



Board of Adjustment

**Staff Report
BOA-23803**

Hearing Date: December 10, 2024

Prepared by: Erin Roark
eroark@cityoftulsa.org
918-596-7618

Owner and Applicant Information

Applicant: Moe Shoeleh, Sign World of Tulsa

Property Owner: Freeway Café Inc.

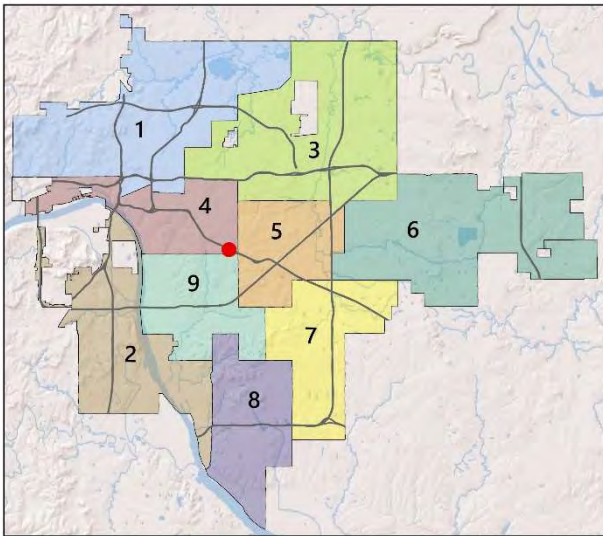
Property Location

4401 East 31st Street South

Tract Size: ±0.83 acres

Location within the City of Tulsa

(shown with City Council districts)



Elected Representatives

City Council: District 4, Laura Bellis

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 (Section 60.100-F).

Zoning

Zoning District: CS

Zoning Overlays: N/A

Comprehensive Plan Considerations

Land Use

Land Use Plan: Multiple Use

Small Area Plans: None

Development Era: Early Automobile

Transportation

Major Street & Highway Plan: Secondary Arterial

planitulsa Street Type: Multi-modal Corridor

Transit: Regular Route

Existing Bike/Ped Facilities: N/A

Planned Bike/Ped Facilities: Bike Corridor

Environment

Flood Area: N/A

Tree Canopy Coverage: 10-20%

Parks & Open Space: N/A

Staff Analysis

The applicant is requesting a variance to permit a dynamic display sign within 200 feet of residentially zoned lots (Section 60.100-F). The request is to allow -an existing sign with a dynamic display component. Dynamic displays are prohibited within 200 feet of residentially zoned lots. The proposed sign is located within 200 feet of and would be visible from the RM-2 district abutting the property to the north and the RM-2 district on the south side of East 31st Street South.

Section 60.100 Dynamic Displays

The supplemental regulations of this section apply to all signs with dynamic displays. Except as otherwise expressly stated, these regulations apply whether incorporated into off-premise outdoor advertising signs or on-premise signs that are allowed to include a dynamic display.

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-03737, December 13, 1961; The board of adjustment voted to permit a children’s day nursery in a U-1-C District

Statement of Hardship

A statement of hardship is included as a separate exhibit.

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	RM-2	Neighborhood	Residential
East	CS	Multiple Use	Commercial/Office
South	RM-2, PUD-197-A	Neighborhood	Residential
West	OM	Multiple Use	Commercial/Retail

Small Area Plans

The subject property is not located within a small area plan.

Development Era

The subject property is in an area developed during the Early Automobile Era (1930s-50s), which retained a high degree of the connectivity from neighborhood streets to the arterial network, with mostly commercial, office,

industrial, and other active uses along major streets and a mix of housing options and neighborhood-based uses like schools, churches, and libraries in the interior sections. Priorities in these areas include walkability, bikeability, access to public transit, historic preservation, housing type variety, mixed-use development, commercial revitalization, compatibility of scale for neighborhood development, and transitions between commercial corridors and residential areas.

Transportation

Major Street & Highway Plan: East 31st Street South runs parallel to the south side of the subject property and is classified as a Secondary Arterial, which calls for a total right-of-way width of 100 feet.

Comprehensive Plan Street Designation: East 31st Street South is designated as a Multi-Modal Corridor. Multi-modal streets support commercial and residential development along major arterial streets. These streets align with the recommendations for on-street bicycle infrastructure establish 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 Route 300 runs along East 31st Street South.

Existing Bike/Ped Facilities: N/A

Planned Bike/Ped Facilities: The 2015 GO Plan recommends a bike corridor along East 31st Street South.

Arterial Traffic per Lane: East 31st Street South has an average annual daily traffic (AADT) count of 3,060 vehicles per lane.

Environmental Considerations

Flood Area: The subject property is not located within a designated 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. 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**Variance**

I move to approve or deny a variance to permit a dynamic display sign within 200 feet of residentially zoned lots (Section 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:

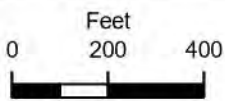
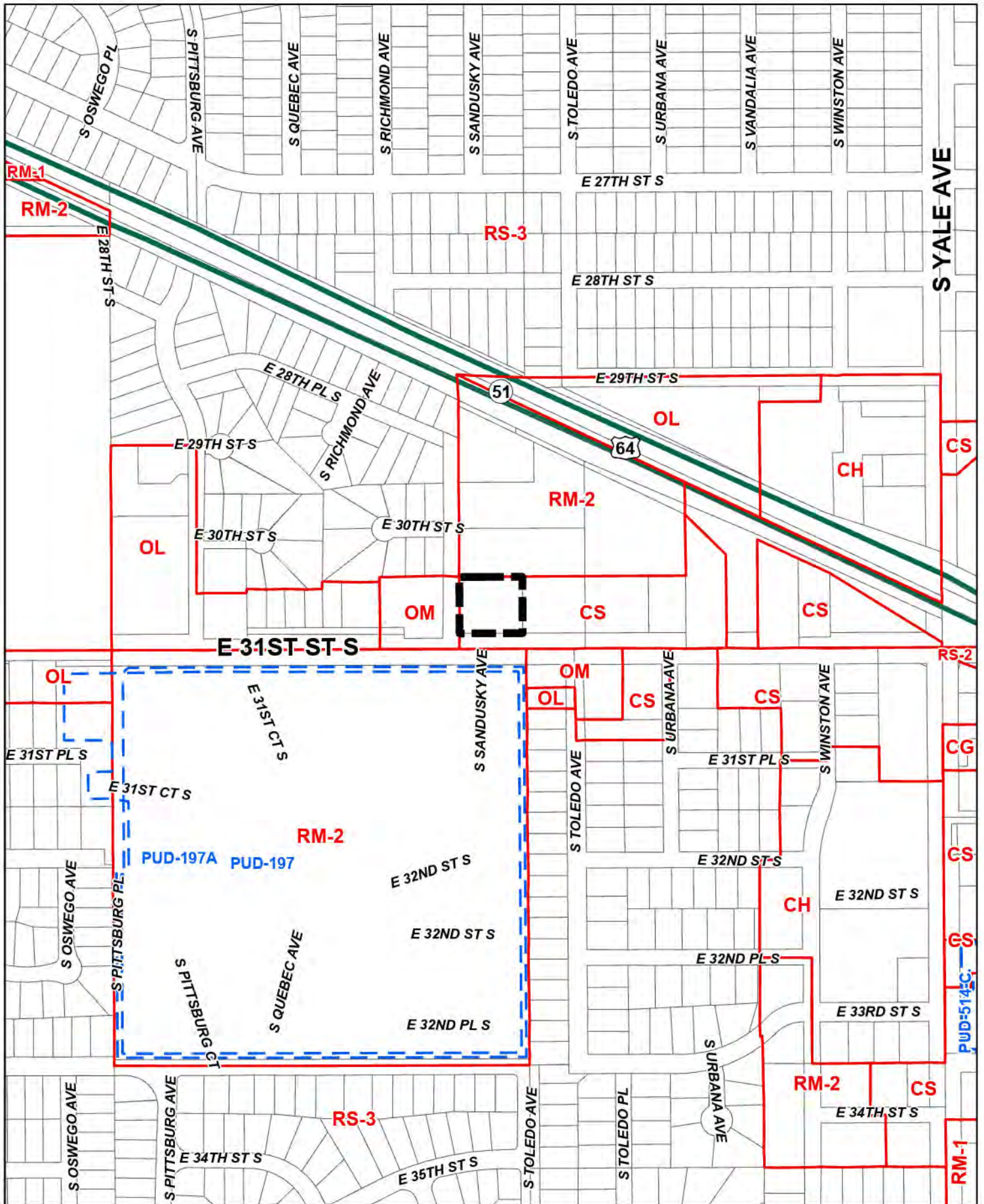
- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal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

LT 2 BLK 1 GEORGIAN TERRACE SUB B1 EXPOSITION GARDENS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Exhibits

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



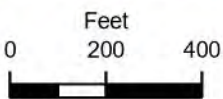
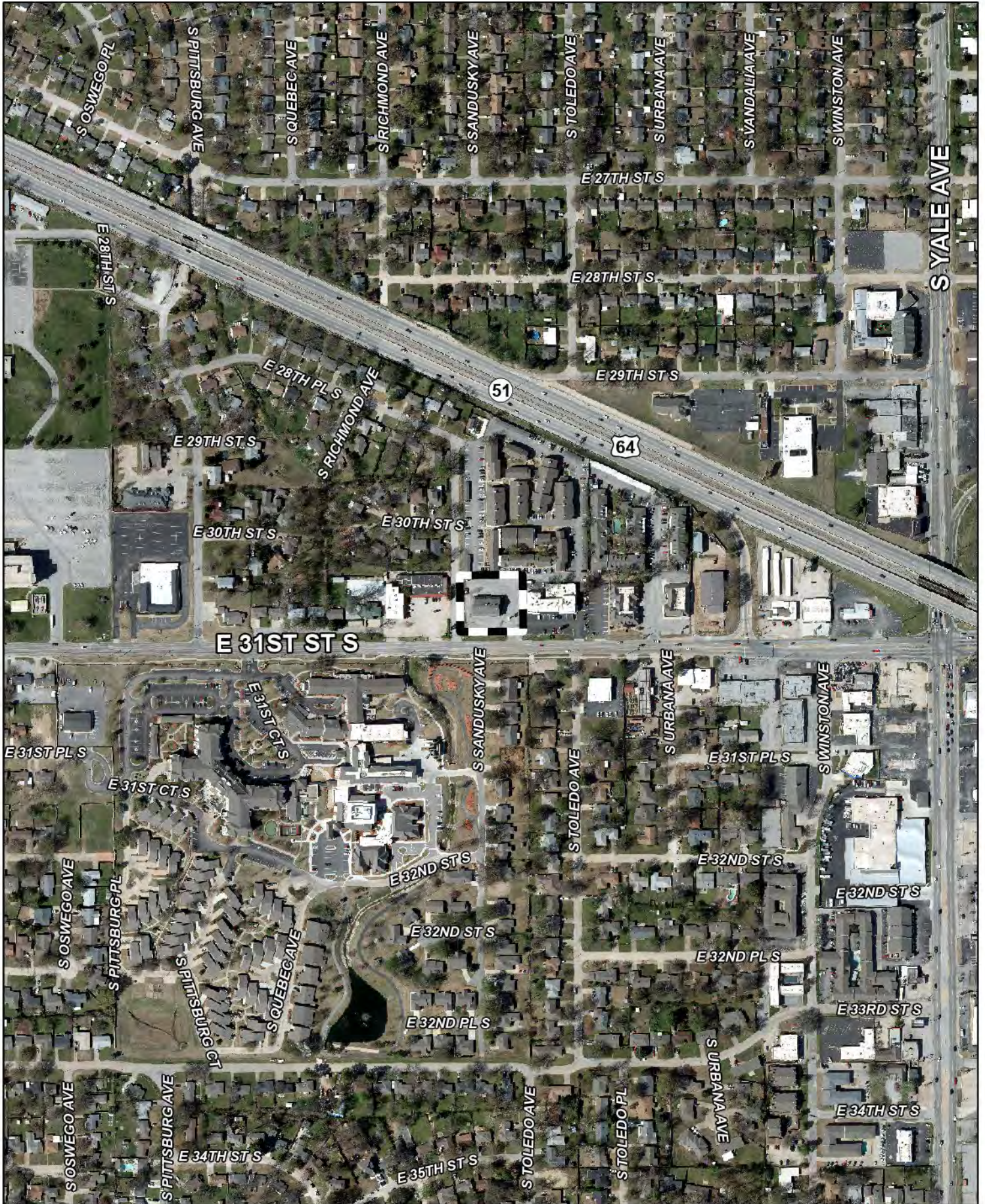
 Subject Tract

BOA-23803

19-13 16



6.5



Subject Tract

BOA-23803

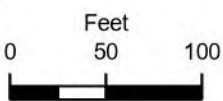
19-13 16

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

Aerial Photo Date: 2022



6.6



 Subject Tract

BOA-23803

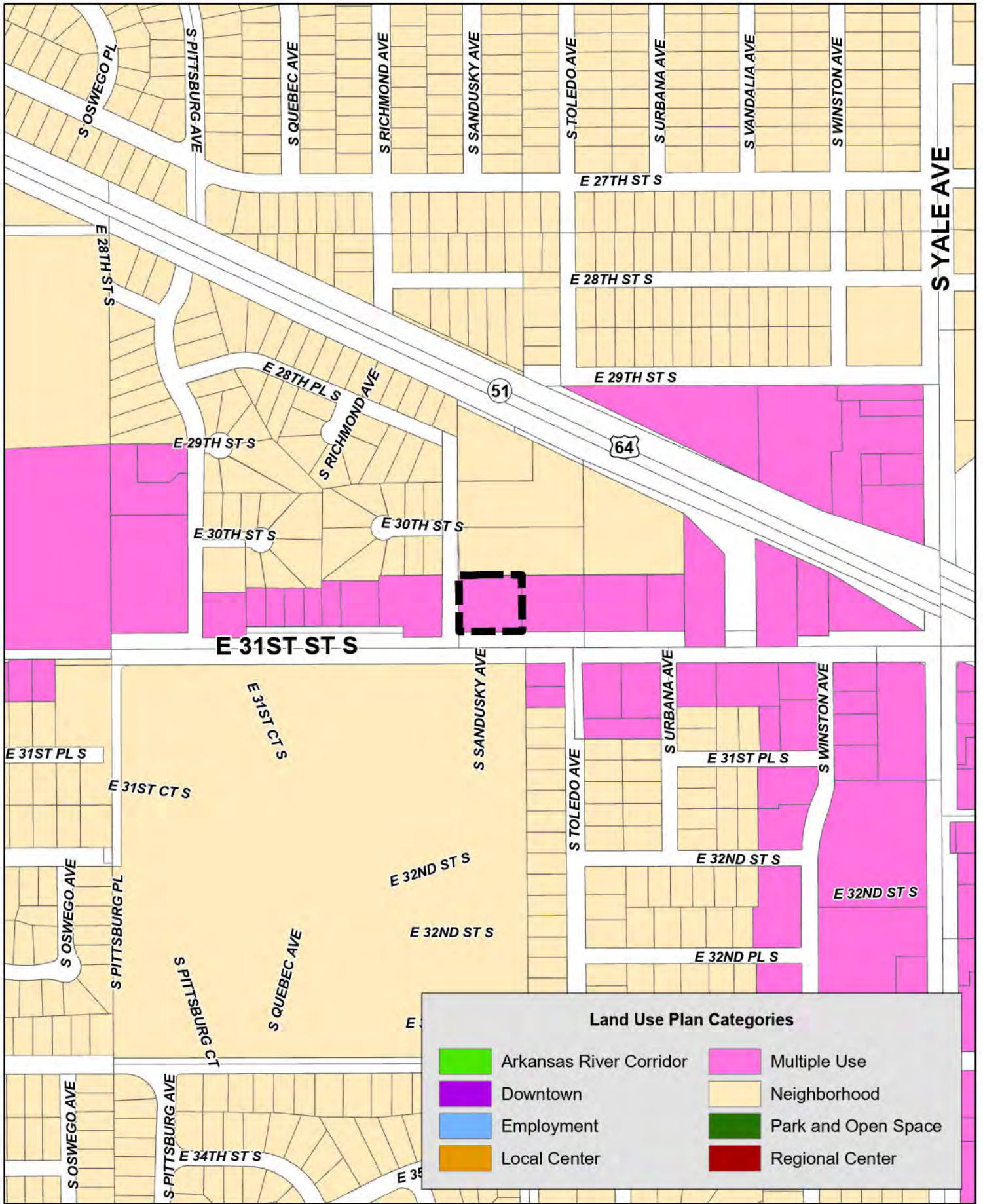
19-13 16









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

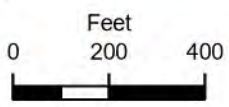
Aerial Photo Date: 2022



6.7



Land Use Plan Categories			
	Arkansas River Corridor		Multiple Use
	Downtown		Neighborhood
	Employment		Park and Open Space
	Local Center		Regional Center



 Subject Tract

BOA-23803

19-13 16



6.8

To: Planning Commission

11-5-2024

Digital signs have become more commonplace with restaurants, businesses, and entities that have specific daily notices or items that routinely change. A variance is being requested due to the hardship created by the exclusion of a digital sign at the proposed location. The sign in the requested variance would be perpendicular to the road and will not face directly towards the residential area across the street. The need for this improvement is evidenced by at least 4 previous restaurants closing their doors due to, in no small part, a lack of exposure and ability to communicate effectively with passing traffic. Passing vehicle awareness of the establishment is limited because of the continual moderately heavy traffic and the lack of ability to garner passing traffic attention. A further example of the need for digital signage in the area can be evidenced by Tulsa Public Schools currently utilizing a digital sign a short distance away from this property to communicate with the public regarding their services, events, and other general information. (Photo Attached).

In this specific instance, the requested variance is not solely related to the current applicant but is because a proven hardship to businesses located here has been caused by limited signage options which do not allow more modern and effective signage, creating an impediment to the success of businesses at this location.

Applicant is open to suggestions or modifications to the proposed plan, such as providing "lashing" to direct light more effectively or other suggestions.

Applicant respectfully requests that the proposed variance be approved.

Thank you for the consideration

Moe Shoeleh
Sign World of Tulsa
4121 W. Rogers Blvd.
Skiatook, OK 74070



DEVELOPMENT SERVICES

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

CITY OF TULSA

PLAN CORRECTIONS SUMMARY



Subject: Note
Page Label: 1
Author: James Henley
Date: 9/30/2024 9:48:38 AM
Status:
Color: ■
Layer:
Space:

Unresolved:

Provide a measurement from the centerline of 31st to the Southernmost edge of the proposed sign.



Subject: Note
Page Label: 1
Author: James Henley
Date: 9/30/2024 9:49:03 AM
Status:
Color: ■
Layer:
Space:

Unresolved:

Provide a measurement from the East property line to the Easternmost edge of the proposed sign.

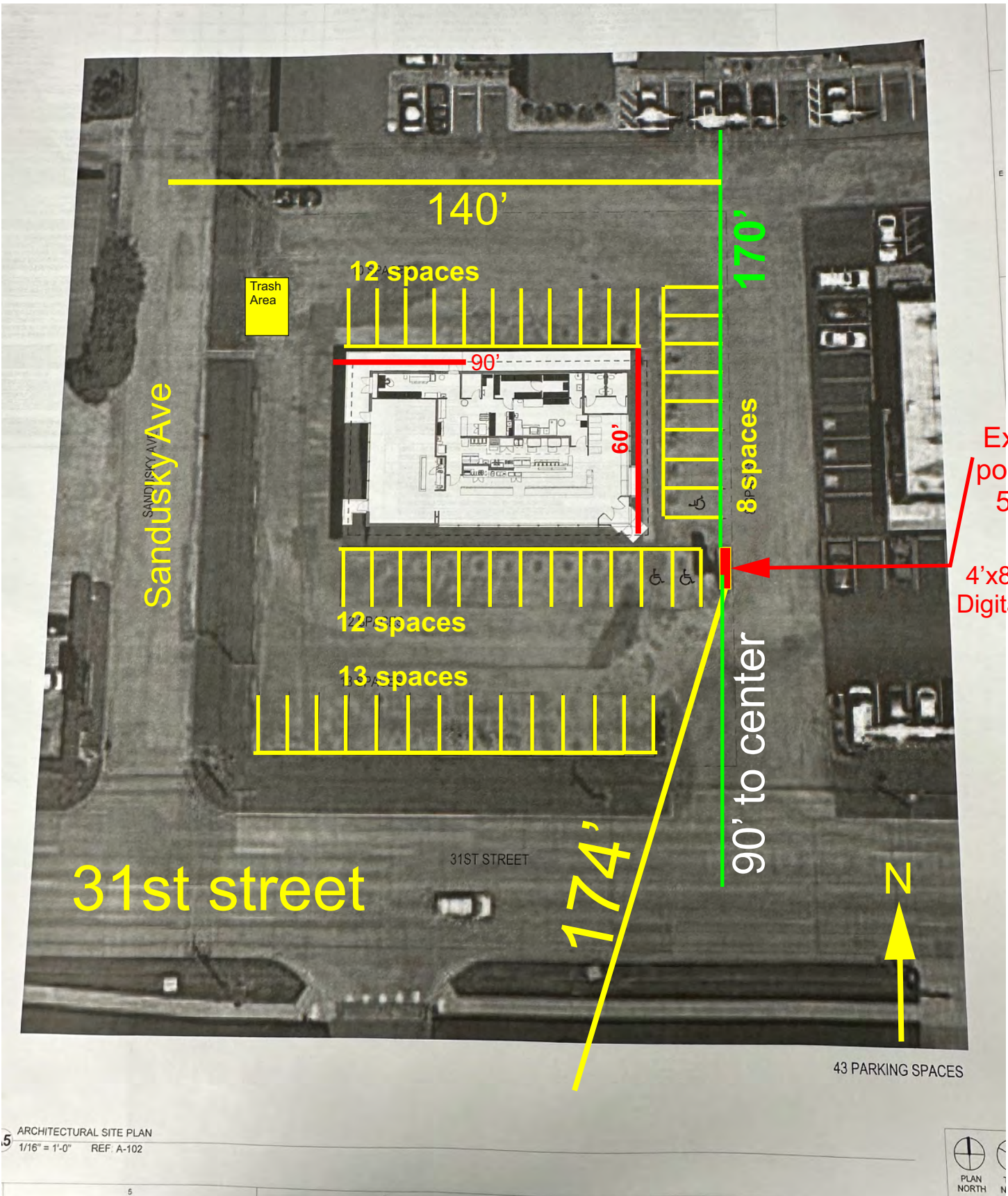
Sign Review (1)



Subject: Sign Review
Page Label: 1
Author: DWhiteman
Date: 9/30/2024 3:24:18 PM
Status:
Color: ■
Layer:
Space:

Unresolved from previous review:
Section 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.
REVIEW COMMENT: The proposed dynamic display sign appears to be located within 200 feet of R zoning districts to both the north and south. Dynamic display signs are not permitted within 200 feet of an R (residential) zoning district.

6-10



Proof

4'x8'

Digital Sign





General Information

Account Number	R15900931603140
Situs Address	4401 E 31 ST S TULSA 74135
Owner Name	FREEWAY CAFE INC
Owner Mailing Address	465 S SHERIDAN RD TULSA, OK 741121735
Land Area	0.83 acres / 36,079 sq ft
Market Value	\$525,000
Last Year's Taxes	\$6,980.05
Legal Description	Subdivision: GEORGIAN TERRACE SUB B1 EXPOSITION GARDENS ADDN (15900) Legal: LT 2 BLK 1 Section: 16 Township: 19 Range: 13



Tax Information

	2022	2023	2024
Fair Cash Value	\$500,000	\$500,000	\$525,000
Taxable Value	\$500,000	\$500,000	\$525,000
Assessment Ratio			
Gross Assessed	\$55,000	\$55,000	\$57,750
Exemptions	\$0	\$0	\$0
Net Assessed	\$55,000	\$55,000	\$57,750
Tax Rate	T-1A	T-1A	T-1A
Tax Rate Mills	133.320000	126.910000	126.910000
Estimated Taxes	\$7,333	\$6,980	\$7,329
Notice of Value Date (if changed from prev yr)	2/2/2022	2/2/2022	2/27/2024

Values

	2022	2023	2024
Land Value	\$216,500	\$216,500	\$360,800
Improvement Value	\$283,500	\$283,500	\$164,200
Fair Cash (Market) Value	\$500,000	\$500,000	\$525,000

Exemptions

	2022	2023	2024
Homestead	-	-	-
Additional Homestead	-	-	-
Senior Valuation Freeze	-	-	-
Veteran	-	-	-

Current Improvements

Tax Year	Property Type	Yr Blt	Livable	Stories	Story Height	Baths	Roof
Imp #	Foundation	Exterior			Use		HVAC Type
2024	Commercial	1972	3,790 SF	1.00	10	0.00	
1.00					Restaurant		Complete HVAC

Recent Sales

Sale Date	Grantor	Grantee	Sale Price	Doc Type	Book-Page/Doc #
3/2/2023	21ST INVESTMENT GROUP LLC	FREEWAY CAFE INC	\$525,000	Warranty Deed	2023016120
4/8/2021	HOLMES, CHRISTOPHER WILLIAM, AS TRUSTEE OF	21ST INVESTMENT GROUP LLC	\$500,000	Warranty Deed	2021039445
7/18/1988			\$0	Special Warranty Deed	2000035462 BK-05115PG-00325



CITY OF TULSA SIGN PERMIT APPLICATION

DATE: _____
A/P #: _____

Please print or type all data

Sign Location/Construction Address _____ Suite No. _____

Account No. (if Applicable) 111531 No. of Plans 1 No. of Pages of One set of Plans & Specifications 5

Contractor SignWorld of Tulsa Address 4121 W. Rogers Blvd.

City Skiatook State OK Zip 74070 Phone No. 918-836-6420 Fax No. _____

Email Address moe@signworldoftulsa.com

Legal Description of Property:	Lot	Block	Addition
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New or Existing <input checked="" type="checkbox"/> New Sign <input type="checkbox"/> Existing Sign 70 Foot Candles at 2 FT <input type="checkbox"/> More <input type="checkbox"/> Less	Type of Sign <input checked="" type="checkbox"/> Freestanding <input type="checkbox"/> Temp. Banner <input type="checkbox"/> Outdoor Advertising <input type="checkbox"/> Temp. Construction <input type="checkbox"/> Projecting <input type="checkbox"/> Wall Sign <input type="checkbox"/> Roof	Promotional Sign* <input type="checkbox"/> Inflatable non-rigid or tethered balloon Beginning Date: _____ Ending Date: _____ *All Promo Signs not requiring plans review use Promo Sign Application
Work Type <input checked="" type="checkbox"/> Install Sign <input type="checkbox"/> Electrical Repair of Sign <input type="checkbox"/> Electrical Add to Sign Face <input type="checkbox"/> Remove Sign <input type="checkbox"/> Remove and Rehang Sign		PUD Is sign in a PUD? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N If yes, are there any PUD restrictions on signage? <input type="checkbox"/> Y <input type="checkbox"/> N

Material of Sign: Plastic / Metal
 Electric? Y N Electric amps of Sign: 12 Dimensions of Sign in Ft. 4'x8' Area in Sq. Ft. 32
 Digital Sign? Y N If yes, Number of Nits _____
 Sign text or Copy: Digital Sign
 Special Board Action: Y N If yes, please describe and give case no.: _____

Setback From Centerline of Street/Freeway Boundary Line to Leading Edge of Sign.

100' Ft. from center of E. 31st St. Tulsa
 _____ Ft. from center of _____
 _____ Ft. from _____ Freeway Right-of-Way Boundary Line
 Height to top of sign 20' Above: Grade Mean Curb Level
 Wall Height: 30' Wall Length: 100'
 Number of business establishments on lot: 1 Length of Street Frontage: 100'

EXISTING SIGNS: (SIGN LOCATIONS)	TYPE	DISPLAY AREA

Owner or Lessee: _____ Address: 4401 E 31st St Tulsa, OK
 (Must be signed by the owner or lessee) (Must include city, state, and zip code)

I CERTIFY THAT TO MY KNOWLEDGE THE ABOVE INFORMATION IS TRUE AND CORRECT, AND I UNDERSTAND THAT FAILURE TO PROVIDE SUFFICIENT INFORMATION MAY RESULT IN DENIAL OF A PERMIT.

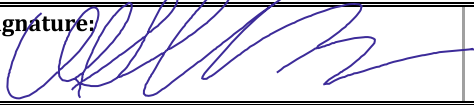
Applicant's Signature	Address, City, State, Zip 4121 W. Rogers Blvd. Skiatook, OK 74070	Phone No. 918-836-6420
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CITY OF TULSA

SIGN PERMIT CERTIFICATION

Property Owner			
Last Name:	First Name:	Phone:	Fax:
Address:	City:	State:	Zip:
Lessee			
Last Name: Freeway Café Inc.	First Name:	Phone: 918-289-3535	Fax:
Address: 465 S. Sheridan Rd.	City: Tulsa	State: OK	Zip: 74112
Agent of Owner			
Last Name: Shoeleh	First Name: Moe	Phone: 918-402-7446	Fax:
Address: 4121 W. Rogers Blvd.	City: Skiatook	State: OK	Zip: 74070

I do hereby attest that I am the property owner, or agent of the property owner, and have the authority to make application to construct, erect, and/or install signage at this location.

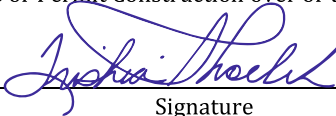
Name of Applicant: (Print) Moe Shoeleh	Signature: 	City Building Official:
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Subscribed and Sworn to Before Me this 31st Day of Aug. 2024

Trishia Shoeleh My Commission Expires: 3-2-2026
Notary Public

Affidavit as to Easements, Dedications and Rights of Way

I, Moe Shoeleh Being Duly Sworn upon Oath, State That I Have Researched and Examined or Caused to Be Researched and Examined All Recorded Documents and Instruments Relating to Said Real Property, and That All Recorded Easements, Dedications and Rights of Way Are Known to Me and Are Delineated on the Plot Plan Which is a Part of the Application for Sign Permit. It Is Understood That Issuance of Such Sign Permit Does Not Authorize or Permit Construction over or upon Any Easement, Dedication or Right of Way.



Signature

Subscribed and Sworn to Before Me this 31st Day of Aug. 2024

Trishia Shoeleh My Commission Expires: 3-2-2026
Notary Public

