



Board of Adjustment

**Staff Report
Variance BOA-23679**

Hearing Date: April 9, 2024
Prepared by: Sean Wallace
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918-596-7585

Owner and Applicant Information

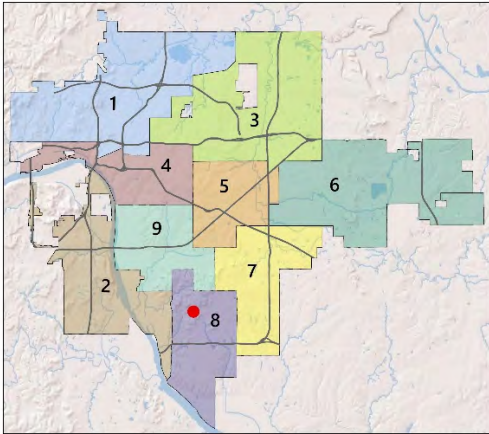
Applicant: SBWG, LLC
Property Owner: SBWG, LLC

Property Location

7318 S. Yale Ave.
Tract Size: ± .6 acres

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

Request Summary

Variance to permit a dynamic display sign in the OL District (Sec. 60.060-E); Variance to allow a dynamic display sign within 20-feet of the driving surface (Sec. 60.100-E); Variance to permit a dynamic display sign within 200-feet of an R district (Sec. 60.100-F).

Zoning

Zoning District: OL
Zoning Overlays: N/A

Comprehensive Plan Considerations

Land Use

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

Transportation

Major Street & Highway Plan: N/A
planitulsa Street Type: Primary arterial
Transit: N/A

Existing Bike/Ped Facilities: None
Planned Bike/Ped Facilities: None

Environment

Flood Area: N/A
Tree Canopy Coverage: 30-50%
Parks & Open Space: N/A

Staff Analysis

The applicant is requesting a Variance to permit a dynamic display sign in the OL District (Sec. 60.060-E); Variance to allow a dynamic display sign within 20-feet of the driving surface (Sec. 60.100-E); Variance to permit a dynamic display sign within 200-feet of an R district (Sec. 60.100-F).

60.060-E Dynamic Displays

Dynamic displays are prohibited in O districts except that on a lot occupied by an allowed public, civic or institutional use, either the allowed wall sign or the allowed freestanding sign may include a dynamic display.

60.100-E Dynamic displays may not be located within or within 20 feet of the driving surface of a street, measured horizontally in a straight line from the nearest point of the sign structure to the nearest point of the street curb or edge of the traveled roadway marked or understood as such.

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-23608; On 12/12/2023 the Board approved the same request for the subject property, the applicant is coming back to the Board to request approval of a greater portion of their sign to be located within the 20-feet of the curb.

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 | OM | Local Center | Nursing Home |
| East | RD | Neighborhood | Residential |
| South | OL | Local Center | Offices |
| West | OL | Local Center | Offices |

Small Area Plans

The subject properties are not within a small area plan.

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: Primary Arterial

Transit: N/A

Existing Bike/Ped Facilities: None

Planned Bike/Ped Facilities: None

Arterial Traffic per Lane: 4,182 vehicles per lane per day on S. Yale Ave.

Environmental Considerations

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

Tree Canopy Coverage: Tree canopy in the area is 49%. Significant effort should be given to the preservation of mature stands of trees. Tree canopy removal should be minimized, and replacement of trees that need removing should be encouraged.

Parks & Open Space: N/A

Sample Motion

I move to approve or deny a Variance to permit a dynamic display sign in the OL District (Sec. 60.060-E); Variance to allow a dynamic display sign within 20-feet of the driving surface (Sec. 60.100-E); Variance to permit a dynamic display sign within 200-feet of an R district (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:

- 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;
- That literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose;
- 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;
- That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- That the variance to be granted is the minimum variance that will afford relief;
- 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
- 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

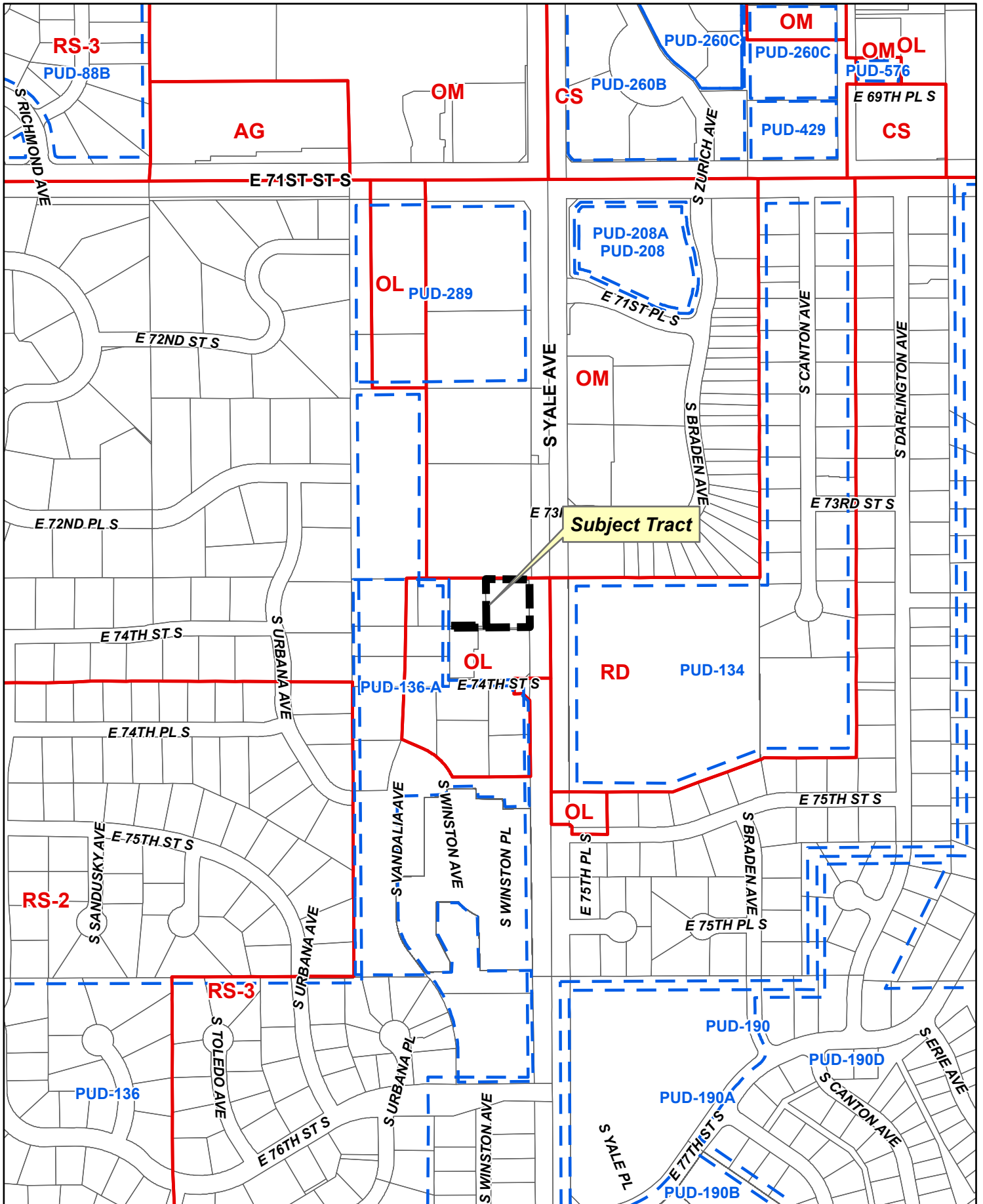
LOT 1 BLK 1, SOUTHERN HILLS CENTER RESUB, City of Tulsa, Tulsa County, State of Oklahoma

Exhibits

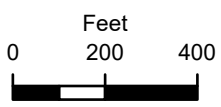
- Photos
- Case map
- Aerial (small scale)
- Aerial (large scale)
- Tulsa Comprehensive Plan Land Use Map



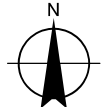
Subject property looking north on Yale Ave (Image used from Google Street view)



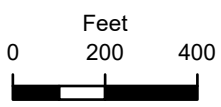
Subject Tract



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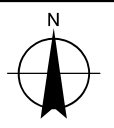


 Subject Tract

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

Aerial Photo Date: 2021



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E 73RD ST S

S YALE AVE

E 74TH ST S



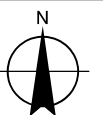
Subject
Tract

0 30 60 120
Feet

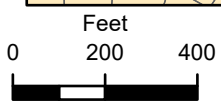
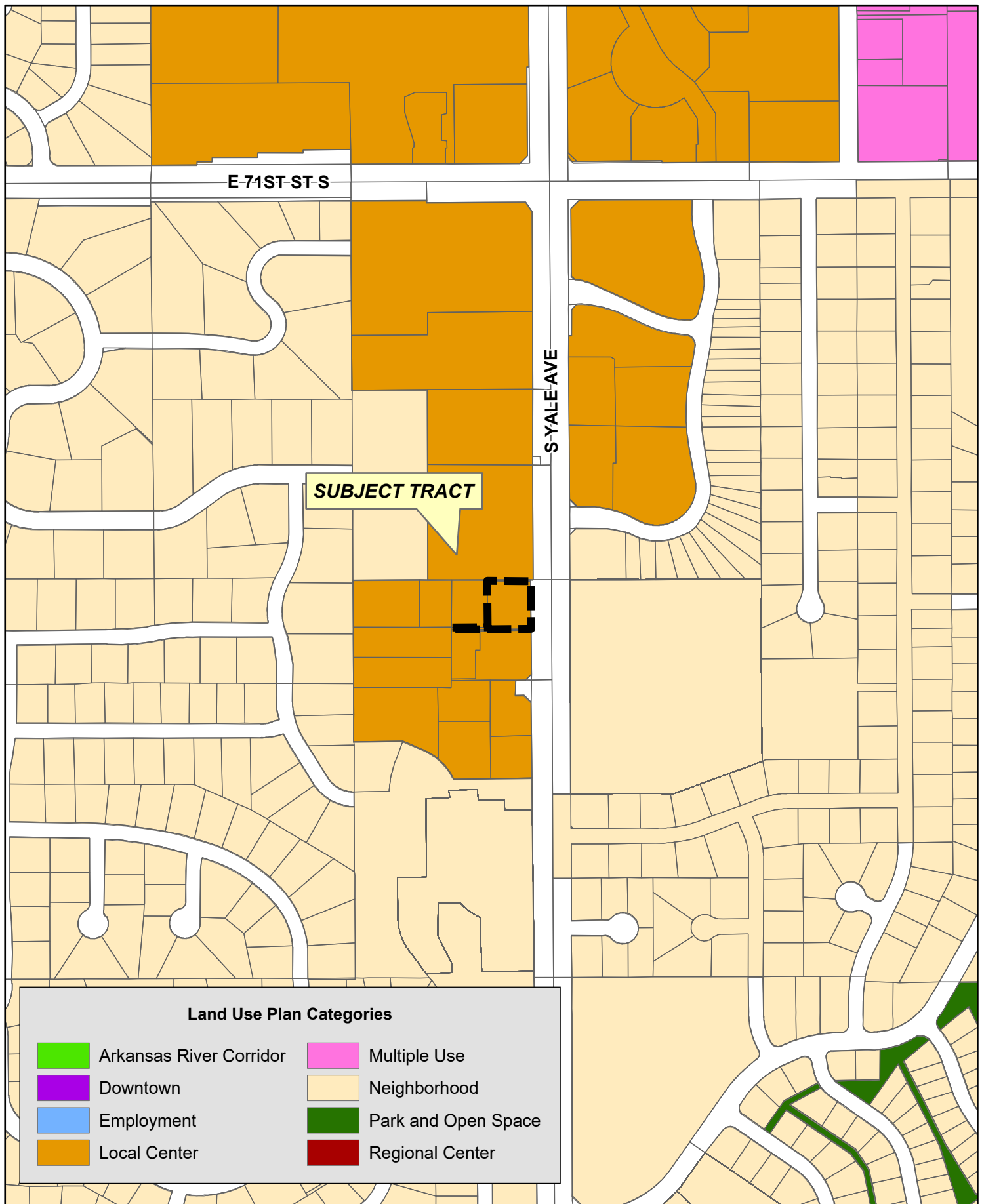
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Aerial Photo Date: 2021

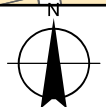


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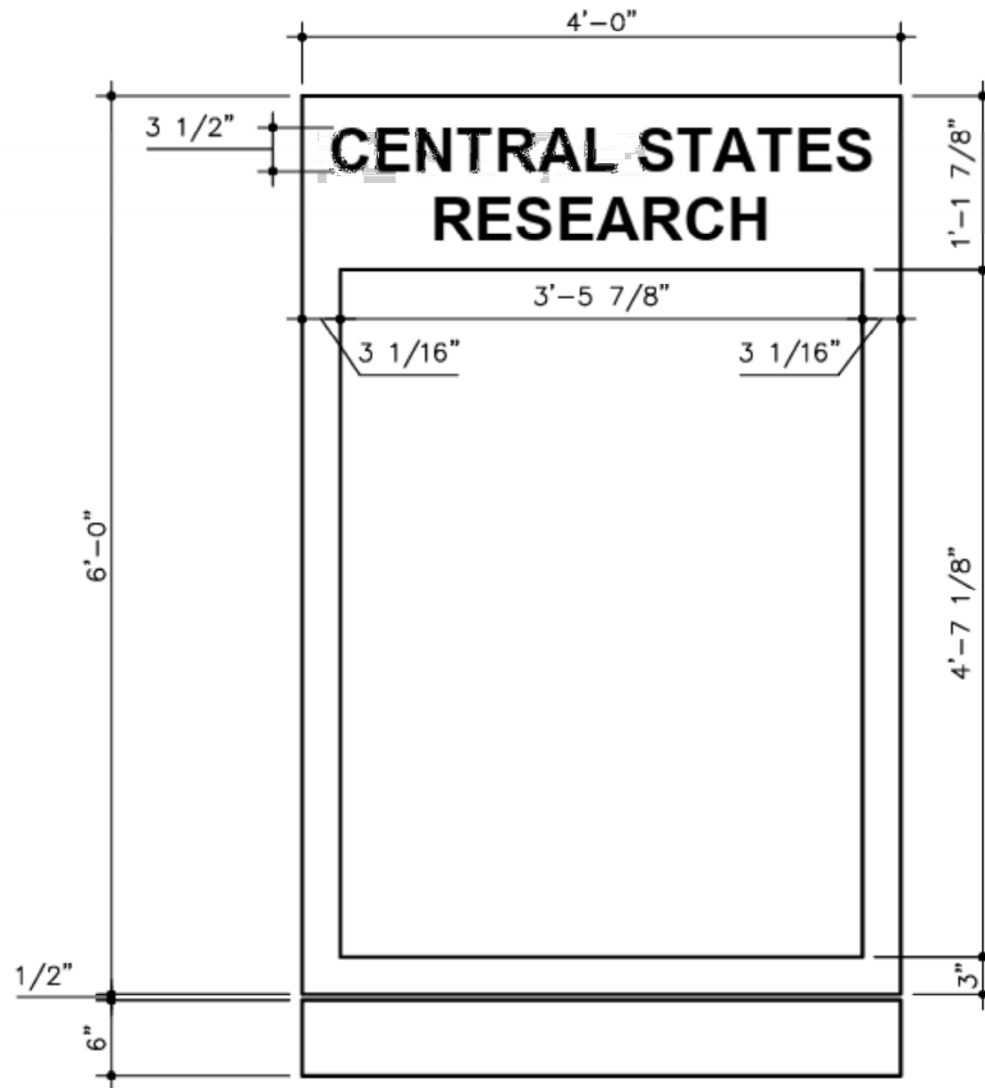


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Notes:

- Same for both sides (north & south).
- The dynamic display portion is the rectangular section in the middle.

