

**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:** 8310  
**CZM:** 53  
**CD:** 8  
**A-P#:** 417281

Case Number: **BOA-22227**

**HEARING DATE:** 04/25/2017 1:00 PM

**APPLICANT:** Ed Horkey

**ACTION REQUESTED:** Variance to permit 7 signs (1 pole sign and 6 wall signs) signs in the OM district to be oriented toward S Yale Ave; and a Variance to increase the permitted display area of signage on the lot to 224 sq. ft. to allow one pole sign and 6 wall signs (Sec. 60.060).

**LOCATION:** 7307 S YALE AV E

**ZONED:** OM

**PRESENT USE:**

**TRACT SIZE:** 31054.05 SQ FT

**LEGAL DESCRIPTION:** LT 10 LESS BEG NWC LT 10 TH E20.89 SW29.55 N20.89 POB BLK 2, WOODCREST TWO RESUB PRT B2-3 WOODCREST ESTATES, NOB HILL, City of Tulsa, Tulsa County, State of Oklahoma

**RELEVANT PREVIOUS ACTIONS:**

**Subject Lot:**

**BOA 21772;** on 07.24.14 the Board approved a variance to permit a 4' x 8' digital sign in the OM district.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of a "Town Center" and an "Area of Growth".

Town Centers are medium-scale; one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods, and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations.

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

*Amended 4.2*

**ANALYSIS OF SURROUNDING AREA:** The subject tract is abutted by OM zoning on the north and east; RD/PUD-134 zoned multi-family residential abuts the site on the south. S Yale Ave and OM zoning abuts the site on the west.

**STAFF COMMENTS:**

Lots in office districts are allowed one on-site sign per street frontage. Signs allowed in an OM district may not exceed 32 SF in area or 0.30 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The multi-tenant building appears to have 198 ft. of frontage along S Yale Ave. A total sign display area of 50.4 sq. ft. is permitted along S Yale Ave.

As shown on the attached plans the applicant is proposing to add 6 walls signs on the west elevation of the office building. The existing pole sign on the site is 32 SF. The 6 proposed wall signs shown on the attached exhibit total 129 sq. ft. The total proposed sign display area shown on the attached exhibit provides an example of what tenant signage will look like on the site. The applicant has requested a **Variance** to increase the permitted sign display area from 50.4 sq. ft. to 224 sq. ft. (to allow 32 sq. ft. for the existing pole sign and 192 sq. ft. of additional signage for tenants). The applicant has also requested a **Variance** to allow 7 signs on the South Yale Avenue frontage.

The Applicant provided the following statement with their application: *“The variance will allow each of the tenants to put their business name on the front of the building to allow the public to locate their businesses. Without this variance, it makes the building extremely difficult to lease since most of the businesses are service type businesses accessible to the public. These businesses need to have the ability to inform the public of both their location and services.”*

**Sample Motion for a Variance**

Move to \_\_\_\_\_ (approve/deny) a Variance to permit 7 signs (1 pole sign and 6 wall signs) signs in the OM district to be oriented toward S Yale Ave; and a Variance to increase the permitted display area of signage on the lot to 161 sq. ft. to allow one pole sign and 6 wall signs on the lot (Sec. 60.060).

- Finding the hardship(s) to be \_\_\_\_\_.
- Per the Conceptual Plan(s) shown on page(s) \_\_\_\_\_ of the agenda packet.
- Subject to the following conditions \_\_\_\_\_.

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.”*

*Amended 4.4*