

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 616
Tuesday, September 8, 1992, 1:00 p.m.
City Council Room, Plaza Level
Tulsa Civic Center

| MEMBERS PRESENT | MEMBERS ABSENT | STAFF PRESENT | OTHERS PRESENT |
|---|-----------------------|----------------------|--|
| Bolzle, Chairman Chappelle Doverspike S. White T. White | | Jones Moore | Jackere, Legal Department Hubbard, Protective Inspections |

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, September 4, 1992, at 12:20 p.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **DOVERSPIKE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** action on the Minutes of August 25, 1992, due to the fact that some members did not receive a draft copy prior to the meeting, and Mr. Doverspike requested that the minutes contain additional comments he made concerning Board action on backlit awnings.

UNFINISHED BUSINESS

Case No. 16110

Action Requested:

Variance of the spacing requirement between residential treatment and transitional living centers to permit a 250 bed residential treatment center - **SECTION 1205.C.4 - Use Conditions** - Use Unit 5, and for a Special exception to allow Use Unit 2 to permit 12 and 12 Transitional House, Inc. - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 2, located 705 South Elgin.

Presentation:

The applicant, **John Moody**, 550 Oneok, Tulsa, Oklahoma, was present.

Comments and Questions:

Mr. Jones informed that the applicant has requested by letter (Exhibit A-1) that Case No. 16110 be withdrawn.

Case No. 16110 (continued)

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to WITHDRAW Case No. 16110, as requested.

NEW APPLICATIONS

Case No. 16124

Action Requested:

Special Exception to permit a sand operation in an AG District - Section 201. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT - Use Unit 24, located 131st Street South and Arkansas River.

Presentation:

The applicant, Philip Haney, 1218 East 33rd Street, Tulsa, Oklahoma, requested permission to extract sand along the river bank of the Arkansas River. He informed that the business will be conducted Monday through Saturday during daylight hours. Mr. Haney explained that the sand will be bagged and stacked on site and sold by truckload to various customers. He informed that there are numerous sand operations along the Arkansas River. He pointed out that his client will not dredge, but will use a front-end loader to remove sand from the sandbar.

Comments and Questions:

In response to Mr. Doverspike, Mr. Haney informed that the site will not have lights, and work can only be performed during daylight hours.

Mr. Bolzle inquired as to the number of trucks that will visit the site on a daily basis, and the applicant replied that his client anticipates less than 10 in the beginning, but he cannot determine the number that will visit the site in 3 years.

In reply to Mr. Bolzle, the applicant stated that 131st Street is mostly gravel west of Sheridan.

Ms. White noted that 131st Street west of Sheridan is a one-lane road. She asked the applicant if trucks from other companies will haul sand from this location, and he replied that only trucks from other companies will pick up sand on the site. He noted that his client will excavate and bag the sand, but will not haul it to other locations.

Case No. 16124 (continued)

Ms. White asked if trucks from many different companies could be hauling sand from the property in question, and Mr. Haney stated that it is possible that this could happen.

Mr. Bolzle asked if trees will be cleared to gain access to the river, and the applicant stated that the river will be accessed through a narrow passage on the property. He added that his client is also proposing to extract sand from properties down stream and store it on his property.

Protestants:

Mark Rentz stated that he is representing **Marvin Stunkard**, an abutting property owner. He pointed out that the applicant has not submitted a plot plan or an explanation of the sand operation. Mr. Rentz pointed out that the road is narrow west of Sheridan and cannot support truck travel. He asked the Board to deny the application.

Marvin Stunkard, 6330 East 131st Street, Tulsa, Oklahoma, stated that his property abuts the property in question, and pointed out that the area is prone to flooding, which could be worsened by the breakdown of existing levees and the extraction of sand on and near the river bank. He noted that the road narrows to one lane west of Sheridan in front of his home, and two cars cannot pass. Mr. Stunkard stated that he is also concerned with noise that could be created by the sand operation near his residence.

Mr. Rentz requested that, if approved, restrictions be placed on the business to protect his client, and that the narrow one-lane road be widened to two lanes with an asphalt surface.

Ms. White asked if there are other businesses in the area, and Mr. Stunkard stated that the area is agricultural and residential.

John Bugg, 2400 1st National Tower, Tulsa, Oklahoma, stated that he is representing the property owners to the north of the proposed sand operation. He informed that there is development proposed for the area, and his clients feel that a sand business could inhibit the development of their land. He added that a golf course is proposed along the river near his clients property.

Case No. 16124 (continued)

Applicant's Rebuttal:

Mr. Haney stated that his client would be amenable to a time restriction on the use. He requested that a sand operation be permitted on the subject property for five years. He stated that it is his understanding that construction of the golf course will not begin for three years. Mr. Haney added that the existing road will be adequate for the additional traffic generated by the sand business.

Additional Comments:

Mr. Doverspike asked if the front-end loader will be the only equipment used in the operation, and the applicant answered in the affirmative.

Ms. White inquired as to the number of loaders required for the sand operation, and Mr. Haney replied that one will be needed to begin the business; however, two or three may be needed in the future.

In response to Mr. Chappelle, the applicant explained that a dredging operation creates much more noise than the proposed business.

Mr. White stated that he is doubtful if 10 loads of sand per day will sustain the operation.

Ms. White stated that she is primarily concerned with the trucks traveling on roadways that have not been constructed for heavy truck traffic. She pointed out that 131st has residential developments to the east of the proposed business.

Mr. Doverspike asked the applicant if would be agreeable to the following conditions: a maximum of two years only, the days and hours of operation being Monday through Saturday, daylight hours only, dredging prohibited, trucks limited to no more than 10 in any 24-hour period, no manufacturing or processing and no equipment permitted except front-end loaders.

Mr. Haney stated that his client will comply with the suggested conditions.

After discussion, it was the consensus of the Board that the case be continued to allow all members to view the site and determine the impact the proposed operation could have on nearby properties.

Case No. 16124 (continud)

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to CONTINUE Case No. 16124 to September 22, 1992.

Case No. 16125

Action Requested:

Variance of the required 25' setback from East 48th Place to 17', and a variance of the rear yard setback from 15' to 10' - SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS - Use Unit 6, located 2156 East 48th Place.

Presentation:

The applicant, Don Kirberger, 7326 East 61st Place, Tulsa, Oklahoma, submitted a plot plan (Exhibit C-1) and stated that he is proposing to construct a house at the above stated location. He pointed out that there are setbacks from two streets, due to the corner lot location.

Protestants:

None.

Board Action:

On MOTION of CHAPPELLE, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Variance of the required 25' setback from East 48th Place to 17', and a Variance of the rear yard setback from 15' to 10' - SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS - Use Unit 6; per plot plan submitted; finding a hardship demonstrated by the curvature of the street and the corner lot location, with setback requirements from two street; finding that similar relief has been granted on other lots in the addition, and that approval of the requests will not be detrimental to the neighborhood, or violate the spirit, purpose or intent of the Code; on the following described property:

Lot 8, Block 3, Bolewood Place, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16126

Action Requested:

Special Exception to permit a day care center as a home occupation in an RS-3 District - **SECTION 402. ACCESSORY USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 6734 East 9th Street.

Presentation:

The applicant, **Alice Treadwell**, 6734 East 9th Street, Tulsa, Oklahoma, stated that she is currently caring for five children; however, she would like to increase the number to seven, which requires Board of Adjustment approval. Ms. Treadwell stated that she only cares for infants and toddlers.

Comments and Questions:

In response to Mr. Bolzle, the applicant stated that she has been caring for children in her home for approximately five years, but has only lived at the current address for approximately five months.

Mr. Doverspike inquired as to the hours of operation, and the applicant stated that she operates a 24-hour-a-day day care service, Monday through Saturday, but does not have more than five children on the premises at any given time.

Ms. White asked the applicant if she has employees, and Ms. Treadwell stated that her daughter assists her in the business. She informed that her daughter does not live on the premises.

Tom Stewart, 6013 South Madison, Tulsa, Oklahoma, stated that the play area is to the rear of the house, and the driveway is approximately 19' wide and 60' long, with ample parking for four cars.

In response to Mr. Doverspike, the applicant stated that she conducts a 24-hour-a-day business to accommodate customers who might have to work at night.

Protestants:

Barney Ratzlaff, 6726 East 9th Street, Tulsa, Oklahoma, stated that he is not opposed to the current operation; however, any expansion of the day care center could result in a problem for the neighborhood.

Mr. Bolzle explained to Mr. Ratzlaff that any expansion in the operation would require a new Board application.

Case No. 16126 (continued)

Mr. Jones advised that the Code permits the care of five children in a home by right; however, a day care center as a home occupation requires that there be no outside employees.

Ms. Hubbard noted that the case can be heard as a day care center, which would permit employees.

Mr. Jones informed that, if the Board approves a day care center, either platting or waiver of plat will be required.

Ms. White stated that she would not be in favor of a 24-hour-a-day child care facility in the interior of a residential neighborhood.

Mr. Doverspike asked the applicant if she would be amenable to a limitation of the number of children cared for during the nighttime hours, and Ms. Treadwell answered in the affirmative.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a 24-hour-a-day child care center in an RS-3 District - **SECTION 402. ACCESSORY USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plat submitted; subject to the home occupation guidelines specified in Section 404, with the deletion of the requirement that employees reside in the dwelling; subject to a maximum of 7 children, age 3 years and under; days of operation being Monday through Saturday; subject to no more than 3 children being cared for at any one time from 11:00 p.m. to 6:00 a.m.; subject to State license; finding the use, per conditions, to be compatible with the neighborhood; on the following described property:

Lot 4, Block 27, Sheridan Hills Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16127

Action Requested:

Variance of the rear yard setback from 25' to 20' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6.

Variance of the required street frontage from 30' to 0' to allow private access - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6, located 2450 East 24th Street.

Presentation:

The applicant, **Kenneth Klein**, 2450 East 24th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit E-1) and stated that an identical application was previously approved by the Board; however, the three-year approval period lapsed before it was utilized. He informed that a lot split was approved and filed of record.

Protestants:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the rear yard setback from 25' to 20' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; and to **APPROVE** a **Variance** of the required street frontage from 30' to 0' to allow private access - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6; per plan submitted; finding that the identical application was previously approved, but was not utilized during the three-year approval period; and finding that approval of the requests will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

East 3', south 210', north 375' of Lot 5, and the west 206', south 210', north 375' of Lot 6, J. P. Harters Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16128

Action Requested:

Variance of the required side yard setback from 10' to 7' to permit an addition to an existing structure - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1509 East 37th Street.

Presentation:

The applicant, **Michael Daniel**, 1509 East 37th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit F-1), and explained that he is proposing to construct an addition on the back portion of an existing residence, which will align with the existing side wall.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required side yard setback from 10' to 7' to permit an addition to an existing structure - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan submitted; finding that the proposed construction will align with the existing dwelling and will not extend closer to the property line than the existing side wall; on the following described property:

West 50' of Lot 12 and east 25' of Lot 13, all in Block 2, Woodland Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16129

Action Requested:

Special Exception to permit Christmas tree sales in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 2, located NE/c of East 27th Street and South Memorial Drive.

Presentation:

The applicant, **Eric Dahl**, 36252 South Kropf Road, Woodburn, Oregon, was represented by **Richard Polishuk**, who submitted a plot plan (Exhibit G-1) for a proposed Christmas tree lot. He informed that the lot will be in operation approximately four weeks before Christmas, beginning the day after Thanksgiving and extending until Christmas. Mr. Polishuk stated that the lot has been selling trees at this location for a number of years, and requested that the application be approved for a two-year period.

Case No. 16129 (continued)

Comments and Questions:

In response to Mr. Bolzle, Mr. Jones stated that the applicant did not request that the approval be for two years at the time he applied for the special exception.

Mr. Jones advised that these types of open air activities are only permitted to operate for 30 days under each application.

Mr. Bolzle informed that the application could be continued and readvertised, and Mr. Polishuk stated that the property owner will just file the application again in 1993.

Protestants:

None.

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit Christmas tree sales in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 2; subject to days of operation being October 23, 1992 through December 24, 1992; finding that the property has been used for Christmas tree sales for several years, and that the temporary sales operation will be compatible with the area; on the following described property:

Lot 1, Block 1, Tri Center Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16130

Action Requested:

Variance of the required 50' setback from the centerline of south Elwood Avenue to 40' to permit a sign - **SECTION 1221.C.6. - General Use Conditions For Business Signs** - Use Unit 25, located 4150 South Elwood Avenue.

Presentation:

The applicant, **Fintube Ltd.**, 4150 South Elwood Avenue, was represented by **Roger Reaves**, who requested that the sign for the business be set back to 40'. A plan (Exhibit H-1) was submitted.

Case No. 16130 (continued)

Comments and Questions:

Ms. White inquired as to the reason for the setback request, and Mr. Reaves stated that the sign is to be placed at the main entrance to the facility, because installation at the required 50' setback would cause it to be in the driveway.

In response to Mr. Doverspike, Mr. Reaves stated that the 8' by 8' two-sided sign will be raised 2' from the ground and is not lighted. He added that the sign will not obstruct the line of sight for motorists.

Protestants:

None.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Variance** of the required 50' setback from the centerline of South Elwood Avenue to 40' to permit a sign - **SECTION 1221.C.6. General Use Conditions For Business Signs** - Use Unit 25; per plan submitted; subject to the execution of a removal contract; finding that the sign would be located in the driveway if installed at the required 50' setback; and finding that the sign will not block the line of sight for motorists; on the following described property:

Beginning 24' south and 25' west of the NE/c Section 26, T-19-N, R-12-E, south 757.58', west 574.99', north 757.58', east 574.99' to Point of Beginning.

Case No. 16131

Action Requested:

Special exception to permit a church/community center (Use Unit 5) in an OL district - **SECTION 601. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICTS** - Use Unit 5.

Variance to permit a two story structure in an OL district - **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS** - Use Unit 5, located 2816 West 51st Street.

Presentation:

The applicant, **Roy Johnsen**, 201 West 5th Street, stated that he is representing the Shri Lord Krishna Society and submitted a plot plan (Exhibit J-1) and photographs (Exhibit J-1) of the area. He pointed out that the Code would permit the proposed building in a residential district with a .5 floor area ratio and no height

Case No. 16131 (continued)

limitation, other than that imposed by the Board. However, the height of a building in an OL District is limited to one story, with the Code being silent in regard to special exceptions. Mr. Johnsen pointed out that the general law of construction is that zoning, in the event of ambiguity, is construed in favor of the property owner. He stated that the dwelling previously located to the immediate east of the property has been removed and the lot is zoned for office and parking. He added that the property to the west is used for offices purposes. Mr. Johnsen stated that there have been questions asked about drainage, and noted that all drainage is directed toward the expressway, with all plans being approved by Stormwater Management. The applicant stated that there are trees on the northwest corner of the property, and heavy tree cover along the south boundary, with a significant number of trees located on the east boundary. Mr. Johnsen explained that the organization is non-profit, and the facility will be used for people of the Hindu religion to assemble for family and cultural interchange (volley ball, folk dancing, worship, etc.). He informed that there will be no more than three activities on the site per week. Mr. Johnsen stated that the use is not a normal church use; however, it can be classified under Use Unit 5. He noted that the only question before the Board at this time is whether or not the use is appropriate at this location. He stated that the building will be 75' by 100', with the roof being 20' at the eaves height, and 25' at the highest point. He noted that one-third of footprint of the building will have a second level. Mr. Johnsen stated that 50 parking spaces will be provided, with 30% of the property remaining as landscaped open space. He informed that a 25' setback will be maintained along the east boundary, 65' on the north, 10' on the west and 10' on the south.

Comments and Questions:

Mr. Doverspike inquired as to the use to the north, and Mr. Johnsen replied that two single-family residences are located across the street to the north.

In response to Mr. Doverspike, Mr. Johnsen stated that all activities can be conducted inside the building. He informed that one activity each year continues until 1:00 p.m.; however, all other meetings will conclude by 11:00 p.m.

Ms. Hubbard inquired as to the method used in determining the number of parking spaces for the use, and Mr. Johnsen stated that he applied the commercial standard in making that determination.

Case No. 16131 (continued)

Protestants:

Councilor Darla Hall noted that a hardship was not mentioned in the applicant's presentation. She pointed out that additional traffic generated by the use would add to an existing problem at this location. She explained that the neighborhood did not oppose the OL zoning at this location, because a Hillcrest medical facility was initially proposed for the site. Ms. Hall stated that a metal building will not be compatible with the neighborhood, and added that hard surfacing will contribute to an existing water run-off problem.

Ms. White asked Ms. Hall if she could support the application if ingress and egress is confined to one location, and if drainage is approved by Stormwater Management, and she replied that she might support an east driveway and cleared channels to speed run off, but definitely would not be in favor of metal construction materials.

Roy Heim, District 8 Chairman, stated that he is representing numerous area residents who share the views previously mentioned by Councilor Hall.

Photographs (Exhibit J-4), along with a petition and letters of opposition (Exhibit J-3) were submitted.

Mr. Bolzle noted that there are numerous names on the petition that do not have area addresses, and do not appear to reside in the area.

The following area residents were opposed to the use, because it would not be compatible with the residential neighborhood, would add to existing traffic and water problems and could cause a problem with recruiting or fund raising functions:

James Sharp, 2714 West 51st Street
Bill Hoover, longtime area resident
Frank Coolbroth, 3241 West 53rd Street
Catherine Holland, 4305 South 26th West Avenue

There were numerous residents in attendance who did not choose to address the Board.

Applicant's Rebuttal:

Mr. Johnsen stated that the hardship is the fact that the building height will not be increased, and only a portion of the building will have a second level. In addition, he noted that a house at this location would be permitted a 35' height limitation, and a church in a residential district would have no height limitation, other than one that might be imposed by the Board. He pointed out that

Case No. 16131 (continued)

the ordinance does not address the height requirement for special exception uses in the OL District. Mr. Johnsen stated that an office use at this location could have double the proposed floor area ratio, and would generate more traffic than the proposed use. He pointed out that, regardless of the type of development on the property, the water run off will be the same, and drainage will be reviewed by Stormwater Management. Mr. Johnsen stated that there will be no recruiting or sale of literature in the neighborhood, and further noted that a metal office building is permitted by right in an OL District. He pointed out that numerous churches in the general area are constructed of metal. The applicant stated, if required, he can supply a detail elevations and landscaping plan for Board review at the next scheduled meeting.

Additional Comments:

Mr. Doverspike asked Mr. Johnsen if his client would be amenable to limiting the entrance to the east side of the property, and he answered in the affirmative.

Mr. Jones advised that, if approved, platting or a waiver of plat will be required. He stated that, if platting occurs, most major concerns will be addressed by various City agencies.

Ms. Hubbard noted that a detention facility was required during a platting process that was initiated in 1985.

After a lengthy discussion, it was the consensus of the Board that the application should be continued to permit Mr. Johnsen sufficient time to submit a detail site plan and landscape plan for their review.

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to CONTINUE Case No. 16131 to October 13, 1992.

Case No. 16132

Action Requested:

Special Exception to permit a day care in an RS-3 District - SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS - Use Unit 5, located 10120 East 62nd Place and 6235 South 101st East Avenue.

Presentation:

The applicant, Union Public Schools, was represented by Jerald Williams, 5656 South 129th East Avenue, who submitted a plot plan (Exhibit K-2) and explained that the school has purchased two dwellings and is proposing to open a day care center for the children of school employees.

Comments and Questions:

Ms. White asked Mr. Williams if Union Schools operate the day care facility across the street to the east, and he replied that they do not.

Mr. Doverspike inquired as to the number of children attending the center, and Mr. Williams stated that DHS has determined that one home can accommodate 27 children and the other 29, or a total of 56 maximum. He stated that the school has purchased numerous lots around the school complex, and eventually a new facility will be constructed to house the day care operation. Mr. Williams stated that the school owns all property to the east and north, with the exception of one home next door to Grove Elementary School. He informed that all property to the south is residential.

Ms. Hubbard stated that a screening fence will be required along some boundaries, and Mr. Williams stated that he requested a variance.

Mr. Jones stated that a variance of the screening requirement was properly advertised, but was inadvertently omitted from the agenda.

Mr. Williams stated that the school owns all property on the north side of East 62nd Place South, and a fence would merely screen school property from other property owned by the school.

Ms. Hubbard advised that screening is required along the west 31' of the south property line on the 101st East Avenue property. She pointed out that this property abuts single family dwellings to the south.

In response to Mr. Bolzle, Ms. Hubbard stated that the west 31' is within 50' of a parking lot and requires screening.

Case No. 16132 (continued)

Mr. Jackere advised that this portion of the application should appear on the agenda, to comply with the open meeting law, and could be heard at the next meeting.

In response to Mr. Bolzle, Mr. Williams stated that the day care facility will serve all schools in the Union School District.

Ms. White asked if expansion is proposed, and Mr. Williams stated that there are no plans for expansion.

Mr. Jones pointed out that the proposed use is temporary at this location.

Mr. Doverspike asked Mr. Williams if he would object to a two-year time limitation, and he replied that he would be amenable to the time limit.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a day care in an RS-3 District for 2 years only - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; and to **CONTINUE** the remainder of the application to September 22, 1992; subject to the days and hours of operation being Monday through Friday, 6:00 a.m. to 11:00 p.m., subject to a maximum of 56 children; finding that the temporary use will be compatible with the area; on the following described property:

East 150' of the west 304.5' of Lot 6, Block 5, Union Garden Addition and the west 154.5' of Lot 6, Block 5, except the north 25' for street purposes, Union Garden Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16133

Action Requested:

Variance of the required setback from an R District from 75' to 30' - **SECTION 903. BULK AND AREA REQUIREMENTS FOR THE INDUSTRIAL DISTRICTS** - Use Unit 23, located 1504 West 37th Place.

Presentation:

The applicant, **Dave Wheeler**, 1504 West 37th Place, was not present.

Case No. 16133 (continued)

Comments and Questions:

Mr. Jones stated that Staff has had no recent contact with Mr. Wheeler.

Mr. Bolzle requested that Mr. Jones contact the applicant by phone, and he informed that Mr. Wheeler is not in his office at this time.

Protestants:

There were numerous protestants in attendance.

Board Action:

On MOTION of CHAPPELLE, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **DENY** without prejudice Case No. 16133; finding that the applicant failed to appear at the meeting or contact Staff concerning his absence.

There being no further business, the meeting was adjourned at 3:14 p.m.

Date Approved

September 22, 1992


Chairman

