



**Board of Adjustment**

**Staff Report**

**Variance**

**Hearing Date:** May 14, 2024

**Prepared by:** Austin Chapman  
achapman@cityoftulsa.org  
918-596-7597

**Owner and Applicant Information**

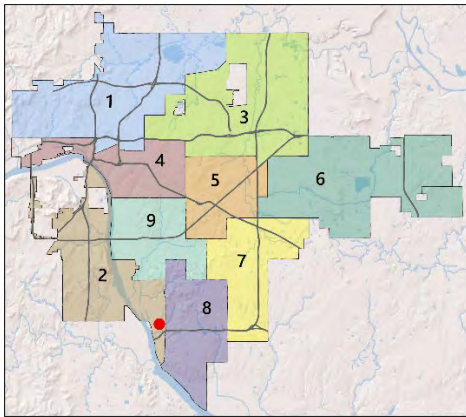
Applicant: Highway Man Signs, LLC  
Property Owner: Genesis Health Clubs Tulsa Tennis, LLC c/o Rodney Steven

**Property Location**

3030 E. 91st St. S.  
Tract Size: ±2.9 acres

**Location within the City of Tulsa**

*(shown with City Council districts)*



**Elected Representatives**

City Council: District 2, Jeannie Cue  
County Commission: District 3, Kelley 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 increase the permitted wall sign display area of 32 square feet in a residential zoning district (Sec. 60.050-B.2)

**Zoning**

Zoning District: RD (Residential Duplex)  
Zoning Overlays: None.

**Comprehensive Plan Considerations**

**Land Use**

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

**Transportation**

Major Street & Highway Plan:  
E. 91st St. S : Secondary Arterial  
S. College PL.: Residential Collector  
planitulsa Street Type: Multi-Modal Corridor  
Transit: Regular Route

Existing Bike/Ped Facilities: Sidewalks are present on street frontages  
Planned Bike/Ped Facilities: None.

**Environment**

Flood Area: portion of property is inside FEMA 500 Year Floodplain  
Tree Canopy Coverage: 10-20%  
Parks & Open Space: Property is considered a private park and recreation use.

## **Staff Analysis**

The applicant is proposing a new wall sign on the property to serve the health club that is approximately 49 square feet in display area, code limits them to 32 square feet.

### **Wall Signs**

Nonresidential uses in R, AG, and AG-R districts are allowed a maximum of one wall sign per public building entrance. No individual wall sign may exceed 32 square feet in area. In buildings with multiple public building entrances, the sign area of all wall signs may not exceed 32 square feet in the aggregate.

### **Relevant Case History**

- BOA-22975, 8/11/2020, The Board approved a Minor Special Exception to amend a previously approved site plan for a Fitness Facility and Health Club in an RD District (Sec. 70.120). The property has been through the board 8 separate times for modifications related to approvals for the Health Club in the residential zoning.

## **Statement of Hardship**

Please see exhibit provided by the applicant.

## **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	RM-1and CS	Regional Center	Multiple Uses including residential, office and assembly and entertainment
East	RM-2	Local Center	Residential
South	RM-2	Local Center	Residential
West	OL and AG	Local Center	Second Hand store

### **Small Area Plans**

The subject properties are not a part of a small area plan.

### **Development Era**

The subject properties were developed in the Late Automobile Era. In the late 1950s and early 1960s the suburbs grew at a tremendous rate in the Tulsa metropolitan area. It was at this time that surrounding communities, such as Broken Arrow, began to grow at a rapid pace. At this time, the City of Tulsa annexed more than 100 square miles, and neighborhood subdivisions began to proliferate from the core of the city toward the suburban communities.

**Transportation**Major Street & Highway Plan:

East 91st Street S. is a secondary Arterial Street which plans for a right-of-way that is 100-feet in width, the current amount of dedicated right-of-way is only 80-feet in width.

S. College Pl. is Residential Collector Street which plans for a right-of way that is 60-feet in width, all required right-of-way is dedicated for College Pl.

Comprehensive Plan Street Designation: Multi-modal streets support commercial and residential development along major arterial streets. These streets align with the recommendations for on-street bicycle infrastructure established in the 2015 GO Plan, and they should be evaluated for feasibility with regard to the reallocation of street space for bicycle facilities.

Transit: Regular Routes

Existing Bike/Ped Facilities: Sidewalk are available on both street frontages.

Planned Bike/Ped Facilities: None.

Arterial Traffic per Lane:

Arterial Traffic - North (E 91st St S - 9,139 Vehicles per Lane)

Arterial Traffic - East (S Yale Ave - 4,749 Vehicles per Lane)

Arterial Traffic - South (E 101st St S - 5,163 Vehicles per Lane)

Arterial Traffic - West (S Delaware Ave - 5,732 Vehicles per Lane)

**Environmental Considerations**

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

Tree Canopy Coverage: Tree canopy in the area is 11%. 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: N/A

**Site Photos:**



Subject property showing the subject sign that has been installed without permits

**Sample Motion**

I move to approve or deny a Variance to increase the permitted wall sign display area of 32 square feet in a residential zoning district (Sec. 60.050-B.2),

- 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:

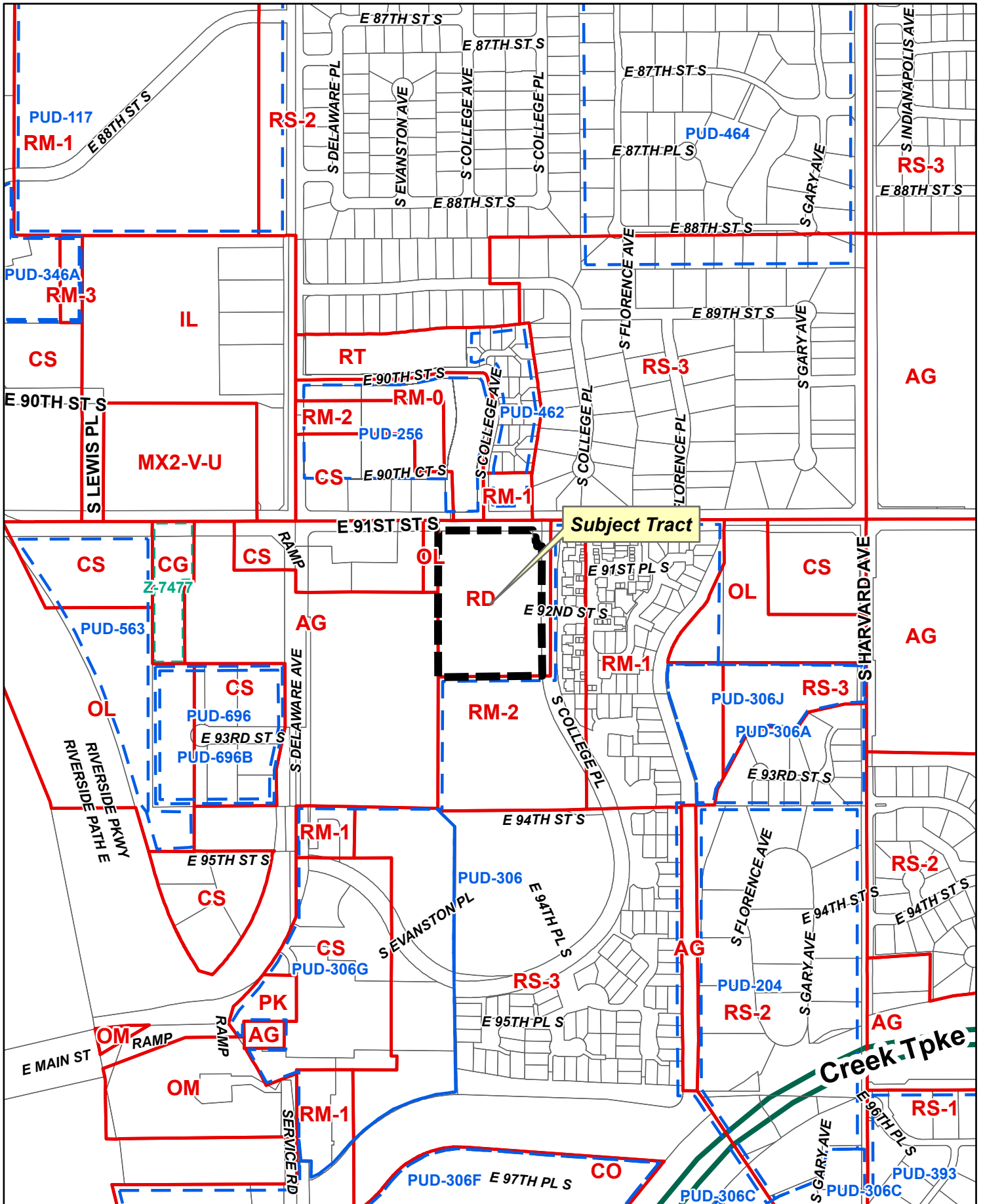
- That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- That literal enforcement 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**

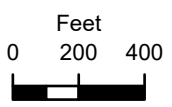
, City of Tulsa, \_\_\_\_\_ County, State of Oklahoma

**Exhibits**

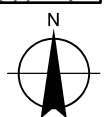
- Case map
- Aerial (small scale)
- Aerial (large scale)
- Photos
- Tulsa Comprehensive Plan Land Use Map

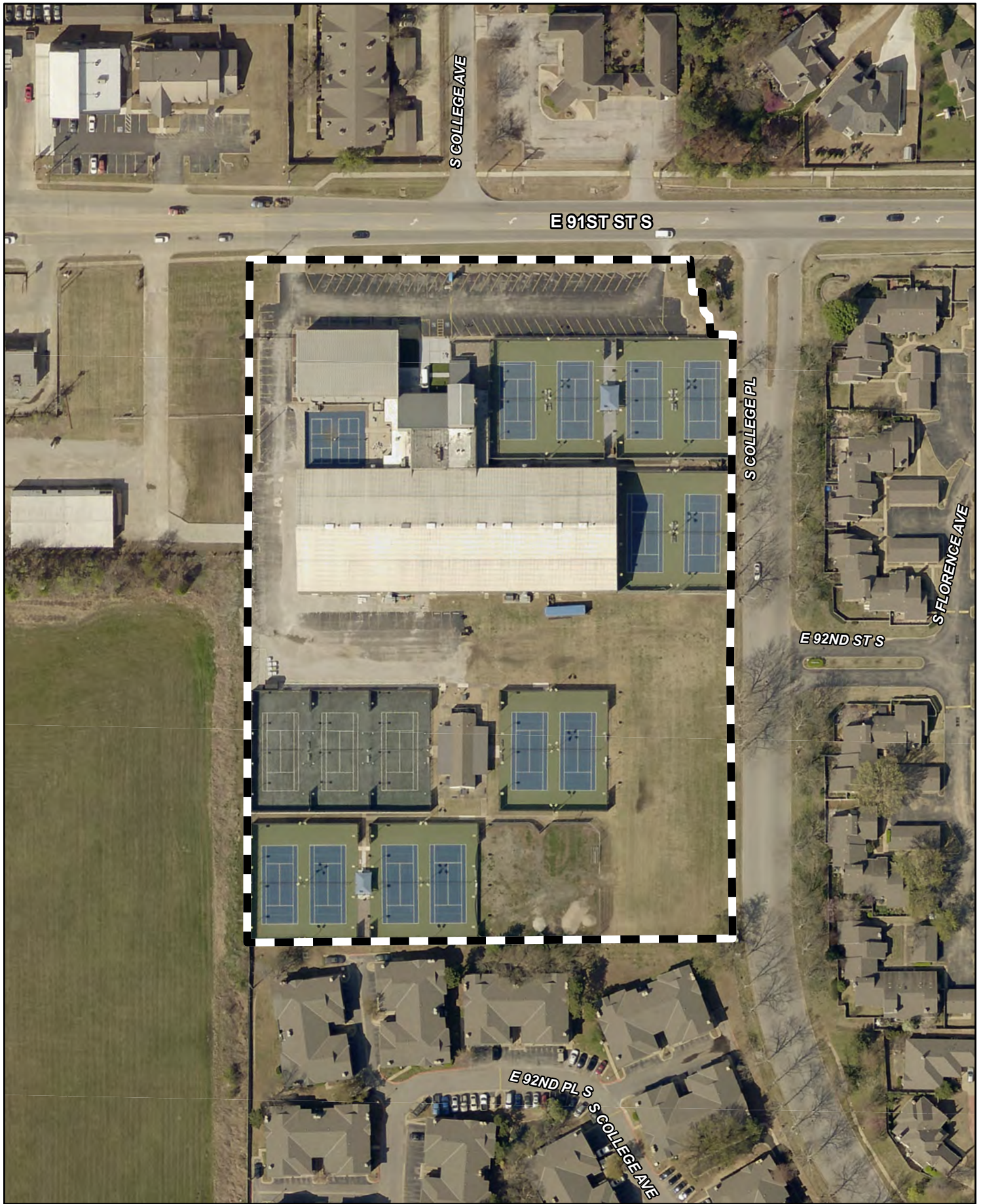


**Subject Tract**

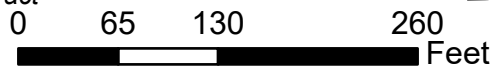


**BOA-23691**





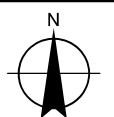
Subject  
Tract



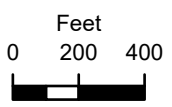
**BOA-23691**

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

Aerial Photo Date: 2021



8.7

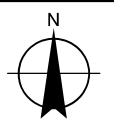


 Subject Tract

**BOA-23691**

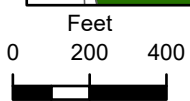
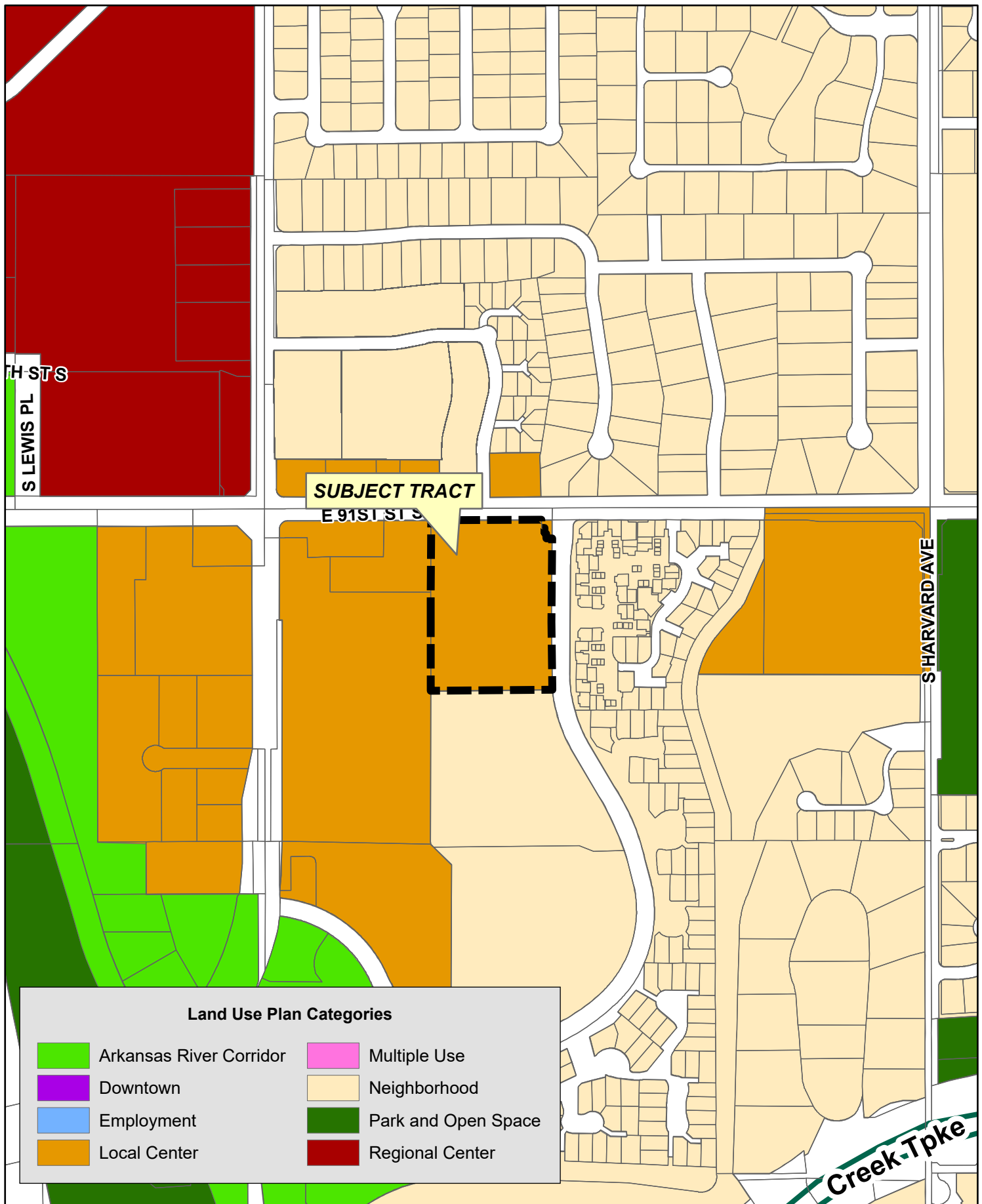
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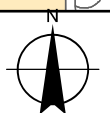
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**BOA-23691**

19-14 04



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1. The size of the sign is to make up for the distance from the intersection of S. Delaware Ave and 91st street. To be seen and drive more business to their location.
2. The sign in question has been designed and manufactured professionally, with quality materials, and in good taste and would not be considered an eyesore or take away business from any adjacent businesses, but hopefully do the opposite by driving more business to the area and therefore enticing higher quality tenants to the surrounding commercial locations.
3. This is the largest single-tenant commercial property on their end of the street. No other adjacent business has room or need for such a sign.
4. The existing signage was put up several years ago. It is similar in size and unbeknownst to either the property owner or the sign contractor had been put up without a permit. We were working under the assumption a similar size sign would be within the rules.
5. We (the sign contractor) unfortunately dropped the ball and built the sign before completing the permit procedure and now have a very expensive sign (\$26k + install labor) that cannot be used at any other location. We realize this was our mistake, but we are unsure how we would weather a loss of this size. We are not a large company and jobs this size don't come everyday and would put a terrible financial hardship on our company.
6. As we mentioned above, this sign is similar in size to a sign that is already on the building and has been for several years. The existing sign has had no adverse effects on the adjacent properties and has been up over 5 years and has not altered the essential character of the neighborhood but one could say has actually become a part of the character of the neighborhood.
7. I am unaware of any way this sign could cause any detriment to the public good or the purposes of this zoning code.



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

# CITY OF TULSA

## CORRECTIONS SUMMARY

### SIGN-176601-2024 (3030 E 91ST ST S Tulsa, OK 74137) Markup Summary #1

#### Sign Review (1)



**Subject:** Sign Review  
**Page Label:** 1  
**Author:** DWhiteman  
**Date:** 3/26/2024 9:16:09 AM  
**Status:**  
**Color:** ■  
**Layer:**  
**Space:**

Section 60.050-B.2, Signs in R and AG Zoning Districts, Nonresidential uses, Wall Signs. Nonresidential uses in R, AG, and AG-R districts are allowed a maximum of one wall sign per public building entrance. No individual wall sign may exceed 32 square feet in area. In buildings with multiple public building entrances, the sign area of all wall signs may not exceed 32 square feet in the aggregate. REVIEW COMMENT: This property is in a Residential zoning district, and in Residential zoning districts the total combined area of all wall signs may not exceed 32 square feet. There are already multiple wall signs which don't appear to have permits, or at least there is no Board of Adjustment approval on record to have multiple wall signs exceeding 32 square feet in total area. To be able to permit this sign, the Board of Adjustment would need to approve a variance to exceed 32 square feet of total sign area in an R zoning district. Otherwise the owner of the health club could also pursue rezoning to a different zoning district that would allow for more signage. Contact the Tulsa Planning Office at 918-596-7526 for Board of Adjustment scheduling and procedures.



Wall Sign



# Overall Dimensions





View from S. Delaware Ave

# Existing Sign





# Proposed Sign Install location



**SPORTS SCIENCE &  
3D VIDEO ANALYSIS**  
ALL SPORTS ——— ALL AGES

161.20"

44.71"