

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1013
Tuesday, November 10, 2009, 1:00 p.m.
Tulsa City Council Chambers
One Technology Center
175 East 2nd Street

**MEMBERS
PRESENT**

Henke, Chair
Stead, Vice Chair
Tidwell, Secretary
Van De Wiele
White

**MEMBERS
ABSENT**

**STAFF
PRESENT**

Alberty
Cuthbertson
Butler

**OTHERS
PRESENT**

Boulden, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Wednesday, November 4, 2009, at 4:07 p.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

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

Mr. Cuthbertson read the rules and procedures for the Board of Adjustment Public Hearing.

MINUTES

On **MOTION** of **Tidwell**, the Board voted 5-0-0 (White, Henke, Stead, Tidwell, Van De Wiele "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of October 27, 2009 (No. 1013)

UNFINISHED BUSINESS

Case No. 20965

Action Requested:

Special Exception to permit off-street parking on a lot not containing the principal use (Section 1301) or in the alternative a Variance of the parking requirement from 14 to 9 (Section 1211.D); and a Special Exception to increase the Floor Area Ratio permitted in the OL district from .30 to .40 (Section 601); all to permit an addition to an existing office use, located: 1809 East 15th Street South.

Presentation:

Walter Tempenski, 3220 South Peoria Avenue, # 103, Tulsa, Oklahoma, 74105, stated he presented this case before the Board several weeks ago. He informed the Board that the neighbor to the west decided not to enter into a written agreement for shared parking access. He informed the Board the parking and access has existed this way for about 30 years.

Comments and Questions:

He responded to Ms. Stead that they do not need the west driveway to have access to the parking spaces as the parking lot could be redesigned. Mr. Henke asked if the applicant expected to need more than nine parking spaces. Mr. Tempenski did not anticipate a need for more. He added that he believes the front parking could be reconfigured to include eight parking spaces, with four spaces on the street side and four spaces next to the building.

Interested Parties:

There were no interested parties.

Board Action:

On **Motion of Stead**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit off street parking on a lot not containing the principal use (Section 1301) or in the alternative a Variance of the parking requirement from 14 to 9 (Section 1211.D); and a Special Exception to increase the Floor Area Ratio permitted in the OL district from .30 to .40 (Section 601); all to permit an addition to an existing office use, per plan dated November 10, 2009, and named AS101, finding that the driveways on the east and west have been used in common for over 15 years; finding the nine existing parking spaces are not inadequate; finding the special exception request a minimal increase; and finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan on the following described property:

LT 13 BLK 3, TERRACE DRIVE ADDN SUB PRT B5, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20979

Action Requested:

Variance of the 200 ft. setback for an outdoor advertising sign from an R district to 79' (Secion 1221.4); and a Verification of the spacing requirement for an (non-digital) outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2), located: East of Northeast corner of I-44 and South Harvard Avenue.

Mr. Tidwell recused himself from Case No. 20979, and left the room at 1:20 p.m.

Presentation:

Bill LaFortune, 1100 Mid-Continent Tower, Tulsa, Oklahoma, 74103, submitted a set of exhibits (Exhibit B-1). He reviewed some of the documents and maps for the Board. He pointed out that the closest residential structure of the apartments would be farther than 79 ft., though the residential district is 79 ft. He showed the Board the surrounding CS district on the west and residential to the north, and east. He stated that Lamar has lost nine outdoor advertising signs equaling eighteen sign faces, by condemnation, because of the ODOT-I-44 widening. He informed the Board that ODOT prefers to relocate outdoor signs to save tax payer dollars. Mr. LaFortune stated the subject property is burdened by extraordinary or exceptional conditions or circumstances peculiar to this land so that literal enforcement of the code would result in an unnecessary hardship and does not apply generally to other properties in other CS districts around the city. This property is burdened by not one but two right-of-way and/or easements. There is a proposed right-of-way that goes through the property and a utility easement to the north of that proposed right-of-way. This creates a shallowness of the lot, which is a hardship. He cited Case No. 20577 (Exhibit B-1), in which condemnation was the basis for finding a hardship, to relocate an outdoor advertising sign. He noted the shallowness of the property because of the right-of-way, was the hardship. He stated that the Comprehensive Plan calls for medium intensity commercial in this area, and an outdoor advertising sign is compliant in meeting that requirement. Mr. LaFortune added that this sign would not be digital, and the lights would shine on the Board and not into the neighborhood. He added that the lights are turned off at midnight. He informed the Board that display surface area would be smaller than the maximum allowed. He indicated the sign would not be a substantial detriment to the neighborhood. He mentioned that representatives of the applicant met with the neighborhood and tried to answer all of their questions. He informed the Board that ODOT will construct an eighteen-foot, decorative wall of stone and masonry, between the sign and the neighborhood. He pointed out to the Board their verification of spacing for this sign.

Interested Parties:

Steve Summers, 3731 East 43rd Street, Tulsa, Oklahoma, 74135, President of the Patrick Henry Neighborhood Association, stated they appreciated Mr. LaFortune and the representative for Lamar working with the neighborhood and providing

information on the sign location. He stated the majority of the neighbors are opposed.

Toni Graber, 4562 South Jamestown, Tulsa, Oklahoma, 74135, Vice President of the neighborhood association, submitted the results of polls with letters, and signatures in opposition to this application (Exhibit B-2). She stated that the homeowners are facing numerous hardships at this time and they believe this sign will be a detriment to the neighborhood.

William Thornton, 4848 South Knoxville, Place, Tulsa, Oklahoma, 74135, submitted a set of exhibits (Exhibit B-3). He represented Margaret Thornton. He questioned a hardship for Lamar. He suggested it is a self-imposed hardship. He noted that in Case No. 20577 the sign was being moved farther from the residential district not closer as this one. He mentioned that Mr. LaFortune sought the re-zoning of the property in April of 2009, in case Z-1729. He indicated Lamar has a history of attempts to place a sign in this area.

Ronald Gard, 3749 East 48th Place, Tulsa, Oklahoma, 74135, he asked if another business wanted to put in a sign would they have any display space.

Comments and Questions:

Ms. Stead responded that Mr. LaFortune stated the sign would have 600 sq. ft. and the maximum is 672 sq. ft. due to the amount of frontage on the lot. Mr. Cuthbertson responded that one sign per 150 ft. of frontage is permitted in the CS district. He stated that this property has 300 ft. of frontage. He added that one sign is allowed a display surface area equal to two times each linear foot of frontage. One sign would be allowed 600 sq. ft. of surface area, but if two signs are placed, they are limited to one square foot of display surface area per lineal foot of frontage. Two signs would have to share 300 sq. ft. of display surface area. Mr. Cuthbertson stated that with the proposed billboard there would not be space for another business sign. Mr. Henke added that would be up to the property owner. Mr. Gard did not think the applicant had a hardship.

Bernard Waychoff, 4134 East 48th Street, Tulsa, Oklahoma, 74135-4741, stated another sign in this location would be distracting to drivers. He added that the 51st and Harvard intersection is a dangerous intersection.

Carla Agnew, 4425 South Sandusky, Tulsa, Oklahoma, 74135, expressed her concern over the subject content of the sign. She asked if this would be one or two signs. Ms. Stead clarified there would be signage on the front and back of one sign.

The Board received numerous emails in opposition that were sent to staff (Exhibit B-4).

Applicant's Rebuttal:

Mr. LaFortune stated that Lamar would have signage with appropriate subjects. He reminded the Board that the hardship is the shallowness of the lot. He pointed out that no one came in opposition from the apartment complex, which is the closest residential property. He added that the zoning was changed on only a small portion of the subject lot to match the adjoining CS.

Comments and Questions:

Mr. Boulden noted there is no sign on the property right now, and asked how he would answer the argument that the hardship is self-imposed. Mr. LaFortune replied that the hardship is there whether or not ODOT acquired it through condemnation or otherwise. The shallowness of the lot would exist if the previous owner tore their building down and wanted to put an outdoor sign there before any action by ODOT. ODOT did not self-impose the need for a variance by virtue of condemnation. Mr. Boulden stated that the language of the statute and ordinances are that the literal enforcement of the code is an unnecessary hardship. He asked for specifics that would cause an unnecessary hardship. Mr. LaFortune responded that the circumstance exists and does not allow a sign to be placed on it.

Board Action:

On **Motion of Stead**, the Board voted 4-0-1 (White, Van De Wiele, Henke, Stead "aye"; no "nays"; Tidwell "abstained"; no "absences") to **DENY** a Variance of the 200 ft. setback for an outdoor advertising sign from an R district to 79' (Section 1221.F.4); finding it would be detrimental to the neighborhood and the Board has found that the hardship appears to be self-imposed, and a ~~Verification of the spacing requirement for an (non digital) outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2)~~, on the following described property:

All that part of the West Half of the Southeast Quarter of the Southwest Quarter of the Southwest Quarter (W/2 SE/4 SW/4 SW/4) of Section Twenty-eight (28), Township Nineteen (19) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, being more particularly described as follows, to-wit: BEGINNING at a point on the West Boundary of said W/2 SE/4 SW/4 SW/4, 16 feet South of the Northwest Corner thereof; thence S 0E07'07" E along the West Boundary of said W/2 SE/4 SW/4 SW/4 a distance of 200.77 feet to a point on the North Right-of-Way line of Skelly Drive (U.S. Highway 66 Bypass); thence South 89E 55'18" East along the North Right-of-Way of Skelly Drive a distance of 300.32 feet to a point 30 feet West of the East Boundary of said W/2 SE/4 SW/4 SW/4; thence North 0E06'28" West parallel to and 30 feet West of the East Boundary of said W/2 SE/4 SW/4 SW/4 a distance of 201.15 feet; thence North 89E59'39" West parallel to and 16 feet South of the North Boundary of said W/2 SE/4 SW/4 SW/4, a distance of 300.35 feet to the POINT OF BEGINNING

* * * * *

Mr. Tidwell returned at approximately 1:55 p.m.

Case No. 20985

Action Requested:

Variance of the parking requirement for a commercial shopping center from 145 parking spaces to 136 existing parking spaces (Section 1200), located: 10915 East 31st Street.

Presentation:

Katherine Howard, 1905 West Sandusky Street, Broken Arrow, Oklahoma, represented Sonora Square, a shopping center. It was constructed in the early 1970's and has approximately 30,000 sq. ft. Last year, one of the tenants proposed to combine her unit with an adjoining unit for a take-out restaurant with minimal number of tables for eat-in customers. When she applied for a certificate of occupancy, she was told the shopping center did not have enough parking spaces. She added that nine spaces would need to be allotted to her business. The shopping center owners applied and were approved for a lot combination on November 4, 2009 (Exhibit C-1). The required parking is 145 spaces. She pointed out they have a creek on the north and west, 111th Street on the east and 131st Street on the south. There is no other place to add parking spaces. She cited a submitted list of the tenants in the center to indicate the varying peaks on parking demand.

Comments and Questions:

Ms. Stead noted it appears the peak parking times are on Sundays and on Wednesday nights. She stated she has never seen this lot full, to which Ms. Howard agreed. Mr. White indicated the reduction sought was only 6%.

Interested Parties:

There were no interested parties.

Board Action:

On **Motion of Stead**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the parking requirement for a commercial shopping center from 145 parking spaces to 136 existing parking spaces (Section 1200), finding extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved; that upon investigation the parking lot is seldom over one-half full; the literal enforcement of the terms of the Code would result in unnecessary hardship; that such conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; on the following described property:

LT 1 BLK 1, LT 2 BLK 1, SECURITY SQUARE RESUB L1 B2 VALLEY GLEN
CTR, City of Tulsa, Tulsa County, State of Oklahoma

NEW APPLICATIONS

Case No. 20996

Action Requested:

Variance of the parking requirement from 64 spaces to 58 spaces to permit a retail/commercial use in the CO district (Section 1214.D), located: 7836 South Olympia Avenue West.

Mr. Van De Wiele recused himself and left the room at 2:23 p.m.

Presentation:

Malak L. Khoury, 1435 East 41st Street. Tulsa, Oklahoma, stated he is the civil engineer working on the project (Exhibit D-1). They are constructing a pet store on the property that will include a 2,400 sq. ft. warehouse/storage unit. They are a few parking spaces short, however if they were able to use the parking rate for the warehouse/storage use as opposed to the retail parking rate, they would not be short. Since it is accessory to the new construction they asked for the variance. He explained that the reason the storage area is larger than usual is because the owner has more than six stores in town and the others are too small to handle much storage. This large one will be a distribution point for the other stores. It has a ramp and dock for deliveries.

Interested Parties:

There were no interested parties.

Board Action:

On **Motion of Stead**, the Board voted 4-0-1 (White, Henke, Stead, Tidwell "aye"; no "nays"; Van De Wiele "abstained"; no "absences") to **APPROVE** a Variance of the parking requirement from 64 spaces to 58 spaces to permit a retail/commercial use in the CO district (Section 1214.D), per plan as shown on page 5.5 of the agenda packet, the Board found extraordinary or exceptional conditions or circumstances, mainly the 2,400 sq. ft. storage area, reducing parking demand; noting that any future more intense use of the property would require additional relief; these extraordinary and exceptional conditions, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

PART OF LT 11, BLK 1, TULSA HILLS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 11, BLOCK 1: THENCE S 00°00'18" E, ALONG THE EAST LINE OF SAID LOT 11, 195.36 FT TO THE POB; THENCE S 00°00'18" E, CONTINUING ALONG SAID EAST LINE 58.13 FT; THENCE ALONG THE EAST LINE OF SAID LOT 11 ON A CURVE TO THE LEFT, HAVING A RADIUS 430.00 FT AND A CHORD BEARING OF S 6°40'05" E AND A CHORD DISTANCE OF 99.78 FT FOR AN ARC LENGTH OF 100.01 FT; THENCE S 78°22'19" W A DISTANCE OF 120.00 FT; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 100.00 FT AND A CHORD BEARING OF S 82°41'09" W AND A CHORD DISTANCE OF 25.46 FT FOR AN ARC LENGTH OF 25.53 FT; THENCE S 90°00'00" W A DISTANCE OF 170.34 FT TO A POINT ON THE WEST LINE OF SAID LOT 11; THENCE ALONG THE WEST LINE OF SAID LOT 11 ON A CURVE TO THE LEFT, HAVING A RADIUS OF 34562.48 FT AND A CHORD BEARING OF N 1°50'23" E AND A CHORD DISTANCE OF 185.82 FT FOR AN ARC LENGTH OF 185.82 FT; THENCE N 89°00'43" E 294.19 FT TO THE POB.

Mr. Van De Wiele returned at approximately 2:35 p.m.

Case No. 19899-C

Action Requested:

Amendment to a previously approved site plan to permit a University Library in an existing campus (OU-Tulsa) in an SR district, located: Southwest corner of East 41st and South Yale Avenue.

Presentation:

Jim Beach, 200 East Brady Street, Tulsa, Oklahoma, represented Wallace Engineering. He reminded the Board that this expansion was included in the master plan for this campus in approximately the same location and about the same size. The Board required that with this as with future university expansion the applicant was to provide an amended site plan for approval (Exhibit F-1). The future parking lot shown on the plan north of the library site will be used for the construction staging area before it is constructed for parking.

Comments and Questions:

Mr. Tidwell asked about a proposed parking garage. Mr. Beach pointed out the location of the future parking garage to the west of the Learning Center. Ms. Stead asked about the sidewalk the Board required. Mr. Beach stated it is a part of the current plans and is in the budget to be built with these plans. Ms. Stead mentioned a time limit for the sidewalk construction. Mr. Beach asked for a condition that the certificate of occupancy for the library not be granted until the sidewalk was constructed.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Stead**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** an Amendment to a previously approved site plan to permit a University Library in an existing campus (OU-Tulsa) in an SR district, subject to the following conditions: no certificate of occupancy will be issued until sidewalks previously required by this Board are built; and subject to conceptual plans for the University of Oklahoma, Tulsa Schusterman Campus and Library, and specifications for items including lighting and access as shown on pages 6.6, 6.7, 6.8, and 6.9, of the agenda packet, with the sidewalks; finding the Special Exception will be in harmony with the spirit and intent of the Code, with previous plans submitted; and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

NE NE & N/2 SE NE LESS BEG NEC NE TH W175 S50 E125 S125 E15 S1805
E35 N1980 POB SEC 28 19 13, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20998

Action Requested:

Verification of the spacing requirement for a liquor store of 300 ft. from blood banks, plasma centers, day labor hiring centers, bail bond offices, pawn shops, and other liquor stores (Section 1214.C.3), located: 1869 South Sheridan Road.

Presentation:

Vineet Singh, 3720 South 110th East Avenue, Tulsa, Oklahoma, 74146, came to present the verification of spacing. He stated there are no businesses listed above within the 300 ft. radius.

Interested Parties:

There were no interested parties.

Board Action:

On **Motion of White**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **ACCEPT** Verification of the spacing requirement for a liquor store of 300 ft. from blood banks, plasma centers, day labor hiring centers, bail bond offices, pawn shops, and other liquor stores (Section 1214.C.3), based upon the facts in this matter as they presently exist, subject to the action of the Board being void should another above referenced conflicting use be established prior to this liquor store, on the following described property:

LOT 1 BLK 1, TWENTY-FIRST AND SHERIDAN CENTER 5TH ADDN RESUB
PRT L1, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 13745-A

Action Requested:

Minor Special Exception to amend a previously approved site plan to permit a track and field facility in and around an existing lighted football stadium adjacent to an existing permitted school in the RS-2 district, located: 6363 South Trenton Avenue.

Presentation:

Roger Gerstenberger, 6363 South Trenton Avenue, Tulsa, Oklahoma, 74136, represented Metro Christian Academy. The previously approved site plan included this proposed track around the existing football field. The plan has changed just enough to need the minor special exception. Nothing is changing with the other existing structures or lighting.

Interested Parties:

There were no interested parties.

Board Action:

On **Motion** of **White**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Minor Special Exception to amend a previously approved site plan to permit a track and field facility in and around an existing lighted football stadium adjacent to an existing permitted school in the RS-2 district, finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

A TRACT OF LAND THAT IS PART OF THE SE/4 OF THE NW/4 AND THE SW/4 OF THE NE/4 OF SECTION-6, T-18-N, R-13-E, CITY OF TULSA, TULSA COUNTY, OKLAHOMA, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: "BEGINNING AT A POINT" THAT IS THE NORTHEAST CORNER OF THE SE/4 OF THE NW/4 OF SAID SECTION-6; THENCE S 00°03'41" W ALONG THE EASTERLY LINE OF SAID SE/4 OF THE NW/4 FOR 350.00' TO A POINT THAT IS THE SOUTHWEST CORNER OF "SOUTHERN HILLS VIEW ADDITION", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA; THENCE N 89°57'29" E ALONG THE SOUTHERLY LINE OF SAID "SOUTHERN HILLS VIEW ADDITION" FOR 585.03'; THENCE S 00°03'33" W FOR 580.00' TO A POINT ON THE NORTHERLY LINE OF "COLLEGIATE SQUARE", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA; THENCE S 89°57'29" W ALONG THE NORTHERLY LINE OF "COLLEGIATE SQUARE" FOR 585.05' TO THE NORTHWEST CORNER THEREOF, SAID POINT ALSO BEING ON THE EASTERLY LINE OF THE SE/4 OF THE NW/4; THENCE

S 00°03'41" W ALONG SAID EASTERLY LINE AND ALONG THE WESTERLY LINE OF "COLLEGIATE SQUARE" FOR 393.35' TO A POINT THAT IS THE SOUTHEAST CORNER OF THE SE/4 OF THE NW/4, SAID POINT ALSO BEING THE NORTHEAST CORNER OF "INNOVARE PARK", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA; THENCE S 89°56'34" W ALONG THE NORTHERLY LINE OF "INNOVARE PARK" AND THE SOUTHERLY LINE OF THE SE/4 OF THE NW/4 FOR 845.12'; THENCE N 00°03'58" E AND PARALLEL WITH THE WESTERLY LINE OF THE SE/4 OF THE NW/4 FOR 200.00'; THENCE S 89°56'34" W AND PARALLEL WITH THE SOUTHERLY LINE OF THE SE/4 OF THE NW/4 FOR 475.00' TO A POINT ON THE WESTERLY LINE OF THE SE/4 OF THE NW/4; THENCE N 00°03'58" E ALONG SAID WESTERLY LINE FOR 225.00'; THENCE N 89°56'34" E FOR 100.00'; THENCE N 00°03'58" E FOR 50.00'; THENCE S 89°56'34" W FOR 100.00' TO A POINT ON THE WESTERLY LINE OF THE SE/4 OF THE NW/4; THENCE N 00°03'58" E ALONG SAID WESTERLY LINE FOR 848.71' TO THE NORTHWEST CORNER OF THE SE/4 OF THE NW/4, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF "VALLEY CENTER ADDITION", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA; THENCE N 89°57'29" E ALONG THE NORTHERLY LINE OF THE SE/4 OF THE NW/4 FOR 1320.02' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND.

Case No. 20995

Action Requested:

Special Exception to permit school use (Use Unit 5) in an RS-3 district (Section 401), located: 4821 South 72nd East Avenue.

Presentation:

Steve Olsen, 324 East 3rd Street, Tulsa, Oklahoma, 74120, represented Discovery School, Tulsa, which has been at this location about three months. The history of use has been churches and schools. Ms. Stead noted that because there have been intervening uses since the facility was last used, as a school the legal non-conforming use status has expired.

Interested Parties:

Glen Hogard, 7228 East 47th Street, Tulsa, Oklahoma, 74145, listed numerous crimes in the area. He stated that since this school has moved in things have improved. He was in support of this application. He added it is a good use of the property.

Board Action:

On **Motion** of **White**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit school use (Use Unit 5) in an RS-3 district (Section 401), finding the Special Exception will be in harmony with the spirit and intent of the

Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare on the following described property:

LT 1 BLK 11, PARK PLAZA SEVENTH AMD, City of Tulsa, Tulsa County, State of Oklahoma

There being no further business, the meeting adjourned at 2:56 p.m.

Date approved: 11-24-09

Clay M. Stank
Chair