sign does fit the definition of dynamic display. The lots to the west of this location are residentially zoned, and a dynamic display sign is not allowed within 200' of an R district. Unless there is a variance granted by the Board of Adjustment for this sign to be within 200' of an R district, the upgrade of the dynamic display sign would not be allowed.

If you replaced the dynamic display with one of the same size, height, and dimensions, this would be considered a reface and would be allowed. Expanding the sign to a larger size or changing the height would not be allowed with our a variance from the Board of Adjustment.

# Casey's Site Plan



Project Number / Name

#230284/Good Stop by Casey's

Sign Number

NA

Page 1 of 8

Site Plan

5150 S 33rd West Ave | Tulsa, OK 74107

## Site Plan



4.11

# Casey's Site Plan



**Project Number / Name**  
#230284/Good Stop by Casey's

**Sign Number**  
1

**Page 2 of 8**  
Face Replacement and awning

1

**Existing**



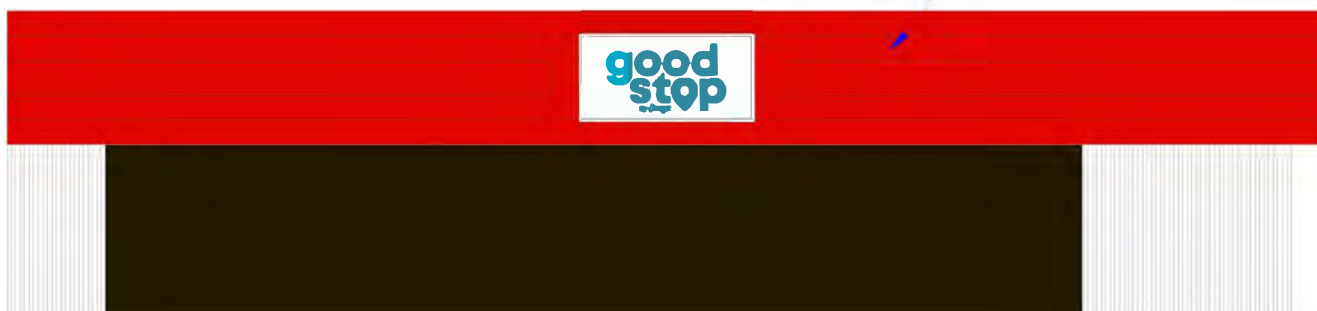
**Approved**



PAINT BUILDING FACADE

**Approved**

BTR RED EQUIVELANT



6' 1.75"  
7' 10.75"



FLAT FACE REPLACEMENT

60' 9"

4.12

# Casey's Site Plan



Project Number / Name

#230284/Good Stop by Casey's

Sign Number

2

Page 3 of 8

Canope Cover

2

Existing

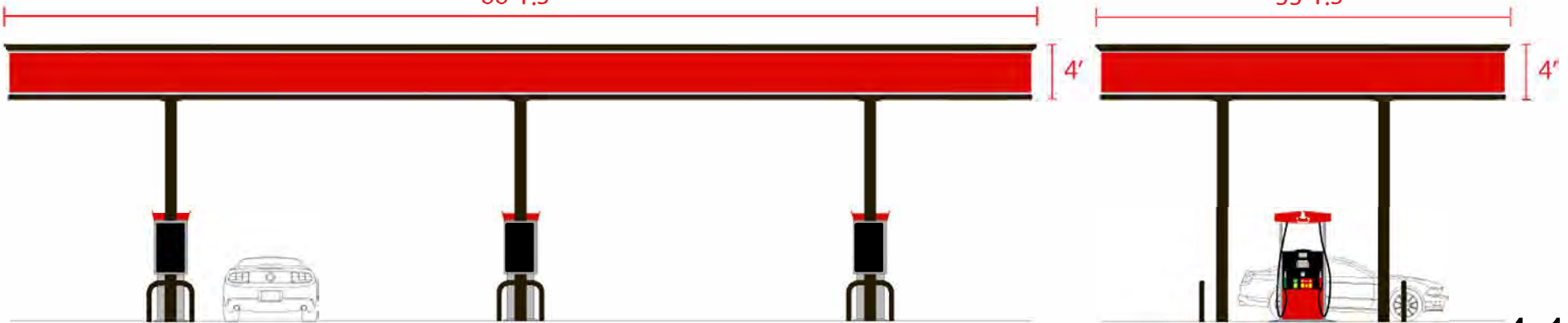


Approved



88' 1.5"

33' 1.5"



Front View

Side View

4.13

# Casey's Site Plan



Project Number / Name

#230284/Good Stop by Casey's

Sign Number

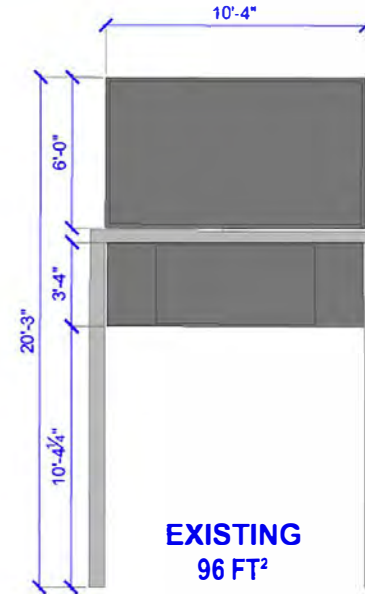
3

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Pylon Sign with digital boards

3

Existing



Approved



# Casey's Site Plan



Project Number / Name

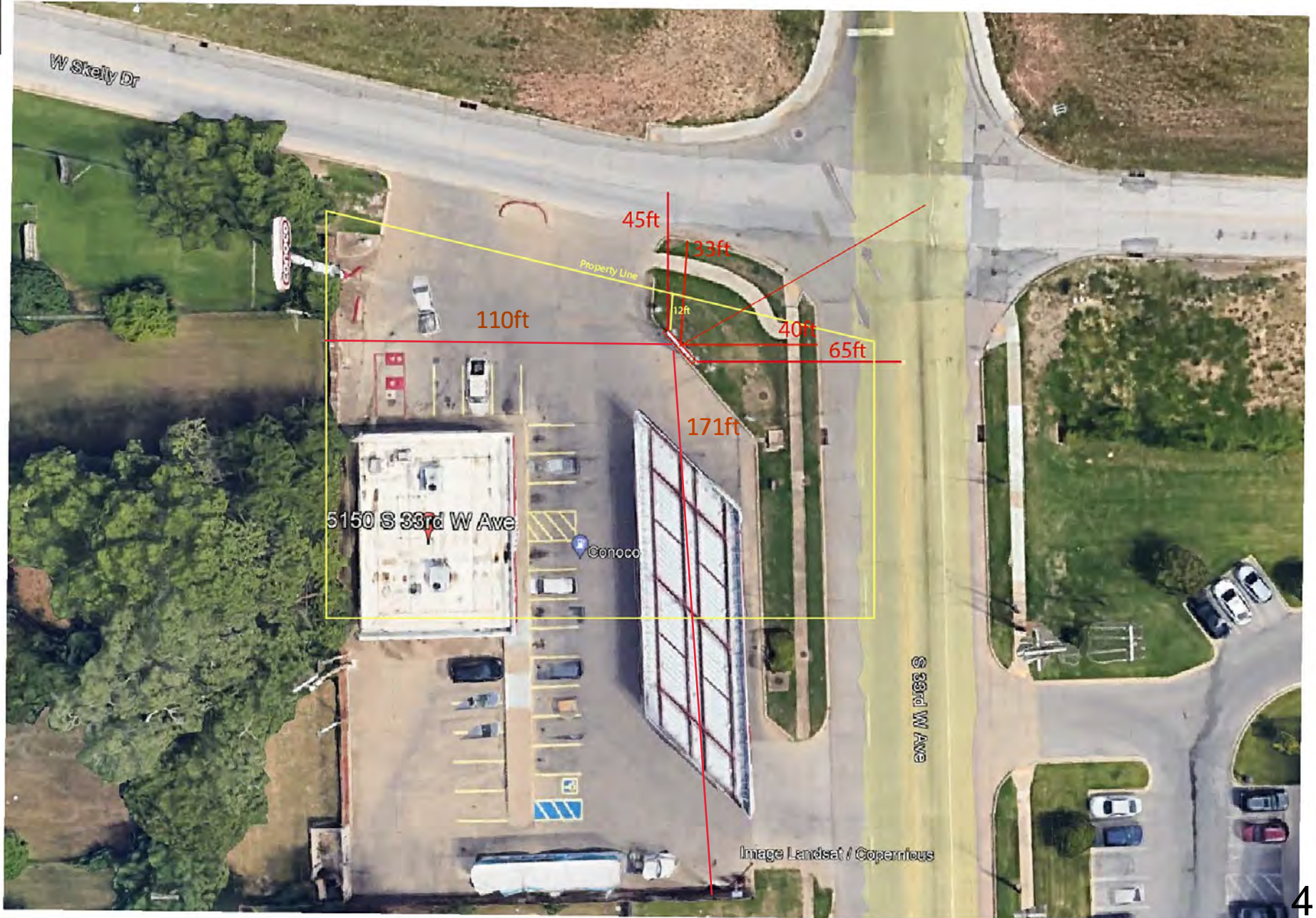
#230284/Good Stop by Casey's

Sign Number

3

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3



4.15

# Casey's Site Plan



Project Number / Name

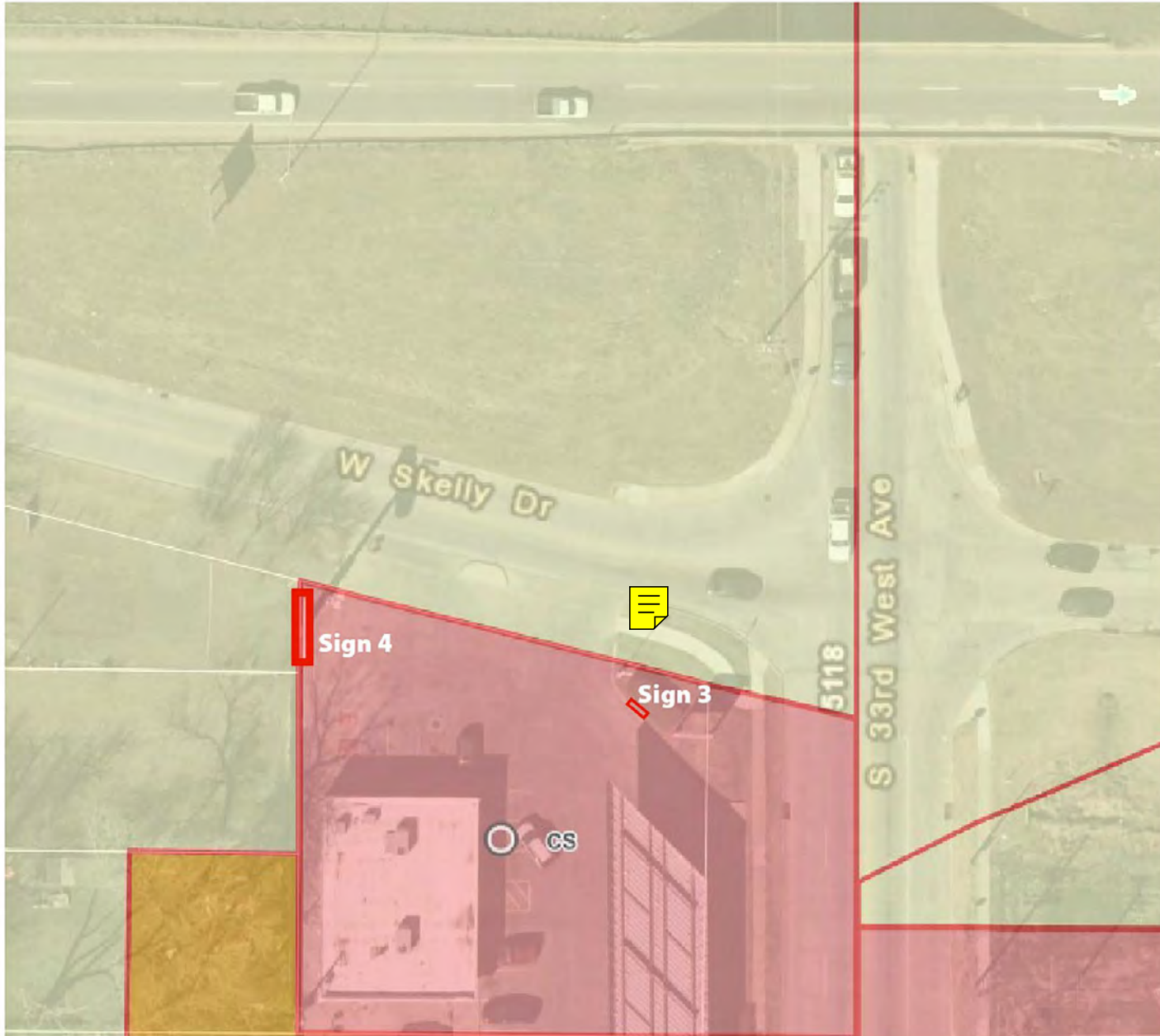
#230284/Good Stop by Casey's

Sign Number

3 & 4

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3



4.16



# Casey's Site Plan

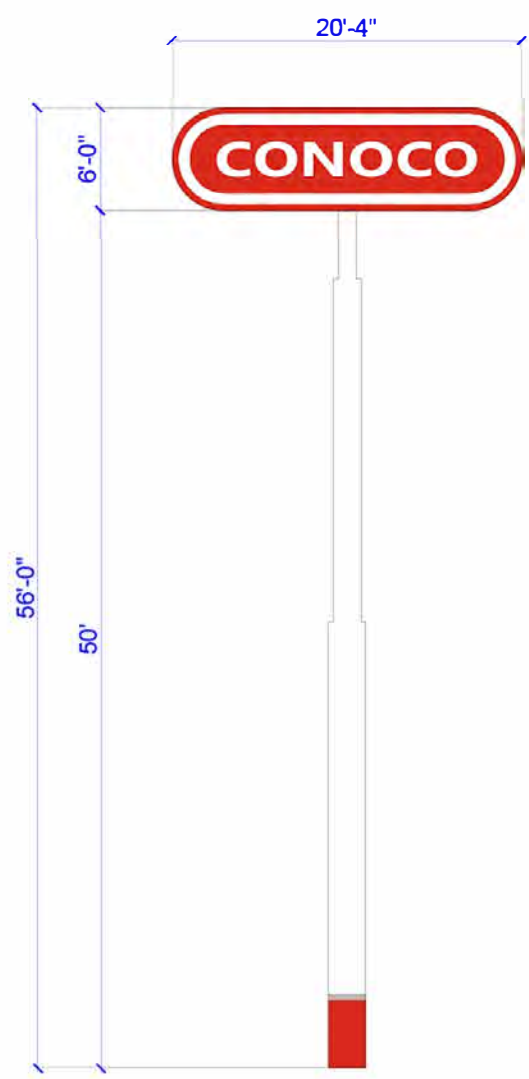


**Project Number / Name**  
#230284/Good Stop by Casey's

**Sign Number**  
4

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Pylon Sign

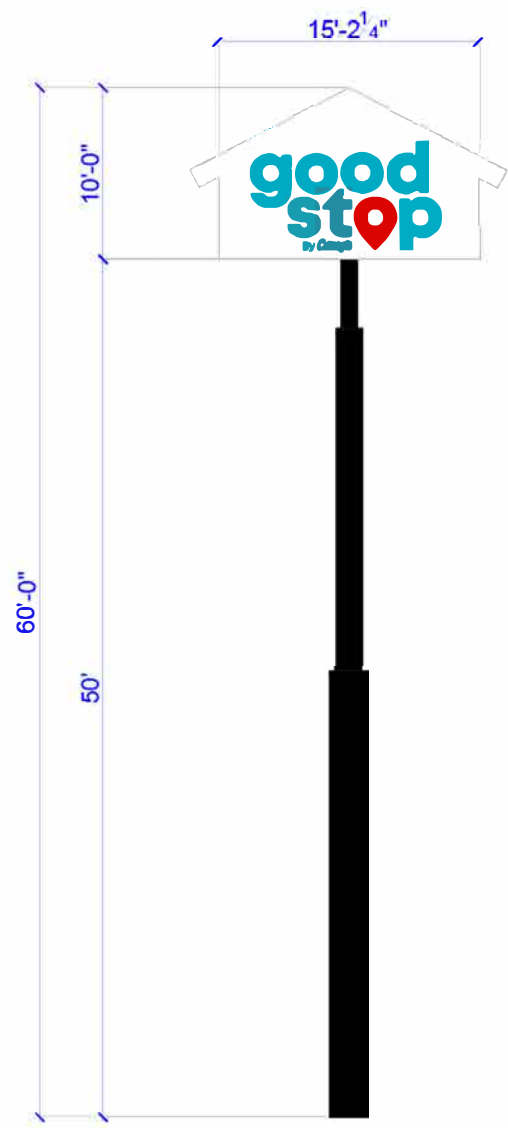
4



**Existing**



**Approved**



**EXISTING**  
115 FT<sup>2</sup>

**PHASE 1**  
125 FT<sup>2</sup> 4.17

# Casey's Site Plan



Project Number / Name

#230284/Good Stop by Casey's

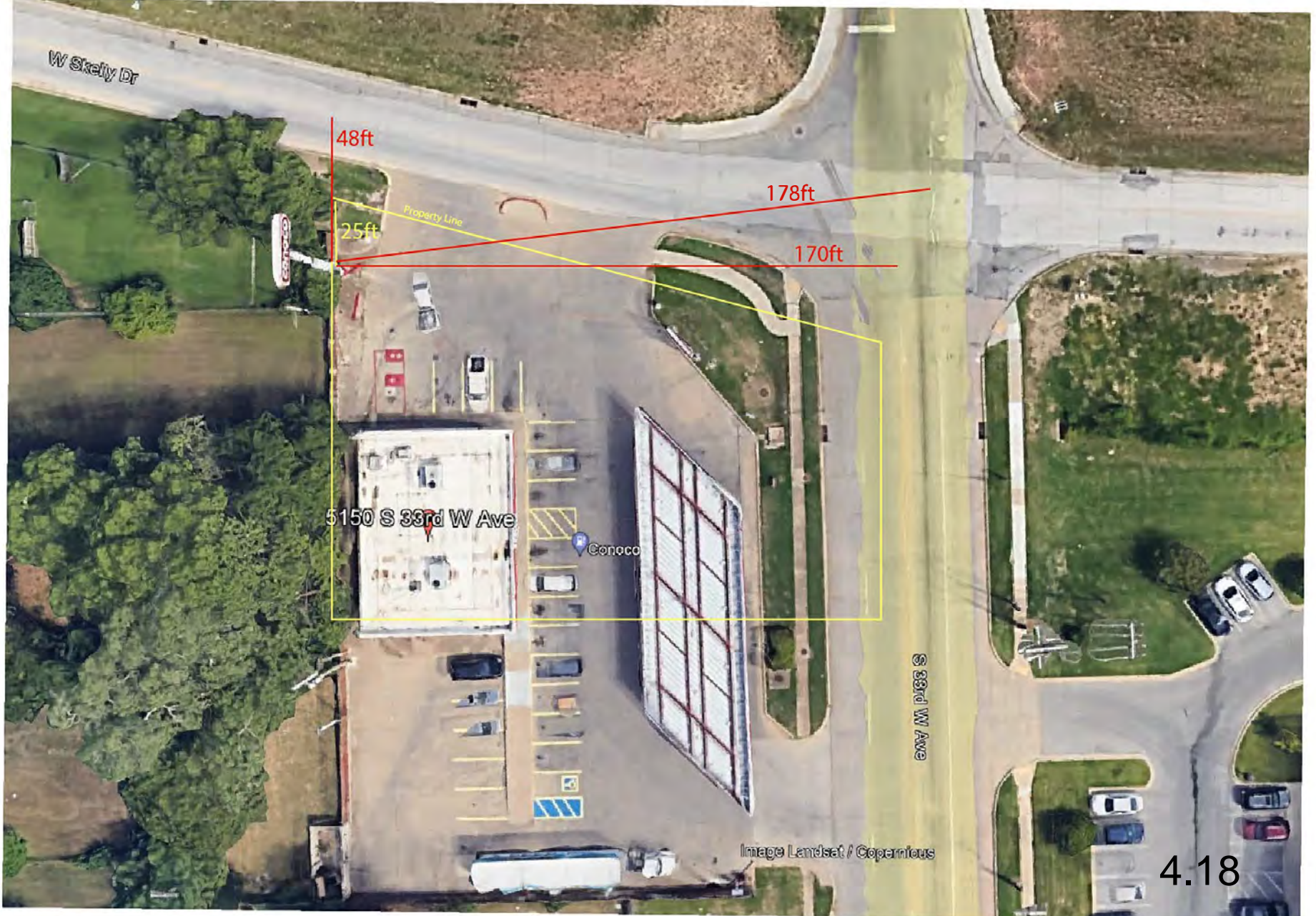
Sign Number

4

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Pylon Sign

4



4.18