

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 494
Thursday, July 9, 1987, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Chappelle, Chairman Quarles White	Bradley Smith	Gardner Jones Moore	Jackere, Legal Department Hubbard, Protective Inspections Parnell, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, July 7, 1987, at 9:00 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Chappelle called the meeting to order at 1:09 p.m.

MINUTES:

Mr. Jones stated that the minutes for the June 25th meeting were not mailed out on schedule, and suggested that the approval of minutes for June 25, 1987 be continued to the July 23, 1987 meeting.

On **MOTION** of **QUARLES**, the Board voted 3-0-0 (Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Bradley, Smith, "absent") to **CONTINUE** approval of the Minutes of June 25, 1987 to July 23, 1987.

UNFINISHED BUSINESS

Case No. 14483

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1206 - Request a special exception to allow for a dwelling unit in a CS zoned district.

Variance - Section 1211.4 - Off-Street Parking Requirements - Use Unit 1211 - Request a variance of parking requirements from 13 to 7 spaces, located at 1133 South 120th East Avenue.

Case No. 14483 (continued)

Comments and Questions:

Mr. Jones informed that Case No. 14483 was continued from the May 28th meeting to allow the applicant sufficient time to advertise for additional relief. He pointed that a use variance to permit storage was approved at that time, but the applicant was required to readvertise for permission to locate a single-family dwelling in a CS zoned district.

Presentation:

The applicant, Bill Gillespie, 1133 South 120th East Avenue, Tulsa, Oklahoma, stated that he is the owner of the property at the above stated location. Mr. Gillespie stated that he is an inventor and resides in the home on the property.

Protestants: None.

Board Action:

On MOTION of WHITE the Board voted 3-0-0 (Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Bradley, Smith, "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1206) to allow for a dwelling unit in a CS zoned district; and to **APPROVE** a **Variance** (Section 1211.4 - Off-Street Parking Requirements - Use Unit 1211) of parking requirements from 13 to 7 spaces; finding that the use has not changed; and finding that the applicant has been living on the property for several years and has actually only replaced the old building with a new structure; on the following described property:

That part of the west 200' of the E/2, of the NE/4, of the NE/4, of the NW/4, of Section 8, T-19-N, R-14-E of the Indian Base and Meridian, more particularly described as follows, to-wit: Beginning 300' south of the NW/c of above tract, thence south 65'; thence east 200'; thence north 65'; thence west 200' to the point of beginning, City of Tulsa, Tulsa County, Oklahoma, according to the US Government Survey thereof.

Case No. 14507

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1227 - Request a use variance to allow for an auto salvage/storage business in an RS-3 zoned district, located south of SW/c Mohawk Boulevard and North Peoria Avenue.

Comments and Questions:

Mr. Jones informed that a letter (Exhibit A-1) requesting continuance of Case No. 14507 was received from the applicant.

Case No. 14507 (continued)

Presentation:

The applicant, Caesar Latimer, 1153 North Hartford, Tulsa, Oklahoma, informed that he is in need of additional time to clear up some financing problems.

Board Action:

On **MOTION** of **QUARLES** the Board voted 3-0-0 (Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Bradley, Smith, "absent") to **CONTINUE** Case No. 14507 to July 23, 1987.

Case No. 14516

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of the required street frontage from 30' to 0' in order to permit private access and a lot split, located west of the SW/c 37th Street and Yorktown Place.

Presentation:

Mr. Jones stated that the lot split was denied by the Planning Commission on July 8, 1987. He informed that the applicant, Pat Fox, contacted Staff and requested that Case No. 14516 be continued for 60 days to allow sufficient time to consider filing another lot split request.

Protestants:

A letter of protest (Exhibit B-1) was submitted.

Board Action:

On **MOTION** of **WHITE** the Board voted 3-0-0 (Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Bradley, Smith, "absent") to **CONTINUE** Case No. 14516 to September 17, 1987.

Case No. 14518

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of the required street frontage from 30' to 0' to allow for private access to the rear lot and a lot split, located east of NE/c of 91st Street and South 33rd West Avenue.

Presentation:

Mr. Jones informed that a representative of the applicant requested that Case No. 14518 be continued to the July 23, 1987 meeting. He stated that the attorney for the protestants has been contacted and is agreeable to the continuance. Several protestants were present for the hearing.

Board Action:

On **MOTION** of **QUARLES** the Board voted 3-0-0 (Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Bradley, Smith, "absent") to **CONTINUE** Case No. 14518 to July 23, 1987.

MINOR VARIANCES AND EXCEPTIONS

Case No. 14533

Action Requested:

Variance - Section 430 - Bulk and Area Requirements - Use Unit 1206 - Request a minor variance of the side yard setback abutting a public street from 30' to 27' to allow for an existing porte cochere in order to clear title, located at 8840 South Lakewood Avenue.

Presentation:

The applicant, Cecile Boyd, was represented by Larry Pauls, 6010 East 76th Street, Tulsa, Oklahoma. Mr. Pauls, architect for the project, pointed out that the contractor misread the dimensions for the porte cochere and extended the structure four feet into the setback. A plot plan (Exhibit C-1) was submitted.

Comments and Questions:

Mr. Chappelle inquired if the porte cochere is existing, and the applicant answered in the affirmative.

Ms. White asked Mr. Pauls when the house in question was built, and he replied that it was constructed in the spring of 1987, but was just recently sold.

Protestants: None.

Board Action:

On **MOTION** of **QUARLES** the Board voted 3-0-0 (Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Bradley, Smith, "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements - Use Unit 1206) of the side yard setback abutting a public street from 30' to 27' to allow for an existing porte cochere in order to clear title; per plot plan submitted; on the following described property:

Lot 4, Block 3, Woodhill Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14534

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1212 - Request a minor variance of frontage to permit the splitting of a tract having 264' of frontage into a tract having 98' of frontage and another tract having 166' of frontage, all in order to permit a lot split, located north of NE/c of 71st and Memorial.

Case No. 14534 (continued)

Presentation:

The applicant, Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, stated that the application involves an undeveloped portion of a restaurant cluster at Woodland Hills Mall. He explained that the tract has 264' of frontage on Memorial Drive, but this tract, as well as others in the area, derive their access from the private ring road that encircles the mall. Mr. Johnsen informed that all of the lots are tied together with an overall reciprocal easement agreement that establishes cross and joint mutual access easements. He informed that the Board has granted relief to other tracts in the area that did not have the required frontage on Memorial.

Comments and Questions:

Mr. Quarles asked if there will be an access point on Memorial, and Mr. Johnsen replied that there will be none.

Mr. Jackere remarked that lot splits are occurring that will permit more signs by creating more lots. He suggested to the Board that consideration might be given to requiring that signage on the tract be no more than the amount permitted before the lot split.

Mr. Johnsen asked Mr. Jackere what the ordinance states concerning signs for lots that have been split, and Mr. Jackere replied that each 150' of frontage, or part thereof, in a Commercial District is permitted to have one ground sign (as 1 ground sign for 150' or 2 ground signs for 151'). He pointed out that 2 signs are permitted for the 264' of frontage. Mr. Jackere stated that the Board should be cognizant of the fact that the lot split will allow additional signage (2 ground signs for the 166' tract and 1 ground sign for the 98' tract).

Mr. Jackere requested that Staff inform those making application for lot splits of the ordinance regarding signage for the lots involved.

Protestants: None.

Board Action:

On **MOTION** of **WHITE** the Board voted 3-0-0 (Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Bradley, Smith, "absent") to **APPROVE** a **Variance** (Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1212) of frontage to permit the splitting of a tract having 264' of frontage into a tract having 98' of frontage and another tract having 166' of frontage, all in order to permit a lot split; subject to signage being limited to that permitted for one 264' lot only (2 ground signs); finding a hardship imposed on the applicant by the large size of the lot; on the following described property:

A part of Lot 1, Block 2, Woodland Hills Mall, Blocks 2, 3, 4, and 5, a Subdivision in the City of Tulsa, Tulsa County, Oklahoma;

Case No. 14534 (continued)

Beginning at a point in the west boundary of said Lot 1, 456.17' from the south NW/c thereof; thence due east a distance of 218.51'; thence S 55°23'41" E a distance of 8.92'; thence S 34°36'19" W a distance of 0.00'; thence on a curve to the left having a radius of 175.00' a distance of 105.51'; thence S 0°03'42" W a distance of 154.59'; thence on a curve to the right having a radius of 25.00' a distance of 39.24'; thence due west a distance of 129.97'; thence on a curve to the right having a radius of 50.00' a distance of 46.42'; thence N 0°03'42" E a distance of 263.79' to the point of beginning, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 14529

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 1221 - Request a variance of setback from the centerline of Harvard Avenue from 50' to 42' to allow for a sign, located at 3345 South Harvard Avenue.

Presentation:

The applicant, Gary Tarter, 3345 South Harvard, Tulsa, Oklahoma, who submitted a plot plan (Exhibit D-1) and photographs (Exhibit D-2), stated that he is agent for a health facility, Tulsa Diagnostic and Imaging Center. He informed that the former Red Cross building has been acquired and renovated, and asked the Board to allow a new sign to be placed on the existing pole. Mr. Tarter stated that the existing temporary 4' by 5' sign is 42' from the centerline of Harvard Avenue and will be replaced by a permanent 6' by 8' sign.

Protestants: None.

Board Action:

On **MOTION** of **QUARLES** the Board voted 3-0-0 (Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Bradley, Smith, "absent") to **APPROVE** a **Variance** (Section 280 - Structure Setback from Abutting Streets - Use Unit 1221) of setback from the centerline of Harvard Avenue from 50' to 42' to allow for a sign; per plan submitted; and subject to the execution of a removal contract; finding that the sign will be placed on the existing pole; and finding that there are other signs along Harvard Avenue that are as close to the street as the sign in question; on the following described property:

Block 25, less and except the west 20' thereof, of Albert Pike Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14530

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an RM-1 zoned district.

Variance - Section 440 - Special Exception Requirements - Use Unit 1209 - Request a variance of the time regulation from one year to permanent, located 735 North Quaker Avenue.

Presentation:

The applicant, Ira Kirby, 742 North Quincy, Tulsa, Oklahoma, submitted photographs (Exhibit E-1) and asked the Board to allow him to move a 14' by 75' mobile home on two lots at the above stated location. He stated that the property has been vacant for approximately 12 years and has not been maintained during that time. Mr. Kirby informed that the City has mowed the weeds and those fees, in the amount of \$220, were owed by the property owner when he purchased the lots. He pointed out that the lots are now well kept and clean. A letter and petition of support (Exhibit E-3) were submitted.

Comments and Questions:

Mr. Quarles asked the applicant if the mobile home will be used for rental property, and Mr. Kirby replied that it will be a home for his daughter's family.

Mr. Jackere inquired if the character of the neighborhood has changed in the last 5 years, and Mr. Kirby informed that there are more vacant houses. Mr. Jackere asked the applicant if he made application for a mobile home on the subject property in 1981, and Mr. Kirby replied that he did not.

In answer to Mr. Jackere's question as to other mobiles in the area, the applicant stated that there was a mobile on Rockford that has recently been removed, and another is located on the corner of Jasper and Quincy.

The applicant pointed out that he lives in the neighborhood and there are many empty houses, with the general area being in bad repair.

Protestants:

Charles Voseles, 3336 East 32nd Street, Suite 212, Tulsa, Oklahoma, submitted a petition of opposition (Exhibit E-4), and stated that he is representing Morgan Properties. He informed that his client owns property in the immediate area and within a mile radius (Exhibit E-6) of the subject tract, and is opposed to the installation of a mobile home in the residential district. He explained that the mobile home located on Quincy has been in place for approximately 20 years and has been made a part of a permanent structure. Mr. Voseles submitted photographs (Exhibit E-2) and a location map (Exhibit E-7) of property owned by his client. A

Case No. 14530 (continued)

letter from a real estate appraiser (Exhibit E-5), which reflected the impact a mobile home would have on property values in the neighborhood, was submitted to the Board. Mr. Voseles pointed out that his client is concerned that the placement of the mobile home in the residential area will set a precedent and other vacant lots will be approved for mobile home use.

Al McCaslin, 4207 South Owasso, Tulsa, Oklahoma, stated that he is representing his mother, Edith McCaslin, who resides at 728 North Quincy, which is located directly to the rear of the subject property. He informed that she has lived in the area for many years and is opposed to the mobile home being placed in the residential neighborhood. Mr. McCaslin stated that his mother is concerned that the mobile will lower the value of homes in the already depressed area.

Applicant's Rebuttal:

Mr. Kirby stated that he has contacted property owners adjoining his property and they are supportive of the application.

Interested Parties:

Margaret Leon, 731 North Quaker, Tulsa, Oklahoma, stated that she lives next door to the proposed mobile home site and is supportive of the application because the lot has been covered with tall weeds for many years.

Additional Comments:

Mr. Quarles suggested that the Board approve the application for a trial period of three years.

Ms. White remarked that she is inclined to support the granting of the special exception for a period of one year only, with the applicant returning to the Board for further consideration at the end of that time period.

Mr. Quarles stated that the setting up of the mobile would be rather expensive for a period of only one year.

Mr. Chappelle also stated a concern with approving the location of a mobile home on the lot for more than one year.

Board Action:

On **MOTION** of **QUARLES** the Board voted 3-0-0 (Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Bradley, Smith, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow for a mobile home in an RM-1 zoned district for a period of one year only; and to **DENY** a **Variance** (Section 440 - Special Exception Requirements - Use Unit 1209) of the time regulation from 1 year to permanent; finding that the applicant failed to demonstrate a hardship that would justify the granting of the variance request; on the following described property:

Case No. 14530 (continued)

Lots 25 and 26, Block 11, Capital Hill Addition, City of Tulsa,
Tulsa County, Oklahoma.

Case No. 14531

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of rear yard setback from 20' to 15' to allow for the construction of an addition to an existing dwelling, located 12308 East 37th Street South.

Presentation:

The applicant, Jeanie Clemons, 12308 East 37th Street South, Tulsa, Oklahoma, was represented by Ms. A. W. Stewart, owner of the subject property. She informed that Mr. Clemons is the builder that has been employed to enclose an existing patio, which is 14' 15" by 26'. Mr. Stewart submitted a plot plan (Exhibit F-2) and explained that the addition will appear to be an original part of the dwelling. A plat (Exhibit F-3) and a petition of support (Exhibit F-1) were submitted.

Comments and Questions:

Mr. Chappelle inquired if the names on the petition are surrounding property owners, and Mr. Stewart replied that the signatures are those of neighbors within a 300' radius.

Protestants: None.

Board Action:

On **MOTION** of **QUARLES** the Board voted 3-0-0 (Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Bradley, Smith, "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the rear yard setback from 20' to 15' to allow for the construction of an addition to an existing dwelling; per plot plan submitted; finding that the applicant is actually enclosing an existing patio; and finding a hardship imposed by the curvature of the street and the irregular shape of the lot; on the following described property:

Lot 2, Block 4, Park Plaza East Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14535

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1220 - Request a special exception to allow for a miniature golf course in a CS zoned district, located 3165 South Mingo.

Case No. 14535 (continued)

Presentation:

The applicant, John Gelino, 5854 South Hudson Place, Tulsa, Oklahoma, asked the Board to allow him to locate a miniature golf course at 3165 South Mingo. He stated that the business will be an asset to the neighborhood and an economic boost for the area. A drawing (Exhibit G-1) of the proposed course was submitted. Mr. Gelino informed that the miniature golf course will occupy 8,000 sq. ft. of the entire tract, with the parking being located to the rear of the property.

Comments and Questions:

Mr. Quarles asked the applicant if he intends to lease the property, and he answered in the affirmative.

Mr. Quarles asked the applicant if he can give some indication as to the number of customers expected.

Mr. Gelino stated that demographics reflect that there are 15,000 people in the immediate 1-mile radius, and approximately 60 people are expected to visit the miniature golf course each day.

In reply to Ms. White's inquiry as to the days and hours of operation, Mr. Gelino stated that the course will be open Monday through Thursday, 11:00 a.m. to 11:00 p.m., Friday and Saturday, 10:00 a.m. to midnight, and Sunday from noon until 10:00 p.m.

Mr. Jackere asked if food or beverages will be served, and the applicant replied that canned pop will be available.

Mr. Jackere inquired if beer will be sold, and Mr. Gelino answered that no beer or alcoholic beverages will be served on the premises.

Mr. Jones pointed out that the property is located in a flood hazard area and a Watershed Development Permit will be required prior to development. He further noted that this use is included in Use Unit 20 and requires platting or a waiver of plat.

Protestants:

Gary Zane, 2523 East 2nd Street, Tulsa, Oklahoma, represented the owner of Tulsa Automotive, Tom Gutman, 3155 South Mingo, Tulsa, Oklahoma. He informed that Mr. Gutman owns adjacent property, and asked that a high chain link fence be installed to prevent pedestrian traffic visiting the golf course from overflowing onto his customer parking lot.

Applicant's Rebuttal:

Mr. Gelino informed that the building on the property is portable and can be removed from the lot.

Case No. 14535 (continued)

Ms. White asked the applicant if he objects to installing a 6' chain link fence on the northern boundary of the miniature golf course. He replied that he proposed the installation of a 4' to 5' fence around the entire course, but would consider a 6' fence on the north.

Board Action:

On **MOTION** of **WHITE** the Board voted 3-0-0 (Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Bradley, Smith, "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1220) to allow for a miniature golf course in a CS zoned district; subject to Stormwater Management approval; subject to platting; subject to hours of operation being Monday through Thursday, 11:00 a.m. to 11:00 p.m., Friday through Saturday, 10:00 a.m. to midnight, Sunday, noon to 10:00 p.m.; and subject to a 6' chain link fence being installed on the north boundary line; finding that the granting of the special exception request will not be detrimental to the area and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 2, Block 1, Mingo Plaza Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14536

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1214 - Request a special exception to allow for TV sales and service in an IL zoned district, located 4421 South Memorial Drive.

Comments and Questions:

Mr. Gardner pointed out that the area between 41st and 51st on Memorial Drive is zoned Industrial, but has developed commercial.

Presentation:

The applicant, Richard Moore, 7619 East 55th Street, Tulsa, Oklahoma, asked the Board to allow him to operate a TV appliance store at the above stated location.

Additional Comments:

Mr. Quarles asked the applicant if he is relocating another business, and Mr. Moore replied that he is moving Streets TV and Appliances, now located on Peoria, to the Memorial Drive location.

Protestants: None.

Case No. 14536 continued)

Board Action:

On **MOTION** of **QUARLES** the Board voted 3-0-0 (Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Bradley, Smith, "absent") to **APPROVE** a **Special Exception** (Section 910 - Principal Uses Permitted In Industrial Districts - Use Unit 1214) to allow for TV sales and service in an IL zoned district; finding that, although zoned IL, the majority of the properties between 41st and 51st along Memorial have developed commercial; and finding that the business in question will be compatible with the area; on the following described property:

Lot 1, less the north 205', Block 2, Memorial Industrial Park Corrected, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14537

Action Requested:

Variance - Section 240.2 - Permitted Yard Obstructions - Use Unit 1206 - Request a variance of size of a detached accessory building from 750 sq. ft. to 1200 sq. ft., located at 433 West 67th Street South.

Presentation:

The applicant, Walter Vall, 433 West 67th Street, Tulsa, Oklahoma, submitted photographs (Exhibit H-2), and a plot plan (Exhibit H-1) for a proposed garage. He informed that he needs a structure large enough to house an antique car, two personal cars, and gardening equipment.

Comments and Questions:

Mr. Chappelle asked the applicant if he plans to operate a business on his property, and Mr. Vall replied that he needs the building for storage.

Ms. White inquired if contract work is performed for other people, and the applicant replied that he does not do work for anyone, but will only use the building to store his personal property.

Protestants: None.

Board Action:

On **MOTION** of **WHITE** the Board voted 3-0-0 (Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Bradley, Smith, "absent") to **APPROVE** a **Variance** (Section 240.2 - Permitted Yard Obstructions - Use Unit 1206) of the size of a detached accessory building from 750 sq. ft. to 1200 sq. ft.; per plot plan submitted; finding a hardship demonstrated by the large size of the lot; on the following described property:

Case No. 14537 (continued)

A part of Lot 1, Block 1, Cate's Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, more particularly described as follows, to-wit: Beginning at the NW/c of said Lot 1, thence south 217', thence east 191', thence north 217', thence west 191' to the point and place of beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14538

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205 - Request a special exception to allow for a Montessori Pre-School and Day Care Center in an existing church structure and for all other church related accessory uses, located at 1719 South Owasso Avenue.

Presentation:

The applicant, Thomas Birmingham, 1371 East 71st Street, Tulsa, Oklahoma, stated that the day care center will be operating in the education building, which was constructed in the 1940's. He informed that there will be no expansion of the structure, and hours of operation will be from 7:00 a.m. to 7:00 p.m., Monday through Friday. Mr. Birmingham noted that there is an existing school in operation at this time, with 21 students in attendance. He stated that the maximum total enrollment will be approximately 40 or 50 students. The applicant informed that a small playground is planned for the small children (3 years and under), which will be located beside the educational building. Mr. Birmingham pointed out that the Maple Ridge Association (Exhibit J-1) is in support of the pre-school and day care center, but asked that the other church related accessory uses, which are referred to in the application, be deleted. He stated that the church does not plan any other uses, and is in agreement with the deletion of that portion of the application.

Protestants: None.

Board Action:

On **MOTION** of **WHITE** the Board voted 3-0-0 (Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Bradley, Smith, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205) to allow for a Montessori Pre-School and Day Care Center only, in an existing church structure; subject to days and hours of operation being Monday through Friday, 7:00 a.m. to 7:00 p.m.; subject to enrollment being a maximum of 50 students; subject to all activities being performed inside the building; and subject to one small playground being installed beside the educational building; on the following described property:

Case No. 14538 (continued)

Lot 19, Block 12, Morningside Addition, City of Tulsa, Tulsa
County, Oklahoma. *CORRECTED LEGAL 10/8/91*

OTHER BUSINESS

Case No. 14557

Action Requested:

The applicant, W. R. Burton, requested by letter (Exhibit K-1) that filing fees for Case No. 14557 be refunded.

Comments and Questions:

Mr. Jones informed that the applicant withdrew the application before processing began and suggested that a full refund of \$75.00 be returned to Mr. Burton.

Board Action:

On MOTION of WHITE the Board voted 3-0-0 (Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Bradley, Smith, "absent") to REFUND filing fees, in the amount of \$75.00, for Case No. 14557.

There being no further business, the meeting was adjourned at 2:10 p.m.

Date Approved

8.20.87

Charles J. ...
Chairman