



**STAFF REPORT**  
**Board of Adjustment**  
**April 18, 2024**

**Item No. IV.B. 6.**

**Case No. 15578:** Request of David Box on behalf of 50 Penn Building Owner, LLC, for a variance to parking requirements in the C-3 Community Commercial District, located at 5100 North Pennsylvania Avenue.

**I. GENERAL INFORMATION**

**A. CASE HISTORY:**

This is a new application.

**B. EXISTING ZONING AND LAND USE:**

Subject site	C-3/Office and Retail
North:	Northwest Expressway
South:	R-1/Residential
East:	WI-44 Highway
West:	N Pennsylvania Avenue

**C. ZONING ORDINANCE:**

The applicant requests the following variance to Chapter 59 of the Oklahoma City Municipal Code, 2020, as amended:

Article X, Section 10600, Table 10600.1, relief to the required number of parking in the C-3 Community Commercial District.

**II. SUMMARY OF APPLICATION**

The applicant is requesting a variance from the number of parking spaces required for commercial use units.

**III. STATUTORY STANDARDS**

In order for a variance to be granted in accordance with State Statute requirements, the applicant must prove:

- (a) The application of the Ordinance to the particular piece of property would create an unnecessary hardship;
- (b) Such conditions are peculiar to the particular piece of property involved;
- (c) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Ordinance or Comprehensive Plan; and

**STAFF REPORT**  
**Board of Adjustment**  
**April 18, 2024**  
**Case No. 15578 Page 2**

- (d) The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

**The applicant has submitted the following information to address the statutory standards:**

*See attached statutory standards and exhibits.*

**V. PLANNING DEPARTMENT REVIEW**

At the time of this report, it was unknown how many parking spaces the applicant was requesting to vary, or for what use. The current Zoning Code requires a minimum number of parking spaces based on use unit classification (Tables 10600.1 and 10600.2, attached).

Staff suggests the variance, if granted, include a specific number of spaces for a specific use(s), a specific ratio of GLA, or other method that addresses the “minimum necessary to alleviate the unnecessary hardship.”

In order for this variance to be granted, the required statutory standards listed above must be satisfied, as determined by a majority vote of the Board from information provided in this staff report, and/or evidence presented at the hearing by the applicant, Board Members, or others, in support or protest of the application.