CITY BOARD OF ADJUSTMENT

MINUTES of Meeting No. 708
Tuesday, July 23, 1996, 1 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Abbott, Chair	Box	Gardner	Ballentine, Code Enforcement
Bolzle		Beach	
Turnbo		Huntsinger	Romig, Legal Department
White			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, July 19, 1996, at 1:34 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chair Abbott called the meeting to order at 1:00 p.m.

MINUTES:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **APPROVE** the minutes of June 25, 1996 (No. 706).

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **APPROVE** the minutes of July 9, 1996 (No. 707).

UNFINISHED BUSINESS

Case No. 17395

Action Requested:

Special exception to permit church use (playground) on the subject tract. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS,** a Special Exception to permit an 8′ high fence in the required front yard. **SECTION 210.B.3.** Permitted obstructions in Required Yards - Use Unit 2, and a Special Exception to amend a previously approved site plan. **SECTION 1608. SPECIAL EXCEPTIONS,** located 1329 East 55th Place.

Presentation:

The applicant, **Sherry Moore,** 1329 East 55th Place, represented by Jerry Morris, 5345 South, submitted an amended site plan (Exhibit A-1), stated the new site plan is drawn to scale as requested by the Board.

Case No. 17395 (continued)

Comments and Questions:

Mr. Beach informed the Board that on the original site plan submitted, the playground was not shown to scale and the amended site plan should show the subject lot with the playground included.

Ms. Turnbo stated the new amended site plan does not show the playground.

Mr. Beach stated that since there is no playground shown on the amended site plan the Board could continue the case and allow the applicant time to revise his site plan with the playground included.

Mr. Morris stated he was asked to bring an amended site plan drawn to scale and that is what he did. He indicated he will have the amended site plan re-drawn to scale, with the playground included.

Ms. Abbott asked the applicant if the amended site plan he submitted today is drawn to scale? He answered affirmatively. He explained that at this point the area will be used as recreational area and there will not be any equipment installed. He further explained the church already has two playgrounds with equipment, so the proposed area will only be for open recreational use.

Ms. Abbott asked the applicant if he will have a screening fence along the east property line. He stated there is a fence already installed along the east property line.

Mr. Morris informed the Board that the 8′ fence, that was denied in the previous meeting, will be moved back 25′ on approximately July 26th or 29th of 1996, when the fence company can get to it.

Mr. White asked the applicant if he is going to have an 8′ fence on the west side at this time? Mr. Morris stated there is a fence already installed on the west side, but it is not an 8′ fence.

Protestants:

Ms. Elmo Munzen stated she owns the lot adjoining the church's new acquisition on the west side. She further stated there is a fence on the west side, but it is made of hog wire and it amounts to nothing. She commented she thought the Board continued this case with a request for the church to submit a complete and total plan for the present and the future use of the subject lot. Ms. Munzen submitted photographs of the fence (Exhibit A-2). She stated in the last hearing she requested the church to remove large tree limbs that had been cut from trees on the church lot and placed on her lot. She further stated Mr. Morris called her and informed her that the limbs had been removed. She explained that some limbs have been removed, but there are still some limbs on the back end of her lot on the north side. She commented her lot is for sale with a contract pending and she would like the limbs removed.

Case No. 17395 (continued)

Additional Comments:

Ms. Abbott stated this case was continued to amend a previously approved site plan.

Mr. Bolzle stated traditionally when there is a continuance to amend a previously approved site plan the Board asks for detail or information and not just an outline of the lot. He further stated it is unfortunate that there was a miscommunication, but it is apparent the applicant is willing to have his architect draw a detailed site plan for approval.

Ms. Abbott asked the applicant if he would like to continue his case to enable his architect to draw up a detailed site plan for approval by the Board? He stated he would like to continue the case. Mr. Morris apologized for not understanding the site plan needing to be detailed. He stated he will have a detailed site plan prepared for the next Board meeting.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **CONTINUE** Case No. 17395 to August 13, 1996 at 1:00 p.m. to enable the applicant to prepare a detailed site plan for approval.

Case No. 17419

Action Requested:

Special Exception to allow a manufactured home in a RS-3 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9, located at 6210 South 101st East Avenue.

Presentation:

The applicant, **Patricia Giese**, 6208 South 101st East Avenue, requested a continuance for re-advertising purposes.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **CONTINUE** Case No. 17419 to August 13, 1996 at 1:00 p.m. to enable proper advertising.

Case No. 17424

Action Requested:

Variance of the setback from 16th St. for a garage from 20′ to 16′; a Variance of the livability space; a Variance of the accessory building from 750 SF to 1,020 SF and a Variance of the coverage of more than 20% of rear yard to construct new garage. **SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS,** located at 1604 South Florence Place.

Presentation:

The applicant, **Tom Apgar**, represented by Steven Wayne, property owner, 1604 South Florence Place, submitted a new site plan (Exhibit B-1) and stated the new site plan is for a two car garage instead of the three car garage submitted previously. He further stated the two car garage measures 24′ x 30′, which will be 720 SF. He indicated he will need the variance of the setback on 16th Street from 20′ to 16′, which will be the same location of the present single car garage. He requested the variance of the accessory building from 750 SF to 1,020 SF be withdrawn.

Protestants: None.

Comments and Questions:

Mr. Bolzle asked the Staff if the applicant will still need the variance for livability and coverage of the rear yard? Mr. Gardner stated the applicant will need the 20% variance and the livability variance.

Mr. Bolzle asked the Staff if the variance for the square footage was needed? Mr. Gardner stated the applicant did not need the square footage variance if the new garage is less than 752 SF.

Mr. Bolzle asked the Staff if the applicant needs a setback variance on the south property line? Mr. Gardner stated the applicant will need to be 3′ from the south property line and the setback proposed is greater than 3′, therefore he does not need a setback variance on the south property line.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **APPROVE** a **Variance** of the setback from 16th St. for a garage from 20′ to 16′; a **Variance** of the livability space, and a **Variance** of the coverage of more than 20% of rear yard to construct new garage. **SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS;** and **WITHDRAW** the request for a **Variance** of the accessory building from 750 SF to 1,020 SF per applicant's request; per plan submitted; subject to a single story garage building measuring 24′ x 30′; finding the detached garage to be consistent with the neighborhood; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit or intent of the Code, on the following described property:

Case No. 17424 (continued)

Lot 1, Block 5, Exposition Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17431

Action Requested:

Variance of the required 50′ setback from centerline of E. 31st St. S. to 40′ to allow a replacement sign. **SECTION 1221. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING**, located at 9075 East 31st Street.

Presentation:

The applicant, **Bob Dail/Oklahoma Sign Co.**, 2720 East King Place, submitted a site plan (Exhibit C-1) and stated Q-Trip has expanded and moved out of the subject property. He further stated Q-Trip leased the subject property to Green Country Pawn. He explained that Q-Trip left the wall sign and the pole sign that was originally placed on the property for future tenant use. He further explained that apparently when Q-Trip developed the subject property, the setbacks were at a 40′ setback instead of a 50′ setback, and now the tenant wants to install a new sign on the existing pole, which requires a 50′ setback. He stated if the pole is moved back to meet the required setback it will be in the middle of the entry to the parking lot. He further stated the power is already in existence at the present location. He commented the new sign will be 1/2 the size of the original sign advertising Q-Trip. He stated his client would like to use the existing pole for the sign presented on the site plan.

Protestants: None.

Comments and Questions:

Mr. White asked the Staff if the City of Tulsa will need a removal contract? Mr. Gardner stated the applicant will need a removal contract and he may also need permission from the City of Tulsa to have the pole in the right-of-way.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **APPROVE** a **Variance** of the required 50′ setback from centerline of E. 31st St. S. to 40′ to allow a replacement sign. **SECTION 1221. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING;** per plan submitted; subject to a removal contract with the City of Tulsa, finding that the sign pole and utilities are previously existing; finding that the approval of this application will not be injurious to the area, nor harmful to the spirit and intent of the Code; on the following described property:

Lot 1, Block 1, Longview Center, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 17443

Action Requested:

A Minor Special Exception to amend a previously approved site plan at William J. McKinley Elementary to install one mobile classroom. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located 6703 East King Street.

Presentation:

The applicant, **Aaron Peters/Tulsa Public Schools**, submitted a site plan (Exhibit D-1) and stated the mobile classroom is necessary due to the enlarged enrollment at William J. McKinley Elementary.

Comments and Questions:

Mr. Bolzle asked the applicant what the distance between the existing trailer and the proposed trailer will be? He stated the distance between the existing trailer and the proposed trailer will be 23´.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **APPROVE** A **Minor Special Exception** to amend a previously approved site plan at William J. McKinley Elementary to install one mobile classroom. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; per plan submitted; finding that the approval of this application will not be injurious to the area, nor harmful to the spirit and intent of the Code; on the following described property:

> Beg. NW/c, NE/4, NW/4, SW/4, Sec. 35, T-20-N, R-13-E; thence E along N boundary of said NE/4, NW/4, SW/4 of said Sec. 35 for 517.00´ to a point; thence S for 510.00´, and parallel the W boundary of said NE/4, NW/4, SW/4 of said Sec. 35, to a point; thence W for 517.00´ to a point W boundary of said NE/4, NW/4, SW/4 of said Sec. 35; thence N for 510.00´ to POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17444

Action Requested:

Minor Special Exception to amend a previously approved site plan for Sequoyah Elementary School to add a mobile classroom. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located 3441 East Archer Street.

Presentation:

The applicant, **Aaron Peters/Tulsa Public Schools**, submitted a site plan (Exhibit E-1) and stated the mobile classroom is necessary due to the enlarged enrollment at Sequoyah Elementary School. He further stated the existing buildings are running out of space, which is required by the State.

Protestants:

Mr. Russell Turner, Board Chairman of Sequoyah Area Neighborhood Association, Inc., stated the neighbors do not have a problem with the trailer being moved in, but would like to have the trailer positioned differently for safety reasons. He submitted a petition (Exhibit E-2). He stated the neighborhood would like to see the school rearrange all of the trailers so that hiding places are eliminated. He further stated he had discussed the concerns of the neighborhood with Mr. Peters. He explained the location of the trailers presently provide hiding places for substance abusers. He further explained there has been drug paraphernalia found between the existing trailers. He stated the neighborhood association would like the trailers to be lined up side by side where the neighbors can see between the trailers for safety reasons. He commented he realizes the school needs the additional classrooms due to the enlarged enrollment.

Comments and Questions:

Mr. White explained to Mr. Turner that this application is for the proposed new trailer, not the existing trailers that were approved September 12, 1995, and the petition he has submitted does not address the new trailer. Mr. Turner stated the new trailer is planned to be installed the same as the existing trailers and that is the problem. He further stated he would like to have all of the trailers rearranged to eliminate hiding places.

Mr. White asked the staff if the Board could rule on the previously approved trailers at this time? Mr. Bolzle answered affirmatively.

Mr. Bolzle stated the Board could give Mr. Peters a continuance to study the issue and revise the site plan. He further stated if the Board considers the layout of the trailers a critical enough problem and not approve the additional trailer, then the Board could probably affect the site plan.

Ms. Abbott stated she agreed with Mr. Bolzle and the Board may need to ask Mr. Peters to go back and review the placement of all the trailers.

Applicant's Rebuttal:

Mr. Peters stated he is working with the Principal and Mr. Turner on the location of the trailers. He further stated the Principal has the authority at the site. He reminded the Board that on September 12, 1995, the Principal made a change in location when the last trailer was moved in. Mr. Peters stated the Principal wants all of the trailers running the same direction and he is running out of time before the school period starts on August 14, 1996. He further stated if he has to change the two trailers at this point and time, he will have two class rooms down and no place to house 60 children.

Additional Comments:

Ms. Abbott asked the applicant if the Principal wants to move all of the trailers? He stated the Principal wants to change all of the trailers to where they run north and south, which will line the trailers right behind each other.

Ms. Abbott asked if the new trailer was running east and west? He answered affirmatively.

Ms. Turnbo asked the applicant if the neighborhood wanted the trailers lined up the same as the school's Principal? He answered affirmatively.

Ms. Turnbo asked the applicant if the trailers could be moved by August? He stated he had three to four similar projects at other schools in Tulsa and he will not be able to rearrange the two trailers on the subject lot by August 14th.

Ms. Abbott asked the applicant what time period will he need to rearrange the trailers at the subject lot? He stated he didn't know if he had to come back before the Board for permission to rearrange the trailers.

Ms. Abbott asked the applicant if he would have any objections if the Board specified a period of time to allow him to rearrange the trailers? He stated he would not have a problem with a specified time to rearrange the trailers.

Ms. Turnbo asked the applicant what length of time will he need to rearrange the trailers? He explained it will have to be around the Christmas break when the children are out of school.

Ms. Abbott asked the applicant if six (6) months will give him enough time to move the trailers? He stated six (6) months will be enough time.

Mr. White asked the applicant if the previous approval for the fourth trailer was for a north/south configuration? He stated it was approved for east/west configuration.

Case No. 17444 (continued)

Mr. White asked the applicant if the fourth trailer has been moved to the north/south configuration? He answered affirmatively. He explained the trailer was setting east/west when he came before the Board on September 12, 1996, and he talked with the Board about the Principal moving the location to north/south at that time.

Mr. Bolzle commented the Board can approve a modified plan and give Mr. Peters six (6) months to accomplish the modification.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **APPROVE** a **Minor Special Exception** to amend a previously approved site plan for Sequoyah Elementary School to add a mobile classroom. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS -** Use Unit 2; per the amended plan approved by Mr. Peters; subject to allowing six (6) months time period to accomplish the change; finding that the approval of this application will not be injurious to the area, nor harmful to the spirit or intent of the Code, on the following described property:

E/2, SW, SW, SW, Sec. 33, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17452

Action Requested:

Minor Variance of the required rear yard from 20′ to 16′-4″ to permit construction of new dwellings on each of 7 lots. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located North Iroquois & East 37th Street North.

Presentation:

The applicant, **Page-Zebrowski Architects,** represented by Kathleen Page, 320 South Boston, Suite 1400, submitted a site plan (Exhibit F-1) and stated she is representing Neighborhood Housing Services. She further stated the request for a Minor Variance is based on the minimal depth of the lot, which is 90′ deep. She explained the intent is to build affordable housing where the design could be used repetitively and consistently. She further explained since the subject lot has minimal depth, without a variance the architects will have to design a custom unit for the lot. She stated it will help the overall goals of Neighborhood Housing Services if the plans can be left consistent.

Interested Parties:

Ms. Varetta Carter, Assistant Director for Neighborhood Housing Services ("NHS"), stated NHS owns the subject lot and one of the reasons for the request is to keep the housing affordable and consistent. She explained the garages to the homes are located in the back to make a better appearance. She stated NHS has communicated on a number of occasions with the residents in the area and they have no objections about the development.

Protestants:

None.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 3-0-1 (Bolzle, Turnbo, White, "aye"; no "nays"; Abbott "abstention"; Box "absent") to **APPROVE** a **Minor Variance** of the required rear yard from 20′ to 16′-4″ to permit construction of new dwellings on each of 7 lots. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding the lots to be shallow in depth (90′) and the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code; on the following described property:

Lots 4-9 & 14, Block 3, Northland Plaza, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17453

Action Requested:

Minor Variance of the required rear yard from 20′ to 17′-6″ to permit construction of new dwellings on each of 3 lots. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located North Iroquois & East 38th Street North.

Presentation:

The applicant, **Page-Zebrowski Architects,** represented by Kathleen Page, 320 South Boston, Suite 1400, submitted a site plan (Exhibit G-1) and stated she is representing Neighborhood Housing Services ("NHS"). She explained that the subject lot is located on a flood fringe that will require some grading requirements, which will make the house placement much more difficult.

Interested Parties:

Ms. Maxine Johnson, Chair Planning District 25, stated the community is excited about the development and is favor of this application.

Case No. 17453 (continued)

Protestants: None.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 3-0-1 (Bolzle, Turnbo, White, "aye"; no "nays"; Abbott "abstentions"; Box "absent") to **APPROVE** a **Minor Variance** of the required rear yard from 20′ to 17′-6″ to permit construction of new dwellings on each of 3 lots. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding the lots are on a curved street and the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Lots 10, 11, & 12, Block 1, Northland Plaza, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17434

Action Requested:

Special Exception to allow a 95′ tower in an OL district. **SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS** and a Variance of the height limit in an OL district. **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICT** - Use Unit 4, located 5303 East 71st Street.

Presentation:

The applicant, **Earl R. Higgins/SW Bell Serv.**, 11529 East Pine Street, submitted a site plan (Exhibit H-1) and photographs (Exhibit H-2). Mr. Higgins requested permission to install a cell tower, which is a monopole, on the subject lot. He stated the monopole will be located on SW Bell property located 5305 East 71st Street. He indicated the monopole tower will be 95′ in height.

Comments and Questions:

Mr. Bolzle asked the applicant for the location of the monopole towers shown in the photographs? He stated the pictures are not SW Bell monopoles but are comparable to the proposed monopole for SW Bell Services.

Protestants:

Mr. Jay Maxwell, representing Ashley Park Apartments, stated the apartments are next door to SW Bell where they have proposed the tower. He further stated the apartments have just completed a million and half dollar rehabilitation of the apartment complex. He requested information on the exact location of the monopole. He expressed concerns of 80 residents who will look out their windows and see a monopole tower. He asked what the OL district requires in height and how big of an exception will this be? He further asked if there were any typical cases where this same type of exception had been approved in the area?

Case No. 17434 (continued)

Additional Comments:

Ms. Abbott informed Mr. Maxwell about the previous actions, which consisted of BOA Case No. 10010, 6/15/78 and BOA Case No. 10899, 3/6/80. She verified the previous actions did not deal with monopole towers.

Mr. Gardner informed the Board that some utilities, under the State statutes, are exempt from zoning regulations. Mr. Gardner advised that the Tulsa zoning code requires that all governmental entities meet our zoning requirements. However, this utility company may have the right to put the monopole tower on the subject lot. He explained that in an OL light office district professional offices are permitted, but this tract of land contains a utility company and the tower may be considered an accessory to the use itself.

Mr. Maxwell asked the Board to continue this application for 30 days to allow time to talk with Mr. Higgins as an interested party.

Mr. White asked the applicant if the apartments are located to the east or west of the subject lot? He stated the apartments are to the east of the subject lot.

Mr. White informed Mr. Maxwell that the location for the monopole tower is on the west side of the utility company's lot and not next to the apartments.

Ms. Abbott asked the applicant if he had a problem with a continuance to enable Mr. Maxwell to meet and discuss this application with him? He stated SW Bell Services is trying to move on this as quickly as possible.

Applicant's Rebuttal:

Mr. Higgins stated the pole looks like a light standard and is smaller than the light standards located at some expressway intersections. He further stated the monopole tower is a galvanized pole.

Additional Comments:

Ms. Abbott asked the applicant how close the monopole tower is to the apartments on the east side? He stated the site is 200′ away from the apartments on the east side and 100′ from the west side property. He further stated there are light poles in the parking lot and the monopole tower will look like a light pole. He indicated the base diameter is 18″ to 2′.

Case No. 17434 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **APPROVE** a **Special Exception** to allow a 95′ monopole tower in an OL district. **SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS** and a **Variance** of the height limit in an OL district. **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICT** - Use Unit 4; per plan submitted; finding that the approval of this application will not be injurious to the area, nor harmful to the spirit or intent of the Code; on the following described property:

A portion of the W/2, W/2, SE/4, SW/4, Sec. 3, T-18-N, R-13-E, I.M., Tulsa County, Oklahoma, being more particularly described as follows: Commencing at the SW/c, said Sec. 3, T-18-N, R-13-E; thence E and parallel with the S line, said Sec. 3 for 1319.75′ and N00°05′05″E for 60.33′ to the POB; thence N00°10′53″W for 1231.66′ to; thence S89°53′33″E for 330.09′; thence S00°09′40″E for 1230.65′; thence S89°55′57″W for 329.65′ to the POB, containing 405.979 SF or 9.32 acres more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17435

Action Requested:

Special Exception to allow a mobile home in an RS-1 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS,** and a Variance of the one-year time limitation. **SECTION 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 9, located 522 South 193rd East Avenue.

Presentation:

The applicant, **George P. Selby**, 10325 East 23rd Place, submitted a site plan (Exhibit J-1) and stated the house on the property had been poorly constructed with two additions added on. He further stated the house was old and needed to be torn down due to termite damage. He explained the house needed to be totally rewired and didn't seem feasible to repair. He requested permission to move a mobile home on a lot that measures 99′ x 600′. He stated there are mobile homes in the area and there is light commercial/industrial property across the street from the subject lot. He further stated the mobile home will be more attractive than the old house that was torn down.

Comments and Questions:

Ms. Abbott asked the applicant if there was a house on the property that had been removed recently? He answered affirmatively. He stated the house was torn down approximately six (6) weeks ago.

Mr. Bolzle asked the applicant what the size of the mobile will be? He stated it will be 12′ x 70′. He further stated the mobile home will be tied down and skirted.

Interested Parties:

Chica Zalasar, 1810 E. Archer, stated she will be living in the mobile home on the subject lot. She read a letter explaining her support of this application. She indicated the subject lot will be in a better atmosphere and school district for her son to grow up in. She explained the house that was recently torn down on the subject lot was not fit to live in. She indicated her family helped Mr. Selby clean up the subject lot and requested permission to move a mobile home onto the lot for her family. She submitted photographs of the house that was torn down approximately six (6) weeks ago (Exhibit J-2).

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **APPROVE** a **Special Exception** to allow a mobile home in an RS-1 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS,** and a **Variance** of the one-year time limitation. **SECTION 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 9; per plan submitted for a single-wide mobile home; subject to Health Department approval and a building permit; subject to tie down and skirting; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code; on the following described property:

N 99, S 198, E/2, S/2, N/2, NE, SE, less .06 acres for road, Sec. 1, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17436

Action Requested:

Special Exception to allow retail sales in an IL zoned district. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** and a Variance of the required number of parking spaces from 261 to 34. **SECTION 1214.D. USE UNIT 14. SHOPPING GOODS AND SERVICES**, located South 91st East Avenue & Broken Arrow Expressway.

Case No. 17436 (continued)

Presentation:

The applicant, **Danny Mitchell**, 6106 South Memorial, submitted a site plan (Exhibit K-1), plot plan (Exhibit K-2) and stated the building was built about 12 years ago. He explained that the building has been used for a retail sales outlet for L&M Furniture for the last 10 years. He further explained that his company recently contracted to modernize part of the facility and discovered that the exception had never been granted to allow retail furniture sales in this location. He stated the parking on the site has been adequate for all of the 10 years for both the employees and customers. He further stated should the building sell in the future, there is ample land around the building and part of the lot to the north that could be used to meet the required parking spaces. He requested the Board's consideration and approval of the application.

Protestants: None.

Comments and Questions:

Mr. White asked the applicant if there was any expected change in the nature of the business itself? He answered negatively. He stated it will remain L&M Furniture.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **APPROVE** a **Special Exception** to allow retail sales (Use Unit 14) in an IL zoned district. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** and a **Variance** of the required number of parking spaces from 261 to 34. **SECTION 1214.D. USE UNIT 14. SHOPPING GOODS AND SERVICES;** per plan submitted; subject to the variance of parking shall apply only to office furnishing establishments; finding that the approval of this application will not be injurious to the area, nor harmful to the spirit and intent of the Code; on the following described property:

Tract "C" Alexander Trust Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17437

Action Requested:

Special Exception to allow a single family dwelling in a CH district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 6, located 1227 South Frisco.

Case No. 17437 (continued)

Presentation:

The applicant, **Nancy Polishuk**, 3309 East 66th Street, submitted a site plan (Exhibit L-1) and stated she represents the owner of the subject property. She further stated the subject property is between Riverside & Denver, it is also between the Broken Arrow Expressway & 15th Street. She explained the subject lot is currently zoned commercial. She further explained that Lot 8 is vacant and Lot 6 has a residence that was built in 1920, which was changed to commercial. She stated the owners are asking to change the land use to residential. She further stated there is a contract pending on the home located on lot 6 and the buyers want to restore the home to the historical state. She explained the area around lot 8 has been totally remodeled with houses built in the range of $150,000.00 to $200,000.00.

Protestants: None.

Comments and Questions:

Ms. Turnbo stated she had no problem with this application. She further stated she previously represented this neighborhood for the planning team and the area still looks residential with single families living in the homes.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **APPROVE** a **Special Exception** to allow a single family dwellings in a CH district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code; on the following described property:

Childers Heights, Block 1, Lots 8 and 6, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17438

Action Requested:

Special Exception to amend an approved site plan and landscape. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located 7301 East 15th Street.

Presentation:

The applicant, **Darrell R. Byrd**, 202 South Main, Wagoner, submitted a site plan (Exhibit M-1) and stated he represents the Greater Tulsa Christian Academy, which has been located at the present location for 3 years. He further stated the academy is seeking approval for a two-phased project, first phase being a gymnasium and restroom facility. He explained the second phase will be a locker room/shower area and eight (8) additional class rooms built on the current property.

Protestants:

None.

Comments and Questions:

Mr. White asked the staff if they had any comments? Mr. Gardner stated what the applicant did not explain is that the land use immediately east of the gymnasium is a church. He further stated that the church to the east sets back on the lot and there is a paved parking lot that extends to 15th Street on the School's east boundary. He indicated duplexes are located on the west boundary and on the south side of 15th Street there are single family residences and another private school directly across the street to the southwest.

Mr. Beach stated he included the previously approved site plan and the recently submitted amended site plan in the agenda packets. He further stated the primary concerns are that there seems to be a considerable amount of activity proposed for this site with very little off-street parking provided.

Ms. Turnbo asked the applicant if the school was still pre-kindergarten through the 12th grade? He answered affirmatively.

Ms. Turnbo asked the applicant if the gymnasium is going to be used for the school? He answered affirmatively.

Ms. Abbott asked the applicant what the floor area will be for the gymnasium? He stated it will be 100′ x 105′. He further stated at the current time there is sufficient parking for the existing buildings. He explained the amended site plan shows an additional future parking for 20 cars and two (2) extra handicapped spaces to the south of the existing space.

Mr. Beach stated there are 71 parking spaces shown on the site plan, including the future expansion of the parking spaces. He further stated the gymnasium as an accessory to the school or church may or may not have the same parking requirements as a gymnasium under use unit 19 in the Code. He explained if it was a use unit 19 it would be based on a 1 parking space per two 225 SF. He further explained it was important to determine exactly what the gymnasium will be used for, the days and hours of operation, etc. He stated since the site is surrounded by residential, there is a chance for over flow parking into the street, which could be disruptive.

Mr. Bolzle asked the staff if the two sites have been tied together? Mr. Gardner stated they have not been tied, that they are two different entities. He further stated that this site was originally approved for church use (subject property) and as a private school use more recently on those lots that run north and south that are under application. He explained there is another church immediately to the east.

Mr. Beach stated the legal description indicates Lots 1 through 24. He further stated the site plan submitted shows there is an area just to the west of Phase I, that has a cross hatched border around it, that is a separate lot that should be excluded from this application. He summarized it would be lots 1 through 24 minus that particular lot.

Ms. Abbott asked the applicant if there was a church on the subject property? He stated it is a Christian School, but previously it was a church. He further stated the total square footage of the school is currently 26,000 SF.

Ms. Abbott asked the applicant how many parking spaces are available without the proposed parking spaces? He stated there are 48 parking spaces existing currently. He further stated 29 parking spaces can be added in the future. He explained the 29 parking spaces are not included in the Phase I proposal.

Ms. Turnbo asked the applicant if the gymnasium will be operated after school and what will be the typical school hours? Ms. Debbie Mahaffey, Principal of the Greater Tulsa Christian Academy, stated the gymnasium usage will be during the day for P.E., basketball practices approximately two (2) hours after school and twice a week there will be ball games for the high school and middle school from 7:00 to 9:00 p.m.

Ms. Turnbo asked Ms. Mahaffey if there will be other schools coming in to play the ball games and tournaments? She answered affirmatively.

Ms. Turnbo asked the Staff if there were 71 parking spaces available currently? Mr. Beach stated there are 71 parking spaces shown on the proposed plan. He further stated there are 48 existing parking spaces and 29 proposed.

Mr. Beach indicated the site plan information shows the square footage of the gymnasium will require 62 parking spaces.

Mr. White stated parking in the subject area is very critical because the streets are bar ditched to the north, west and east. He further stated that 15th Street, to the south, is posted as a no parking area and the access to the subdivision is quite a ways to the south.

Ms. Turnbo asked the Staff how many parking spaces the school was required to have available? Mr. Beach stated for schools with compulsory education the requirement for High Schools is 1 per 800 SF and Elementary/Junior High require 1 per 1200 SF. He further stated approximately 26 spaces are needed for the existing school.

Ms. Abbott stated she had a problem with the proposed parking not being provided in Phase I.

Mr. Gardner stated the required parking for the gymnasium will be determined on how many spectator seats are proposed.

Ms. Turnbo asked the applicant how many seats will be in the gymnasium? He stated 500 seats.

Ms. Abbott asked how many basketball games can be played at one time in this new facility? He stated only one game at one time.

Mr. Bolzle stated the gymnasium is proportional to the size of the school and traditionally when you see a gym it is attached to a school that has far greater SF than just 26,000 SF.

In response to Mr. Bolzle's statement, Mr. Byrd stated when Phase II is completed there will be an additional eight (8) classrooms.

Ms. Abbott asked the applicant when Phase II will be built? He responded it will strictly depend on growth and funding.

Mr. Bolzle stated based upon what has been proposed it appears that if the school applied for a building permit today the school will be required to have 26 spaces for the school plus another 125 parking spaces for the gymnasium, which means that the school is substantially below requirement. He further stated the school needs a total of 150 plus parking spaces and they are asking for 71 parking spaces.

Mr. Gardner stated if the school were to install 500 seats in the gymnasium, they would need 125 parking spaces for the gym and 26 for the school.

Mr. Bolzle asked the Staff if the Board can approve a site plan when there is not enough required parking spaces shown? Mr. Gardner stated the Board could approve what is proposed per plot plan, but when the school is ready to acquire a building permit, pending upon how many seats are in the auditorium, they will not be issued a building permit if they cannot meet required parking.

Mr. Bolzle informed the applicant the Board could continue the application to enable the school to recalculate the seating and parking issues. He stated otherwise the Board will have to restrict the school's use of the gymnasium.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **CONTINUE** Case No. 17438 to August 13, 1996, at 1:00 p.m. to enable the applicant to recalculate the parking requirement and seating in the gymnasium.

Case No. 17439

Action Requested:

Special Exception to permit auto repair/body shop in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** and a Special Exception to amend a previously approved site plan. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located 2008 East Pine Street.

Presentation:

The applicant, **Ron Kirkpatrick**, 1918 Southwest Boulevard, representing Jones Body Shop, submitted a site plan (Exhibit N-1) and a zoning letter (Exhibit N-2). Mr. Kirkpatrick stated Jones Body Shop purchased the subject property approximately 21 years ago. He further stated in the past eight (8) years there has been one new building built on the subject property and they remodeled the existing office. He explained there is an old portion of the body shop that needs to be torn down and replaced with a new structure. He further explained the lot is zoned CS and to permit this use for the body shop it will need a CG zoning or a Board of Adjustment exception.

Protestants: None.

Comments and Questions:

Ms. Abbott asked the applicant if there will be any additional uses with the expansion? He answered negatively. He stated the existing shop is smaller than the new expansion, but it will be the same usage.

Mr. White asked the applicant if the new building will be farther from the property line than the existing building that will be torn down? He stated the new building will be built where the existing building is now.

Ms. Abbott asked if the new building will be larger? He answered affirmatively. He stated there is a driveway in front of the existing building and part of the driveway would be covered by the new building.

Ms. Abbott asked what the additional square footage will be? He stated the additional square footage is approximately 850 SF to 1000 SF.

Mr. Gardner stated the building inspector denied the building permit because the previous approval by the Board per the plan did not contemplate tearing down and building a new building. He further stated the use has been approved by this Board previously as a special exception for a body shop per the plan.

Mr. Gardner asked the applicant if he was including more property in his application than he had previously? He answered negatively.

Mr. Gardner stated that since the applicant is tearing down a building and rebuilding, he has to have the Board's approval of the new plan.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **APPROVE Special Exception** to permit auto repair/body shop in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** and a **Special Exception** to amend a previously approved site plan. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; per plan submitted; finding that the approval of this application will not be injurious to the area, nor harmful to the spirit and intent of the Code; on the following described property:

N/2 Lot 10 & E/2, N/2 Lot 11, Spring Dale Acres, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17440

Action Requested:

Special Exception to allow a church & related uses in a RM-1 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS;** a Variance of required number parking from 76 to 15. **SECTION 1202.D. USE UNIT 2. AREA WIDE SPECIAL EXCEPTION USES;** a Variance of the hard surface parking for 2 years (church area). **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS**; a Variance of 25′ setback from properties in R district to 0′. **SECTION 404.F.4. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**; a Variance of lot area from 1 acre to 25,000 SF. **SECTION 1202. USE UNIT 2, AREA WIDE SPECIAL EXCEPTION USES,** and a Variance to meet additional parking required on a lot other than principal use lot. **SECTION 1301.D. GENERAL REQUIREMENTS,** located 507 North Atlanta Place.

Presentation:

The applicant, **Rick Peevyhouse**, 4005 South Ash Avenue, Broken Arrow, representing Church for All Peoples, submitted a site plan (Exhibit O-1), application for the use of school property for parking (Exhibit O-2) and stated the subject property used to be the Transvoc Rehabilitation Center. He further stated the building has been in existence for 30 years. He explained the building is currently setting empty and he would like to move a church into the building. He stated the church will have a small sanctuary with 35 to 40 members and the church has secured parking with the Grover Cleveland Middle School, which has approximately 150 parking spaces.

Comments and Questions:

Ms. Turnbo asked the applicant if he had a statement in writing from the Tulsa Public Schools securing permission to use their facility for parking? He answered affirmatively.

Ms. Abbott stated the Board has received letters of protest (Exhibit O-4). She also stated the church has submitted a petition of support (Exhibit O-3).

Interested Parties:

Dr. Ernest Carey, Pastor of the Church, stated the reason for choosing this area was for the enormous sense of civic conscience and some of it mal-nutured, but most of it very good and very positive. He further stated almost anywhere you look in the area you could see a drug deal going on. He explained the above reasons sparked the church's interest because the church has some experience in dealing with people with drug problems. He stated the church will change their physical location from Broken Arrow to the subject property. He further stated the church has canvassed the neighborhood and found the neighbors will welcome the church. He commented the neighborhood was very happy that the church was moving in, considering the fact that the church may be able to do something about discouraging the drug dealing on the streets of their neighborhood. He further commented the courtesy that Grover Cleveland Middle School has issued the church the use of their parking lot. He explained the parking area is a small walk to the subject property. He further explained there are 15 parking spaces in the back of the subject property for handicapped parking and staff parking. He stated the church is interested in becoming involved with the community and helping the young people in the area. He further stated the church is willing to work with the Board to find a solution to the problems with the subject property. He explained there are a large number of Latino residents in the area and the church is well prepared to deal with their cultural characteristics. He requested the Board approve this application.

Comments and Questions:

Ms. Turnbo asked Mr. Carey when the church is distributing the food and clothing will the 15 parking spaces be adequate? He stated the food and clothing distribution will be delivered directly to the homes.

Ms. Turnbo asked Mr. Carey if there will be youth programs in the evening at the subject property? He stated mostly on the weekends and during the day depending on their availability. He further stated there are a number of young people on the street and they may do counseling during the day.

Ms. Abbott asked Mr. Carey when the church services will be held? He stated church services will be on Wednesday night and Sunday. He further stated Wednesday nights and Sunday will be the only days there will be a flow of traffic to the building. He explained during the week the use will be generally an office with four people.

Ms. Turnbo asked Mr. Carey how many parking spaces will be available at Grover Cleveland Middle School? He stated approximately 150 parking spaces in the back lot that is adjacent to the property.

Ms. Turnbo asked Mr. Carey what the seating capacity for the church will be? He stated the maximum seating capacity will be 75 people. He explained the church does not see this property as the final site and that within a year the church will be able to build on an approved site. He further explained the church will eventually use the subject property as offices only.

Ms. Turnbo asked Mr. Carey if the counseling will be in the evening or daytime? He stated the counseling will be during day hours. He explained there will not be a great number of people coming in for counseling at one time, it will consist of maybe two (2) or three (3) people during the course of the day. He further explained the church has only three (3) or four (4) people that are capable to do counseling.

Ms. Turnbo asked Mr. Carey if the church planned to have mother's day out or daycare facilities? He answered negatively.

Protestants:

Ray Darby, 116 North Birmingham Place, stated she has not been able to verify anything on this application. She has not been able to find anything out from the applicant or get any answers.

Additional Comments:

Mr. White stated he has a problem with the parking issue on this subject property. He further stated the parking is significantly separate from the subject property.

Mr. Gardner informed the Board that in the past there was neighborhood opposition in large numbers, but today you only have one protestant physically here plus one or two letters of protest. He stated in the past none of the applications proposed using Grover Cleveland Middle School parking. He further stated in the previous application the applicant was trying to pave all of the lot east of the industrial building and the neighbors to the north did not want to look at a paved parking lot. He explained the difference in this application is that the church is trying to use Grover Cleveland Middle School's parking lot, limit the size of the church and landscape a good part of the east lot.

Mr. White asked the staff if 76 parking spaces will be required for this application? Mr. Beach answered affirmatively.

Ms. Abbott stated she is not in favor of the variance to allow required parking from 76 to 15 and the variance to meet additional parking on a lot other than the principal use.

Ms. Abbott asked the applicant if he had a letter from Grover Cleveland Middle School allowing the use of their parking lot? He stated there should be a letter in the file that the church submitted.

Mr. Beach informed the Board that the request was submitted, but it is not signed by the Tulsa Public Schools.

In response to Mr. Beach, the applicant stated the agreement has been verbally committed until the Principal of the school returns from vacation to sign the application.

Ms. Turnbo asked if there was a written agreement at this time with Grover Cleveland Middle School? He answered negatively.

Linda Peevyhouse, 4005 South Ash Ave., Broken Arrow, stated she did not have a copy with her, but submitted a signed application to the Board with the Principal's signature.

Mr. Beach stated there is not a signed application from Grover Cleveland Middle School in the file.

Ms. Peevyhouse stated she did not know when the signed application was submitted to the Board, maybe a couple of weeks ago.

Mr. Beach stated the application in the file is not signed by the Principal. He informed the applicant if she had a copy to bring it by the INCOG office for the file.

Ms. Turnbo asked Mr. Peevyhouse how many feet exist between the alternative parking at the school to his church? He stated approximately 75 yards to the driveway and from the parking lot area approximately 261'. He further stated the church will use a small shuttle bus for inclement weather.

Ms. Abbott asked the applicant why he asked for the variance of the hardsurface parking? He stated it will be for the 15 parking spaces that is a gravel area, which is overgrown and needs to be cleaned up. He further stated it will be paved approximately six (6) months from now.

Mr. Bolzle asked if the only differences between this application and the previous one is that this application provides less parking on site, but it has the potential for alternative parking on another lot? The Staff answered affirmatively.

Mr. Gardner stated also that the previous application did not submit an interior floor plan to show how much of the warehouse building would be sanctuary and therefore the exact parking requirement could not be determined.

Mr. Bolzle stated he did not understand why the Board would even consider this application. He explained if there was a twenty-six thousand foot lot and a church came to the Board to acquire approval to build a sanctuary on the lot, but cannot park the 60 cars that will be required, what would compel this Board to approve that type of application? He stated there is an existing nonconforming building and there needs to be a use for this building that can meet parking requirements.

Mr. Gardner stated the only use for the existing building that he knew of that could meet the required parking is a warehouse, which requires 1 parking space per 5,000 SF.

Ms. Turnbo stated she had a problem with the alternative parking area being so far from the principal use because during bad weather people will park in the neighborhood.

Mr. White stated Birmingham is a through street in the neighborhood and this will increase the traffic through the neighborhood. He further stated he is concerned with the potential parking in the street and in the neighborhood.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **DENY** a **Special Exception** to allow a church & related uses in a RM-1 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS;** a **Variance** of required number parking from 76 to 15. **SECTION 1202.D. USE UNIT 2. AREA WIDE SPECIAL EXCEPTION USES;** a **Variance** of the hard surface parking for 2 years (church area). **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS**; a **Variance** of 25′ setback from properties in R district to 0′. **SECTION 404.F.4. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**; a **Variance** of lot area from 1 acre to 25,000 SF. **SECTION 1202. USE UNIT 2, AREA WIDE SPECIAL EXCEPTION USES,** and a **Variance** to meet additional parking required on a lot other than principal use lot. **SECTION 1301.D. GENERAL REQUIREMENTS;** finding that the approval of this application will not be in harmony with the spirit and intent of the Code, and will be injurious to the neighborhood, on the following described property:

S 100′ Block 1, Cherokee Heights, II; all of Block 1, Ohio Place Addition, W/2, NE, NW, NW, Sec. 32, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17441

Action Requested:

Special Exception to allow church uses in a RD district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located at the SE/c South 120th East Avenue & East 21st Street South.

Presentation:

The applicant, **Victor Felipe**, no address given, represented by Alfred Schnell, submitted a site plan (Exhibit P-1) and stated Pastor Felipe is a Pastor of the Tulsa Congregation, which is presently meeting in one of the large classrooms of Tulsa Junior Academy. He further stated Pastor Felipe found the subject tract of land and began planning for a church facility. He explained the subject property has an enormous amount of floodplain on the front of the property toward the street. He further explained there is a water course through the middle of the north property and the church has arranged to buy additional land from a church nearby for the required parking.

Protestants:

Melvin Poindexter, 2124 South 121st East Avenue, stated the subject property is behind his home. He further stated the area is a flood zone and he doesn't want anything built that will cause more flooding. He requested information about the church's plans for drainage.

Comments and Questions:

Mr. Bolzle stated in the past the Board has had Development Services look at the proposed projects and write a report on whether the property could be developed the way the applicant is proposing.

Mr. Beach reminded the Board since this is a use unit 2, and if it is approved, it is subject to plat and this particular property has not been platted.

Mr. Gardner stated if the tract is platted, they will have to meet the City's drainage requirements, which means they cannot increase the rate of runoff from the undeveloped tract.

Mr. Beach stated the Code prohibits any parking for churches in a R district in the required front yard. He further stated the parking that is located near 21st Street will have to be eliminated. He explained the applicant does meet the parking requirement with the other parking lots.

Mr. Bolzle explained to Mr. Poindexter that the Board approves land use only and in this case the church will have to go back and plat this property. He further explained that when the church plats the property it will have to go through TMAPC and get approvals from storm water management, water, sewer, etc. He stated the platting procedure will be a safe guard for his neighborhood.

Ms. Turnbo explained to Mr. Poindexter that the platting process will not force the church to correct what is already flowing on the property, but the church will not be allowed to add to the flow on the property.

Mr. Beach clarified his statement about the parking, by stating that it is not permitted to have any parking in the designated front yard and either 120th East Avenue or 21st Street can be considered as the designated front yard. He explained if the front yard is 21st Street, the parking indicated on the site plan is not permitted and probably a portion of the parking will not be permitted if 120th East Avenue is the required front yard. He stated the applicant cannot meet the required parking according to the site plan.

Mr. Gardner stated that if the Board approves the application the drainage issue should be addressed in the motion and require an amended site plan that will meet the building codes. He further stated the reason the land is vacant is because it is difficult to develop with the drainage problems.

Applicant's Rebuttal:

Mr. Schnell stated there is a drainage problem and the floodplain elevation is right at the elevation of the property. He further stated the building will have to be at least one foot above the elevation, which means the excavation will include some removal of dirt to compensate for whatever the building volume will be.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **APPROVE** a **Special Exception** to allow church uses in a RD district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; subject to the applicant returning with a detailed site plan for approval meeting the Code; subject to a letter from the Development Services of the City of Tulsa indicating the property can be developed in the manner the applicant proposes on the detailed site plan; finding that the approval of this application will not be injurious to the area, nor harmful to the spirit and intent of the Code; on the following described property:

> The N 275′ of a tract of land in the E/2, NW/4, Sec. 17, T-19-N, R-14-E, IBM, according to the US Government Survey thereof, more particularly described as follows, to wit: Beg. NE/c, E/2, NW/4, said Sec. 17; thence S00°05′41″E along E line of said E/2 for 500.00′ to a point, to said NE/c of Lot 1, Block 4, Leslie Leigh Second Addition; thence W along N line of said Lot 1 for 40.00′; thence N 00°05′41″W along E line of South 120th E. Ave. for 500.00′ to a point, N line of said E/2; thence due E of said N line for 140.00′ to POB, and a tract of land beginning 500′ S, NE/c, E/2, NW/4, Sec. 17, T-19-N, R-14-E; thence E 140′, N 225′, W 140′, S 225′ to POB, containing .72 acres more or less, City of Tulsa, Tulsa County, Oklahoma.

Additional Comments:

Mr. Gardner explained to the protestant that if the applicant applies for the sub-division plat, the Planning Commission will give notice to all of the abutting property owners.

Case No. 17442

Action Requested:

Special Exception to allow a deli restaurant in an IL zoned district. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 12, and a Special Exception to permit retail sales of bread and bread products. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 13, located 6527 East 46th Street.

Presentation:

The applicant, **Mounah S. Jabara**, 9403 South Norwood, submitted a site plan (Exhibit Q-1) and a plot plan (Exhibit Q-2). He stated he has a new bakery that specializes in pocket bread and would like to open a deli to sell to other businesses in the area.

Interested Parties:

Scott James, 414 Timbercrest, Catoosa, stated he is the owner of the subject property and he leases space to Mr. Jabara. He explained there are similar uses in the area close to the subject property. He stated he fully supports this application.

Protestants:

None.

Comments and Questions:

Mr. Bolzle asked Mr. James if there was a day-old bread store in the same area? He stated there is an Oroweat wholesale unit and a day-old bread store two doors west of the subject property.

Applicant's Rebuttal:

Mr. Jabara stated the deli will strictly be pick up to go orders, there will not be any customer seating available.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **APPROVE** a **Special Exception** to allow a deli carry out in an IL zoned district. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 12, and a **Special Exception** to permit retail sales of bread and bread products. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 13; per plan submitted; finding that the approval of this application will not be injurious to the area, nor harmful to the spirit and intent of the Code; on the following described property:

The S 200.0', Lots 14 & 15, S 200.0' of E/2 of Lot 13, Block 1, Katy Freeway Industrial Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17445

Action Requested:

Variance of the required number of parking spaces from 24 to 13. **SECTION 11. USE UNIT 11. OFFICES STUDIOS AND SUPPORT SERVICES; SECTION 1215. USE UNIT 15. OTHER TRADES AND SERVICES**, located 1638 South Main.

Presentation:

The applicant, **Jeff Heckenkemper**, 201 West 5th, Suite 70, submitted a site plan (Exhibit R-1), stated the subject property was originally developed as a retail strip center in 1950 and has been used for various businesses since then. He further stated in 1982 the subject property was renovated and there was an additional amount of square footage added on, which eliminated some of the available parking. He explained that now there are two lots side by side with only 13 parking spaces available on the subject lot. He further explained the building is about 7200 SF and is currently used for office use. He stated with office use the building requires 24 parking spaces.

Comments and Questions:

Mr. Bolzle asked the applicant if he will continue to use the space as office use? He stated he owns a building maintenance business that is a use unit 15.

Mr. Beach stated the applicant's particular use only requires 1 parking space per 400 SF and office use require 1 parking space per 300 SF.

Mr. Gardner stated in 1982 when the expansion to the subject property was added on, the required parking in a CH district was not in effect. He further stated in 1984, required parking went into effect, which now makes this subject property non-conforming as to parking. He commented since the use is being changed it triggered the required parking issue.

Mr. Bolzle asked if the use that is there today is general office? He answered affirmatively. He explained he will be using 1900 SF of the 7200 SF on the subject property.

Mr. Bolzle asked if the applicant's use requires less parking than office use? Mr. Beach answered affirmatively.

Protestants:

Jim Johnson, 1646 South Boulder, asked for clarification on whether the parking is being decreased?

Applicant's Rebuttal:

Mr. Heckenkemper stated he is not asking to reduce the number of spaces that already exist, but what currently exists is non-conforming. He explained there isn't any additional available land for parking. He further explained he requested the variance to insure his business can operate from the subject property.

Additional Comments:

Mr. Bolzle explained to Mr. Johnson that the applicant's business will use less parking than the previous use, according to Code.

Mr. Gardner explained the ordinance states: "no such use may be changed unless parking, loading and screening is provided." He further explained the applicant has a non-conforming building and if he wanted to use it all for office he wouldn't have to be before the Board, but if he wants to use part of the building for use unit 15, which requires less parking, he has to apply for a variance because he is changing the use.

Mr. Heckenkemper stated there are two tenants already in existence on the subject property. He indicated the tenants are the American Federations of Musicians and an insurance office. He stated his business will have some use for the parking available but not a heavy use.

Ms. Abbott asked the Staff if the applicant were to go back and use this as a commercial building, would he be before this board? Mr. Gardner explained that a commercial use would be a change of Use and therefore require meeting parking i.e. He further explained that restaurants are permitted in CH districts as a matter of right, use unit 12 but the applicant couldn't come close to meeting the parking requirement on the subject property and that is why the change in use is provided in Code. He stated the fact that the applicant is changing the use, which requires less parking under the Code than general office and that means he will have less demand for required parking.

Interested Parties:

Steve Kennedy, 2722 East 45th Place, stated he is the broker representing the buyer. He further stated the use is basically general office and not commercial use. He explained the buyer wanted the variance for general office use so that when he applies for his building permit he will already have his variance on the parking space issue.

Additional Comments:

Mr. Bolzle asked Mr. Kennedy if the application was because a portion of the building will be a use unit 15? Mr. Bolzle further questioned Mr. Kennedy on how much space will be used as a use unit 15? Mr. Kennedy stated the building has a total of about 7000 SF and currently there is approximately 2800 SF that is occupied as general office. He further stated Mr. Heckenkemper will occupy 1900 SF of the subject property.

Mr. Gardner stated that since the applicant and Mr. Kennedy has further explained their use, the applicant may not need to be before the Board other than to verify that his parking is nonconforming as to use. He further stated Mr. Heckenkemper wants wording in the record that states he can use the building for professional office spaces with only 13 parking spaces. He explained that the applicant will have an office use, but his business is a service and this will be his office for his business service. He commented technically the applicant may not need to be before the Board.

Mr. Bolzle asked the Staff if there were other types of use unit 15 that will not be allowed on the subject property? Mr. Gardner answered affirmatively.

Mr. Bolzle asked the Staff if the Board stated this was an office use, will it get the applicant through plans and permitting? Mr. Gardner answered affirmatively.

Mr. Heckenkemper stated his business is a full service building maintenance with a janitorial division and maintenance division. He further stated this will not be a warehouse, nor storing supplies, it will be an office use only.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **APPROVE** a **Variance** of the required number of parking spaces from 24 to 13. **SECTION 11. USE UNIT 11. OFFICES STUDIOS AND SUPPORT SERVICES; SECTION 1215;** per plan submitted; finding the off-street parking of only 13 spaces is nonconforming as to office use & that the approval of this application for office use will not be injurious to the area, nor harmful to the spirit and intent of the Code; on the following described property:

All of Lots 4 & 5, Block 5, Harbour Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17447

Action Requested:

Variance of the allowable height for a fence in the front yard from 4′ to 5′. **SECTION 210.B.3. YARDS;** Permitted Obstructions in Required Yards, located 116 East 26th Street.

Presentation:

The applicant, **Linden Wood**, 116 East 26th Street, submitted a site plan (Exhibit S-1) and photographs (Exhibit S-2). Mr. Wood stated he bought the subject property in September 1995. He explained that in January 1996, he ordered a fence through a contractor and the contractor failed to inform him the fence should be 4′ instead of 5′. He further explained the house is a spanish style stucco house with iron work, which matches the iron work fence. He stated there were three posts in front of the home already installed and the contractor installed the new fence on the existing post, which matched the home.

Comments and Questions:

Mr. White asked the applicant if there was an existing fence attached to the post? He answered negatively.

Mr. Bolzle asked Mr. Wood if the Code Enforcement Officer informed him he needed a variance? He stated someone must have complained about the fence and then he received a notice from Code Enforcement.

Mr. Ballentine, Code Enforcement, submitted photographs (Exhibit S-3) and stated there was a complaint filed due to the height of the fence.

Protestants: None.

Additional Comments:

Ms. Abbott asked Mr. Ballentine if the additional one foot in height obstructs any view? He answered negatively. He stated it is simply a matter that the Code states a fence in the front yard should only be 4′ and it is 5′.

Ms. Turnbo stated she has no problem with the fence being 5′ since it is an open fence.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **APPROVE** a **Variance** of the allowable height for a fence in the front yard from 4′ to 5′. **SECTION 210.B.3. YARDS; Permitted Obstructions in Required Yards**; per plan submitted; subject to the fence remaining a wrought iron open work fence as pictured; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code; on the following described property:

Case No. 17447 (continued)

Lots 4 & 5, Block 14, Third Amended Plat of Riverside Drive Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17448

Action Requested:

Special Exception to allow Auto Sales in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; and a Variance of the screening requirements abutting a RS district. **SECTION 1217.C. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES,** Use Conditions, located North of Admiral & 85th East Avenue.

Presentation:

The applicant, **James P. Stephens, Inc.**, 3704 South Birmingham, representing Tulsa Motors, stated for three (3) years Tulsa Motors has leased the property adjacent and immediately east of the subject property for a used car lot. He further stated Tulsa Motors would like to expand their business in their outer room. He explained that James P. Stephens, Inc. owns the property and would like approval for the special exception and variance.

Protestants:
None.

Comments and Questions:

Mr. Bolzle asked the applicant if the screening requirement issue is for the area abutting the freeway? He answered affirmatively.

Board Action:
On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **APPROVE** a **Special Exception** to allow Auto Sales in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; and a **Variance** of the screening requirements abutting a RS district, which is an expressway. **SECTION 1217.C. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES,** Use Conditions; finding that the approval of this application will not be injurious to the area, nor harmful to the spirit and intent of the Code; on the following described property:

Lot 9, Block 5, Mingo Terrace, except the following: BEG. NW/c of said Lot 9; thence NE along N line of said Lot 9 for 145.08′, to the SE along E line of said Lot 9 for 124.05′ to the SE/c of said Lot 9; thence SW along S Line of said Lot 9 for 11′; thence N53°33′57″W for 30.24′; thence N85°28′11″W for 158.64′ to POB and Lots 12, 13 & 14, Block 7, Mingo Terrace LESS and EXCEPT beg. NE/c said Lot 12; thence SW along N line of said Lot 12 for 16.98′; thence S59°01′45″E for 68.29′ to E line of said Lot 12; thence NW along said E line for 65.12′ to POB and Lot 1, less a triangle beginning at the NW/c; thence SW 110′; thence E 140.22′; thence NW 91.2′ to POB, Block 4, Lot 14, Block 4, Mingo Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17449

Action Requested:

Special Exception to allow auto repair in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located 9709 East 51st Street.

Presentation:

The applicant, **Charles M. Bretanus**, P.O. Box 54309, submitted a site plan (Exhibit T-1) and stated the subject property is a vacant lot at the northeast corner of 51st and Mingo. He requested a variance in the CS zoned district for automobile repair. He stated he has purchased a franchise agreement with a company called "Precision Tool", which is a national franchise. He explained it is a specialty/automotive repair shop and it will be the first one in Tulsa. He further explained it is strictly under the hood repairs and there will not be any major overhauls.

Protestants:

None.

Comments and Questions:

Mr. Bolzle asked the applicant if there was a new Git-N-Go Store on the southeast corner of this property? He answered affirmatively. He stated Quip-Trip is on the southwest corner and the area is mostly industrial use.

Mr. White asked the applicant if there will be any storage of inoperative vehicles outside the building? He answered negatively. He explained vehicles primarily will be in the facility approximately three (3) hours, but if the vehicle can not be finished before closing it will be stored inside the building.

Case No. 17449 (continued)

Mr. White asked the applicant if there will be any materials stored outside? He answered negatively.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "Abstentions"; Box "absent") to **APPROVE** a **Special Exception** to allow auto repair in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; per plan submitted; subject to there being no outside storage of materials or vehicles; finding that the approval of this application will not be injurious to the area, nor harmful to the spirit and intent of the Code, on the following described property:

SW/4, Sec. 30, T-19-N, R-14-E, IBM according to the Government Survey thereof, being more particularly described as follows: Beg. SW/c, SW/4, Sec. 30, T-19-N, R-14-E; thence N for 208.71′; thence E for 208.71′; thence S 208.71′; thence W 208.71′ to POB, LESS and EXCEPT, Beg. at said SW/c, SW/4; thence N 208.71′; thence E 50.00′; thence S 118.74′; thence SE for 35.21′; thence E 115.17′; thence N 5.00′; thence E 18.71′; thence S 70′; thence W 208.71′ to POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17450

Action Requested:

Variance of the provisions of **Sec. 602.B.4 and 1103.B.2 of the Tulsa Zoning Code** to permit wall signage on the two buildings as follows:

North Building: an unlighted wall sign on the west facing wall (S. Utica Ave.) containing a total of 55 SF of display surface area and an unlighted Hillcrest logo on the west facing wall (S. Utica Ave.) containing 16 SF of display surface area;

South Building: an unlighted wall sign on the west facing wall (S. Utica Ave.) identifying the "Oklahoma Heart" clinic and logo containing a total of 50 SF of display surface area and an unlighted Hillcrest logo on the west facing wall (S. Utica Ave.) containing 16 SF of display surface area, located East side of South Utica Avenue Between East 12th Street & East 13th Street.

Presentation:

The applicant, **Charles E. Norman**, 200 Mid-Continent Towers, submitted a site plan (Exhibit U-1), letters of support (Exhibit U-2) and photographs (Exhibit U-3). Mr. Norman stated he represents Hillcrest Medical Center, which is before you today on behalf of two major tenants within the William H. Bell office park, on the east side of south Utica between 12th and 13th Street. He further stated the subject block is 700′ long running north and south. He explained that both of the buildings are within the Hillcrest Medical Center planned unit development and the signage within the development is based upon the square footage of signage permitted by the underlying zoning. He further explained that the majority of the property within the specific development area south of 12th Street is zoned RM-2, multi-family district or in the residential districts further to the east. He stated the total amount of display surface area of the sinage is extremely limited and was utilized in the original development of the Medical Center by two ground signs, which measure 7′ x 10′ in dimension and an additional monument type sign in the center. He further stated there are two canopy signs at the entrances to the north and south buildings, one which says "Oklahoma Heart" and the other "Utica Park Clinic". He indicated the letter on the canopy signs are approximately 12″ in height and the two ground signs are the same. He stated the problem that has arisen is inherent in the calculation of the sinage permitted for major office complexes, such as the Hillcrest Medical Center, where you are only permitted two tenths of one square foot of each lineal foot of area within the zoned property. He further stated the major tenants within the Bell Office Park have experienced major difficulties and confusion, particularly with out of town patients, about the location of their particular practice. He explained there is no signage on the Utica side except the 7′ x 10′ ground signs that would tell you as you drive down Utica as to which building is your intended destination. He further explained the administration of the Oklahoma Heart Clinic has more than 12,000 patients a year and a large part of the patients are from outside the Tulsa Metropolitan area. He stated the patients have experienced confusion about the location of the clinic. He further stated Utica Park Clinic has more than 20 physicians and have experienced the same difficulty indicated by Oklahoma Heart Clinic. He commented the examples of wall signs that have been permitted for the Warren Clinic on South Yale Avenue exceed 390 SF for each wall sign. He further commented on another example of the photographs where an additional wall signage was permitted for the Bank of Oklahoma Mortgage Corporation for identification at the back of the complex. He stated the variances requested are purely for a matter of identification, which will be unlighted signs that face into the park, church and other office complexes.

Protestants:

None.

Case No. 17450 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-1 (Abbott, Bolzle, White, "aye"; no "nays"; Turnbo "abstention"; Box "absent") to **APPROVE** a **Variance** of the provisions of **Sec. 602.B.4 and 1103.B.2 of the Tulsa Zoning Code** to permit wall signage on the two buildings as follows: **North Building**: an unlighted wall sign on the west facing wall (S. Utica Ave.) containing a total of 55 SF of display surface area and an unlighted Hillcrest logo on the west facing wall (S. Utica Ave.) containing 16 SF of display surface area; **South Building**: an unlighted wall sign on the west facing wall (S. Utica Ave.) identifying the "Oklahoma Heart" clinic and logo containing a total of 50 SF of display surface area and an unlighted Hillcrest logo on the west facing wall (S. Utica Ave.) containing 16 SF of display surface area; per plan submitted; finding that the tract is large and the buildings are multistory and the approval of this application will not be injurious to the area, nor harmful to the spirit and intent of the Code; on the following described property:

SW/4, Sec. 30, T-19-N, R-14-E, IBM according to the Government Survey thereof, being more particularly described as follows: Beg. SW/c, SW/4, Sec. 30, T-19-N, R-14-E; thence N for 208.71′; thence E for 208.71′; thence S 208.71′; thence W 208.71′ to POB, LESS and EXCEPT, Beg. at said SW/c, SW/4; thence N 208.71′; thence E 50.00′; thence S 118.74′; thence SE for 35.21′; thence E 115.17′; thence N 5.00′; thence E 18.71′; thence S 70′; thence W 208.71′ to POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17454

Action Requested:

Special Exception to permit a commercial day care nursery located in a church in an OL district. **SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 11, and a Variance of the number of required parking spaces to 0 to permit the day care center to use the required parking belonging to the church. **SECTION 1300.A. APPLICABILITY OF REQUIREMENTS**, located 2750 North Cincinnati Avenue.

Presentation:

The applicant, **Teresa Shields,** 2436 North Main, submitted a site plan (Exhibit V-1) and stated she presently operates a day care center at 3237 North Cincinnati and 3201 North Cincinnati. She further stated she has been licensed since 1984 by all of the necessary agencies. She indicated that recently the Fire Department informed her that she is not properly coded for children under 30 months of age. She stated she

must relocate her daycare facility and Wesley Methodist Church at 2750 North Cincinnati had a daycare center in their facility and the building is suitable for such. She further stated she has had the church re-zoned to an OL district in order to permit the day nursery. She requested a special exception to operate a daycare center in this facility. She stated there are 42 parking spaces around the church and three are marked handicapped. She indicated that the church and the daycare center operating time will never overlap. She stated her hours will be Monday through Friday, 6:30 a.m. to 5:30 p.m. She further stated she picks up and delivers approximately all of the children who attend the daycare facility.

Protestants:
None.

Board Action:
On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **APPROVE** a **Special Exception** to permit a commercial day care nursery located in a church in an OL district. **SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 11, and a **Variance** of the number of required parking spaces to 0 to permit the day care center to use the required parking belonging to the church. **SECTION 1300.A. APPLICABILITY OF REQUIREMENTS;** per plan submitted; subject to days of operation Monday through Friday, 6:30 a.m. to 5:30 p.m.; finding the school hours will not overlap the church hours and the approval of this application will not be injurious to the area, nor harmful to the spirit and intent of the Code; on the following described property:

N198', S396', AND S132', N264' E/2, NE/4, SE/4, SE/4, Sec. 23, T-20-N, R-12-E, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 4:00 p.m.

Date approved: August 13, 1996

Chair