

**CITY BOARD OF ADJUSTMENT**  
**MINUTES of Meeting No. 528**  
**Thursday, December 1, 1988, 1:00 p.m.**  
**Francis F. Campbell Commission Room**  
**Plaza Level of City Hall, Tulsa Civic Center**

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Bradley Chappelle, Chairman Smith White	Quarles	Jones Moore	Hubbard, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, November 29, 1988, at 12:45 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Chappelle called the meeting to order at 1:05 p.m.

**MINUTES:**

On MOTION of WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to APPROVE the Minutes of November 17, 1988.

**UNFINISHED BUSINESS**

**Case No. 14410**

**Action Requested:**

Variance - Section 320.2(b) - Accessory Use Conditions - Use Unit 1221 - Request a variance to allow for a second identification sign (existing) in an AG zoned district, located South Memorial at 108th Street South.

**Presentation:**

The applicant, E. A. Schermerhorn, was represented by Lindsay Perkins, 2217 East Skelly Drive, Tulsa, Oklahoma, who submitted a sign plan (Exhibit A-1) and photographs (Exhibit A-2). Mr. Perkins informed that there are two existing signs on the property, and that he is before the Board at this time because the owners deviated from the original site plan in the placement of one sign. He pointed out that the business would be permitted four signs if the zoning on the subject tract was the same as the CS zoning across the street, and asked the Board to approve the two signs at their present location.

Case No. 14410 (continued)

Comments and Questions:

Ms. Bradley pointed out that it was her concern at the last meeting that the exact location of the signs was not designated on the sign plan.

Board Action:

On MOTION of WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White "aye"; no "nays"; no "abstentions"; Quarles, "absent") to APPROVE a Variance (Section 320.2(b) - Accessory Use Conditions - Use Unit 1221) to allow for a second identification sign (existing) in an AG zoned district; per sign plan submitted; finding a hardship imposed on the applicant by the mixed zoning classifications in the area; and the fact that the signs would be allowed by right if zoning on the subject tract was the same as the CS zoning on the property across the street; on the following described property:

A tract of land located in the NE/4, SE/4, Section 26, T-18-N, R-13-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the US Government Survey thereof, more particularly described as follows:

Commencing at the intersection of the center lines of Memorial Drive and 111th Street South, this also being the SE/c of said Section; thence N 0°00'31" W 1655.09' along the existing centerline of Memorial Drive; thence S 88°47'01" W 115.00' to a point on the west right-of-way line of Memorial Drive (US Highway 64) being the point of beginning; thence S 88°47'01" W 650.15'; thence S 01°00'31" E 335.00'; thence S 88°47'01" W 554.71'; thence N 01°01'04" W 990.15'; thence N 88°47'15" E 1215.02' to a point on the west right-of-way line of Memorial Drive; thence S 01°00'31" E 307.73'; thence S 04°42'07" W 100.50'; thence S 01°00'31" E 247.38' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14975

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of front yard setback from 25' to 1' to allow for a carport, located 5728 East 18th Street.

Presentation:

The applicant, David Lammie, was not present.

Comments and Questions:

Mr. Jones stated that, due to Mr. Lammie's absence at the previous meeting, Staff requested by letter that the applicant be represented at this hearing. In Mr. Lammie's reply (Exhibit B-1) he informed Staff that the case was presented at a previous meeting and that the Board has sufficient information to act on the application without his making another personal appearance.

Case No. 14975 (continued)

After discussion, it was the general consensus of the Board that, although there are numerous carports in the area, there are none located within 1' of the property line.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White "aye"; no "nays"; no "abstentions"; Quarles, "absent") to DENY a Variance (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of front yard setback from 25' to 1' to allow for a carport; finding that there are no carports in the area that are located within 1' of the property line; and that the granting of the variance request would violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 2, Block 6, Gleason Village Addition, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 14993

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of lot width from 75' to 65' to allow for a lot split, located NE/c of 22nd Place and South Atlanta Place.

Presentation:

The applicant, James Mahoney, 3134 East 26th Street, Tulsa, Oklahoma, explained that the property in question contains three 50' lots and will be split to create two lots, one 85' wide and one 65' wide. It was noted that the lots in the area range from 60' to 75' in width.

Protestants: None.

Board Action:

On MOTION of WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White "aye"; no "nays"; no "abstentions"; Quarles, "absent") to APPROVE a Variance (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of lot width from 75' to 65' to allow for a lot split; finding that there are other lots in the area that are more narrow than the lot in question; and that the granting of the variance request will not be detrimental to the neighborhood; on the following described property:

Lots 62, 63 and 64, Block 1, Harters Fourth Resubdivision, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14998**

**Action Requested:**

Variance - Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a minor variance of front yard setback from 25' to 22.9' to allow for an existing porch, located 10615 East 100th Street South.

**Presentation:**

The applicant, Bruce Straub, 2431 East 61st Street, Tulsa, Oklahoma, submitted a plat of survey (Exhibit X-1) and stated that the existing porch extends across the building line 2.1'. He informed that the property is for sale and this action is to clear the title.

**Protestants: None.**

**Board Action:**

On MOTION of SMITH, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White "aye"; no "nays"; no "abstentions"; Quarles, "absent") to APPROVE a Variance - Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a minor variance of front yard setback from 25' to 22.9' to allow for an existing porch; per survey submitted; on the following described property:

Lot 11, Block 4, Cedar Ridge Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

**NEW APPLICATIONS**

**Case No. 14991**

**Action Requested:**

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an RS-3 zoned district.

Variance - Section 440 - Special Exception Requirements - Use Unit 1209 - Request a variance of the time regulation from one year to five years, located 2810 Gilcrease Museum Road.

**Presentation:**

The applicant, Fred Peoples, 1639 North Boston, Tulsa, Oklahoma, stated that he is planning to install a mobile home on 10 acres of his property at the above stated location. He informed that the mobile home will be a temporary residence until a house is constructed on the site.

**Comments and Questions:**

Ms. Hubbard asked Mr. Jones if the property has frontage on a dedicated right-of-way, and he replied that the road is dedicated, but may not be improved.

Case No. 14991 (continued)

Mr. Smith asked the applicant if a percolation test has been completed, and Mr. Peeples answered in the affirmative. He stated that City water is not available and a well will be drilled on the property.

Mr. Smith asked the applicant if he plans to locate other mobile homes on the property, and he replied that there will be no other mobiles on the tract.

Ms. Bradley inquired as to the date construction will begin on the house, and Mr. Peeples replied that he is not sure, but construction will begin some time during the five-year period.

Board Action:

On MOTION of WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White "aye"; no "nays"; no "abstentions"; Quarles, "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow for a mobile home in an RS-3 zoned district; and to APPROVE a Variance (Section 440 - Special Exception Requirements - Use Unit 1209) of the time regulation from one year to five years; subject to Health Department approval and Building Permit; finding that the granting of the request will not be detrimental to the area; on the following described property:

A tract of land in the NE/4, NE/4, SE/4, Section 21, T-20-N, R-12-E of the IBM, Osage County, Oklahoma, being more particularly described as follows: Beginning at the NE/c of said NE/4, NE/4, SE/4, thence S 87°46'51" W a distance of 645.99', thence S 0°12'31" a distance of 658.42', thence N 87°48'05" E a distance of 645.44', thence N 0°10'44" W a distance of 658.66' to the Point of Beginning, containing 9.757 acres, more or less. Subject to a 10' road easement along the south line of property described above.

AND

The NW/4, NE/4, SE/4, Section 21, T-20-N, R-12-E of the IBM, Osage County, State of Oklahoma, according to the US Government Survey thereof, being more particularly described as follows: Beginning at the NE/c of said NW/4, NE/4, SE/4; thence S 87°46'51" W a distance of 645.98'; thence S 0°14'12" E a distance of 658.17'; thence N 87°48'05" E a distance of 645.65'; thence N 0°12'31" W a distance of 658.42' to the Point of Beginning, City of Tulsa, Tulsa, County, Oklahoma.

**Case No. 14994**

**Action Requested:**

Variance - Section 1221 - Use conditions for Business Signs - Use Unit 1221 - Request a variance to allow for an existing off-site directional sign, located NW/c 103rd East Avenue and 47th Place.

**Presentation:**

The applicant, Wayne Wright, 4748 South 101st East Avenue, Tulsa, Oklahoma, requested by letter (Exhibit C-1) that Case No. 14994 be continued to allow additional time for preparation.

**Protestants:** None.

**Board Action:**

On **MOTION** of SMITH, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **CONTINUE** Case No. 14994 until December 15, 1988, as requested by the applicant.

**Case No. 14995**

**Action Requested:**

Special Exception - Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1215 - Request a special exception to allow for a Use Unit 15 (trade school) in a CS zoned district, located NE/c 31st Street and South Sheridan.

**Presentation:**

The applicant, Paul Baker, Jr., 4815 South Harvard, Tulsa, Oklahoma, stated that the requested use is allowed by right on part of the property in question, and asked the Board to approve the use on the remaining portion.

**Comments and Questions:**

Mr. Chappelle advised that Staff has received a letter (Exhibit D-1) from Terry Wilson, District 5 Planning Team Chairman, requesting a continuance of this case until early 1989, and asked the applicant if he has met with the homeowners in the area to discuss the trade school.

Mr. Baker replied that he has spoken with a representative of the Whitney Homeowner's Association concerning the project.

Mr. Chappelle informed Mr. Baker that it is customary for the Board to grant one continuance to either the applicant or the protestant if requested.

**Board Action:**

On **MOTION** of BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **CONTINUE** Case No. 14995 to December 15, 1988, as requested by Terry Wilson, District 5 Planning Team Chairman.

**Case No. 14996**

**Action Requested:**

Special Exception - Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1223 and 1209 - Request a special exception to allow for warehouse uses, outdoor storage of motor vehicles and for a mobile home (security purposes) in a CG zoned district.

Variance - Section 1340(d) - Design Standards for Off-Street Parking Areas - Use Unit 1223 - Request a variance to allow for existing gravel parking, located 13003 East Admiral Place.

**Presentation:**

The applicant, **John Timmons**, Timmons Oil Company, 3245 East 28th Street, Tulsa, Oklahoma, who submitted a location map and plot plan (Exhibit E-1), requested permission to locate a warehouse and a mobile home on the subject property. He explained that the warehouse will be used for storage of motor oils and lubricants, and the mobile home will provide a residence for a full-time security guard. Mr. Timmons explained that a vehicle storage lot will be located on the back portion of the 9-acre graveled tract. It was noted that the parking area in front of the office is constructed of hard-surface material.

**Comments and Questions:**

Ms. White inquired as to the number of vehicles stored on the property, and the applicant replied that he does not plan to begin the storage business for approximately two years, but could store as many as 300 vehicles. Mr. Timmons stated that the project will not be fully developed for about 10 years.

Ms. Bradley asked Mr. Jones if a variance of the requirement for all-weather surface on this property was granted in 1986, and Mr. Jones stated that there is some question as to whether or not the variance was ever utilized.

Mr. Timmons informed that the approved flea market, with gravel parking, has been in operation at this location since the Board of Adjustment hearing in 1986.

**Protestants:**

**Brian Sampson**, 29 North 129th East Avenue, Tulsa, Oklahoma, stated that he lives to the west of the property in question and the gravel parking lot for the flea market has created a dust problem in the past. He suggested that the parking lot be paved to alleviate this problem.

Ms. White asked Mr. Sampson if he is opposed to the location of the mobile home on the property, and he replied that he is not opposed to the mobile, but is opposed to the gravel parking.

Case No. 14996 (continued)

Mr. Timmons informed that there will be a minimal amount of traffic at this time, and a hard surface will be added as the business becomes larger.

Carl Sampson, 27 North 129th East Avenue, Tulsa, Oklahoma, stated that he had not previously spoken with the applicant concerning the proposed use. After a brief discussion with Mr. Timmons outside the commission room, Mr. Sampson informed the Board that he does not oppose the application. Mr. Timmons stated that he explained to Mr. Sampson that all entrance driveways will be hard surface and a fence will be installed to prevent unnecessary entry of vehicles into the storage area. He stated that Mr. Sampson was concerned that increased traffic might cause the neighborhood to experience a dust problem.

**Board Action:**

On **MOTION** of **BRADLEY**, the Board voted 3-0-1 (Bradley, Chappelle, White "aye"; no "nays"; Smith, "abstaining"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1223 and 1209) to allow for warehouse uses, outdoor storage of motor vehicles and for a mobile home (security purposes) in a CG zoned district; and to **APPROVE** a **Variance** (Section 1340(d) - Design Standards for Off-Street Parking Areas - Use Unit 1223) to allow for existing gravel parking; per plot plan submitted; finding a hardship demonstrated by the large size of the lot, mixed zoning classifications and the fact that the tract is bounded on two sides by expressways; on the following described property:

A tract of land located in Lots 3, and 4, Section 4, T-19-N, R-14-E, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the US Government Survey thereof, more particularly described as follows, to-wit:

Beginning at a point 75' north and 572.41' east of the SW/C of said Lot 4; thence east and parallel to the south line of said Lot 4, a distance of 250' to the northwesterly right-of-way line of US 66 Bypass, thence N 69°37'42" E along said right-of-way line a distance of 334.13'; thence northeasterly along said right-of-way line and along a curve to the right with a radius of 1969.83' a distance of 499.95'; thence N 74°24'53" E along said right-of-way line a distance of 81.23'; thence N 53°09'23" W a distance of 486.07' to a point on the north line of said Section 4; said point being 1364' west of the NE/c of said Lot 3; thence west along the north line of said Section 4 a distance of 529.50'; more or less, to a point that is 772.41' east of the NW/c of said Section 4; thence south a distance of 200'; thence west a distance of 200'; thence south a distance of 411.7' to the Point of Beginning, and that parcel of land beginning at a point 672.41' east of the NW/c of Lot 4, Section 4, T-19-N, R-14-E, thence south 200' to a point; thence east 100' to a point; thence



Case No. 14996 (continued)

north 200' to a point; thence west 100' to the Point of Beginning; LESS AND EXCEPT the west 143.69' of the south 411.7' of said tract, and LESS AND EXCEPT the west 43.69' of the north 200' of said tract, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14997**

**Action Requested:**

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205 - Request a special exception to allow for a day care center in an RS-2 zoned district, located 109 East 38th Place.

**Presentation:**

The applicant, **Dee Barcus**, 2652 South Trenton, Tulsa, Oklahoma, submitted a location map (Exhibit F-1) depicting the existing and proposed day care centers, and explained that the house in question is presently being used for offices and to care for school age children before and after school. He informed that the two existing day care centers have been used for day care purposes for approximately 30 years.

**Comments and Questions:**

Ms. Bradley asked the applicant if he is proposing to tie the two houses together, and he replied that the yards have a common gate, but the houses will not be tied.

In response to Ms. Bradley's question, the applicant informed that he has owned the house to the north for approximately nine years, but the house to the west is rented.

Ms. White inquired as to the days and hours of operation, and Mr. Barcus replied that the day care will operate from 7:00 a.m. to 5:30 p.m., Monday through Friday, and each house can accommodate 24 children.

In response to Ms. Bradley's inquiry as to the schedule for arrival and pick-up of the children, Ms. Barcus stated that the children arrive and are picked up at various times during the morning and afternoon.

Ms. Bradley asked Ms. Barcus if employee parking is provided, and she replied that they are instructed to park on the street, but only in front of her property.

Ms. White asked if there is available space to provide off-street parking for the employees, and Ms. Barcus stated that the lots are narrow and no space is available, but that parking has not been a problem over the nine years they have been operating the day care centers. She pointed out that all of the eight employees do not drive their cars to work, and noted that only one additional teacher will be added for the new building.

Case No. 14997 (continued)

Ms. Hubbard explained that it is possible that the applicant will not have sufficient livability space on the lot if a portion is paved for off-street parking.

**Protestants:** None.

**Board Action:**

On **MOTION** of **SMITH**, the Board voted 3-0-1 (Chappelle, White, Smith, "aye"; Bradley, "nay"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205) to allow for a day care center in an RS-2 zoned district; finding that, although the day care operation will be increased by one-third, only one additional employee will be added to the staff; and finding that the day care business has been in the area for a number of years and has proved to be compatible with the neighborhood; on the following described property:

Lot 11, Block 1, Michael Jane Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14999**

**Action Requested:**

Variance - Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Requests a variance of rear yard setback from 20' to 10' to allow for an addition to an existing dwelling, located 3313 South Urbana Avenue.

**Presentation:**

The applicant, **Robert Piliand**, 3313 South Urbana, Tulsa, Oklahoma, who submitted a site plan and elevations (Exhibit G-2), explained that it has become necessary to add an additional bedroom to the existing residence. He informed that the addition will extend 23' 6" to the east and will be 11' from the property line. It was noted that two-story condominiums are located on the tract to the east and are within 10' of the lot line. A plat of survey (Exhibit G-1) was submitted.

**Protestants:** None.

**Board Action:**

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206) of rear yard setback from 20' to 10' to allow for an addition to an existing dwelling; per site plan submitted; finding a hardship demonstrated by the irregular shape of the lot; finding that the property in question is abutted by RS-3 zoning to the east, with condominiums located 11' from the property line; and finding that the granting of the variance request will not cause substantial detriment to the neighborhood or violate the spirit and intent of the Code or the Comprehensive Plan; on the following described property:

12.01.88:528(10)

Case No. 14999 (continued)

Lot 6, Block 1, Conway Park III Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15000**

**Action Requested:**

Variance - Section 930 - Bulk and Area Requirements In Industrial Districts - Use Unit 1225 - Request a variance of setback from the property line on Marshall Street from 25' to 0' and from the rear property line (RM-1 zoning) from 75' to 0'.

Variance - Section 1225.3 - Use Conditions - Use Unit 1225 - Requests a variance of the screening requirements on rear property line, located 1535 East Marshall Street.

**Comments and Questions:**

Mr. Jones stated that the applicant may need additional relief if the variance requests are approved.

Ms. Hubbard informed that the additional relief required is a variance of parking spaces from 14 to 12, and of loading berths from 1 to 0.

**Presentation:**

The applicant, **Duane Phillips**, 8128 East 63rd Street, Tulsa, Oklahoma, submitted a site plan (Exhibit H-2) and location map (Exhibit H-1), and stated that the new construction will align with the existing building to the west. Mr. Phillips informed that his client operates a machine shop and is in need of additional storage space for raw materials, which would reduce the usual waiting period for supplies to arrive for each job. He stated that several jobs have been canceled because the material was not readily available.

**Additional Comments:**

Mr. Smith inquired as to the maximum number of employees for the business, and the applicant replied that there are approximately 15.

Ms. Bradley asked if the proposed building is to the west of the existing building, and Mr. Phillips answered in the affirmative.

In response to Mr. Chappelle's inquiry, the applicant informed that a residence is located to the east, and Industrial Hard Chrome, a chrome manufacturing business, is in operation to the west.

**Interested Parties:**

**Richard Gonzales**, 1210 North St. Louis, Tulsa, Oklahoma, stated that his property abutts the property in question and voiced a concern as to the location of the new construction. After an explanation of the plans, Mr. Gonzales stated that he is not opposed to the application.

**Betty Butler**, 1227 North St. Louis, Tulsa, Oklahoma, stated that she does not oppose the expansion, but requested the installation of a fence along the boundary line. She pointed out that the operation of the compressors to the east of the building is noisy and debris from the business clutters the surrounding properties.

Case No. 15000 (continued)

Mr. Smith asked if the compressors run 24 hours a day, and Ms. Butler answered in the affirmative.

Comments and Questions:

Mr. Phillips stated that he will withdraw the variance of screening requirements if the neighbors request a fence, and informed the Board that negotiations are under way to purchase property to the north for parking.

Ms. Hubbard pointed out that the property to the north will require rezoning to allow parking.

Mr. Jones informed that the Zoning Code states that a special exception can be obtained for off-street parking on property abutting industrial zoned property, however, a public hearing has been called before the Planning Commission to delete that provision.

Due to the fact that there was a question as to the actual location of the building in relationship to the north boundary line, and as to whether or not the building could serve as partial screening, it was the general consensus of the Board that the case should be continued until December 15, 1988. Mr. Smith requested that the applicant supply a site plan with proper measurements at that time.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **CONTINUE** Case No. 15000 to December 15, 1988, to allow the applicant sufficient time to revise the site plan and to apply for additional parking relief.

Case No. 15001

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow for an existing recreation center and day care center in an RS-3 zoned district, located SW/c of 51st Street North and North Frankfort Avenue.

Presentation:

The applicant, **Mark Rounds**, was represented by **Randy Nicholson**, Supervisor of Planning Division, Park and Recreation Department, City of Tulsa. He submitted a plot plan (Exhibit J-1) and requested permission for the operation of a day care program in the community center at the above stated location. He informed that the community center was constructed in 1963. It was noted that the center will open for day care only between the hours of 7:30 a.m. and 3:30 p.m., with the public hours being from 3:30 p.m. to 9:00 p.m. during the week days, and all day on Saturday.

Mr. Chappelle asked if this use is in conjunction with the City's park program, and Mr. Nicholson answered in the affirmative. Mr. Chappelle informed that he will abstain to avoid a conflict of interest.

Case No. 15001 (continued)

Ms. Bradley inquired if additional construction will take place on the property, and Mr. Nicholson replied that no new construction is planned for the 10,000 sq. ft. building.

Ms. Bradley asked if the same use will continue during the summer months, and Mr. Nicholson stated that the day care operation is only planned for those periods when school is in session, and will be available for public use during the summer.

**Protestants:**

**Nineta Smith**, 284 East 51st Place North, Tulsa, Oklahoma, stated that she has operated a day care center north of Chamberlain Park for approximately 10 years and expressed a concern that the new day care use will negatively affect her business. She informed that there are also numerous day care homes operating in the near vicinity of the proposed day care center.

Mr. Smith asked if the City will charge for the day care services, and Mr. Nicholson stated that there will be a fee, but the Task Force Study found that the need was to provide quality and economical day care. He informed that a total of 20 children will be served at this facility.

Mr. Jones noted that INCOG records do not reflect that a day care was approved for this area, and asked Ms. Smith if she filed an application when she began operation 10 years ago.

Ms. Smith advised that she did file an application for her day care business.

Ms. White remarked that this area should be able to support two small day care centers.

Mr. Smith and Ms. Bradley voiced a concern with government agencies competing with private enterprise, and Mr. Nicholson stated that usually the Park Board does not become involved in supplying a need unless that need is not being supplied by private enterprise.

**Board Action:**

On **MOTION** of **SMITH**, the Board voted 3-0-1 (Bradley, Smith, White "aye"; no "nays"; Chappelle, "abstaining"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205) to allow for an existing recreation center and day care center in an RS-3 zoned district; subject to a maximum of 20 children; finding that the day care center and the recreation center will operate at different hours during the day, and that the proposed business will be compatible with the area; on the following described property:

Blocks 1, 2 and 6, Fairhill 2nd Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15002**

**Action Requested:**

Variance - Section 930 - Bulk and Area Requirements In Industrial Districts - Use Unit 1223/25 - Request a variance of setback from the west property line (RS-3 District) from 75' to 31' to allow for a building, located 12716 East Pine.

**Presentation:**

The applicant, Precise Machining, was represented by Steve Mosher, 14616 East 12th Street, Tulsa, Oklahoma, stated that he owns a five-acre tract on Pine and asked the Board to allow the construction of an additional building on the west portion of the property. He informed that there are presently two existing buildings, with a total of 15,000 sq. ft. of floor space, and the new building, which will align with the existing structures, will provide 5,000 sq. ft. of storage area. A brochure (Exhibit K-1), location map (Exhibit K-2) and site plan (Exhibit K-3) were submitted.

**Comments and Questions:**

In response to Ms. White's inquiry as to the type of storage, Mr. Mosher informed that he needs additional space for storage of materials used in his business. He informed that Rockwell and McDonnell Douglas supply a lot of materials for his business and additional storage space is required.

Ms. Bradley asked if the proposed building will be similar to the existing structures, and Mr. Mosher answered in the affirmative.

**Protestants:** None.

**Board Action:**

On MOTION of WHITE, the Board voted 3-0-1 (Bradley, Chappelle, White "aye"; no "nays"; Smith, "abstaining"; Quarles, "absent") to APPROVE a Variance (Section 930 - Bulk and Area Requirements In Industrial Districts - Use Unit 1223/25) of setback from the west property line (RS-3 District) from 75' to 31' to allow for a building; per plot plan submitted; finding that there are two similar buildings existing on the tract and the granting of the request will not be detrimental to the area; on the following described property:

The W/2, NW/4, NE/4, NE/4, Section 32, T-20-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 15012

Action Requested:

The applicant, David Stevens, requested a refund of filing fees.

Comments and Questions:

Mr. Jones informed that the application was withdrawn prior to processing, and suggested that the entire filing fee, in the amount of \$125.00, be refunded to Mr. Stevens.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White "aye"; no "nays"; no "abstentions"; Quarles, "absent") to APPROVE a refund of filing fees in the amount of \$125.00; finding that the application was withdrawn prior to processing.

There being no further business, the meeting was adjourned at 2:43 p.m.

Date Approved

12-15-88

*C. A. Jones*

Chairman

