

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 568  
Thursday, August 2, 1990, 1:00 p.m.  
City Commission Room, Plaza Level  
Tulsa Civic Center

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Bolzle Bradley Chappelle Fuller White, Chairman		Gardner Jones Richards	Jackere, Legal Department Hubbard, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, July 31, 1990, at 9:30 a.m., as well as in the Reception Area of the INCOG offices.

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

**MINUTES:**

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the Minutes of July 19, 1990.

**UNFINISHED BUSINESS**

**Case No. 15449**

**Action Requested:**

Variance of the front yard setback requirement measured from the centerline of East 26th Place from 50' to 43'6", and variance of the side yard setback requirement from 5' to 1' to permit a carport - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 6781 East 26th Place.

**Presentation:**

The applicant, **Stan Draayer**, was not present.

**Comments and Questions:**

Mr. Richards informed that Case No. 15449 was scheduled for hearing at the June 7, 1990 meeting; however, the applicant has requested several continuances because of health problems. Mr. Richards stated that the applicant has not contacted Staff since the July 19th meeting.

**Interested Parties:**

**Terry Wilson**, District 5 Planning Team Chairman, stated that he has visited with the applicant on several occasions and he commented that he was not aware of the last hearing date or the hearing scheduled for today. Mr. Wilson stated that he left a copy of the agenda for this meeting on Mr. Draayer's car windshield on July 28th.

Case No. 15449 (continued)

Ms. Bradley stated that the Board has photographs and quite a bit of information regarding the carport, and added that the applicant probably could not furnish any additional information that we don't already have.

After discussion, it was the consensus of the Board that sufficient information has been supplied to enable the Board to render a decision on the case.

Mr. Wilson added that there is a similar case in the neighborhood that will be on the Board agenda this month. He remarked that numerous residents are apparently becoming victims of construction companies, as most homeowners are not aware of Zoning Code requirements in regard to add-on structures. Mr. Wilson stated that the carport in question has a quality appearance, and he is not aware of any neighborhood opposition.

**Protestants:**

Charles Morris stated that his wife purchased the home to the immediate west of the Draayer property approximately 30 years ago, and that he is opposed to the application. He pointed out that Mr. Draayer is a contractor for the City and should have knowledge of the City Code. Mr. Morris informed that the existing structure is within 7" of his property line, and rain on the metal roof creates a noise problem for those sleeping in the bedrooms located nearby.

**Additional Comments:**

Mr. Fuller asked Mr. Morris if the applicant is in the hospital, and he replied that Mr. Draayer has been home from the hospital for several weeks.

**Board Action:**

On **MOTION** of FULLER, the Board voted 5-0-0 (Bolzie, Bradley, Chappelle Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **DENY** a **Variance** of the front yard setback requirement measured from the centerline of East 26th Place from 50' to 43'6", and variance of the side yard setback requirement from 5' to 1' to permit a carport - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; finding that the applicant failed to present a hardship for the variances requested; on the following described property:

Lot 4, Block 5, Amended plat of Block 58, Boman Acres Third Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15478**

**Action Requested:**

Special Exception to permit a day care center in an RS-3 District - Section 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS - Use Unit 6, located 4902 East Haskell Place.

**Comments and Questions:**

Mr. Richards stated that this case was continued from the July 19th meeting to allow the Board to view the proposed location in order to determine the feasibility of altering ingress and egress to the lot and allowing the operation of two day care centers in the immediate area.

**Presentation:**

The applicant, **Rosetta Whitmeyer**, 4902 East Haskell Place, Tulsa, Oklahoma, submitted a revised plot plan (Exhibit B-1) and stated that she has nothing to add to her previous presentation.

**Protestants:**

**Jack Campbell**, 4911 East Haskell Place, Tulsa, Oklahoma, stated that the day care center would create a traffic problem in the neighborhood.

**Leonard Piper**, 4907 East Haskell Place, Tulsa, Oklahoma, stated that the proposed facility would not contain 3000 sq ft of floor space, as the applicant has previously indicated.

Ms. Bradley asked Mr. Jackere if a day care center operating less than 6 hours per day is regulated by the City or State, and he replied that there are no City regulations governing this type of operation.

**Doris Owen**, 4912 East Haskell Place, Tulsa, Oklahoma, stated that she is concerned with the additional noise created by a second day care center in the neighborhood. She further noted that property values would be adversely affected by the additional business in the area.

**Kate Campbell**, 4911 East Haskell Place, Tulsa, Oklahoma, pointed out that the Post Office at the end of the block generates a great deal of traffic and requested that the application for a day care be denied.

**Interested Parties:**

**Judy Garby** stated that she lives in the house that is to be converted to day care use, and the children do not disturb the neighbors, as they are not allowed to leave the yard. She pointed out that they are always supervised when taken for short walks in the area.

**Additional Comments:**

Mr. Bolzie voiced a concern with clustering of day care centers in the area, and Ms. White agreed that an additional child care facility could compound the existing traffic problem created by the location of the Post Office in the vicinity.

Case No. 15478 (continued)

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; to **DENY** a **Special Exception** to permit a day care center in an RS-3 District - **Section 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS - Use Unit 6**; finding that two day care facilities in the immediate area would tend to cluster such uses in the residential neighborhood; and finding that the additional traffic generated by a second child care facility would compound an existing traffic problem created by the location of a Post Office in the neighborhood; on the following described property:

Lot 11, Block 2, Yale Crest Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15486**

**Action Requested:**

Variance of the lot width, lot area, land area per dwelling unit, livability space per dwelling unit, front yard, rear yard and side yard requirements - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6**, located at 30th Place between Trenton and Troost.

**Presentation:**

The applicant, **Roy Johnsen**, 324 Main Mall, Tulsa, Oklahoma, requested a continuance of Case No. 15486 to August 16, 1990. He informed that two dwellings were previously proposed for the property, but the site plan is being revised to reduce that number to one. Mr. Johnsen pointed out that there was neighborhood opposition to the construction of two units; however, there seems to be no opposition to one dwelling, as evidenced by the fact that there are no protestants present.

**Board Action:**

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 15486 to August 16, 1990, as requested by the applicant.

## MINOR VARIANCES AND EXCEPTIONS

### Case No. 15489

#### Action Requested:

Minor Variance of the front yard setback requirement from 30' to 29.3' to permit existing dwelling and clear title - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located at 7518 South Knoxville.

#### Presentation:

The applicant, **Thomas M. Bingham**, PO Box 702705, Tulsa, Oklahoma, stated that he is the attorney representing the applicant. He explained that the existing house has been at this location for approximately 10 years and the relief is requested to clear the title.

Protestants: None.

#### Board Action:

On **MOTION** of **BRADLEY**, the Board voted 5-0-0 (Bolzie, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Minor Variance** of the front yard setback requirement from 30' to 29.3' to permit an existing dwelling and clear the title - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; finding that the dwelling was constructed approximately 10 years ago and the relief is requested to clear the title; on the following described property:

Lot 6, Block 6, Denwood Estates Addition, City of Tulsa, Tulsa County, Oklahoma.

### Case No. 15491

#### Action Requested:

Minor Special Exception to permit a swimming pool and pool house on an abutting lot as an accessory use to a single-family residence - **Section 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6, located at 10631 South Oxford.

#### Presentation:

The applicant, **Alan Madewell and Associates**, was represented by Alan Madewell, 6600 South Yale, Suite 510, Tulsa, Oklahoma, who explained that his client is proposing to construct a pool and pool house on a lot abutting the lot containing his residence. Mr. Madewell informed that the two lots will remain together and will not be sold separately in the future. A plat of survey (Exhibit C-1) was submitted.

#### Comments and Questions:

Ms. White asked Mr. Madewell if the owner of the subject property would be amenable to the execution of a tie contract, and he answered in the affirmative.

Case No. 15491 (continued)

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Bolzie, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Minor Special Exception** to permit a swimming pool and pool house on an abutting lot as an accessory use to a single-family residence **Section 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6; per survey submitted; and subject to the execution of a tie contract between the lot containing the residence and the abutting lot; on the following described property:

Lots 17 and 18, Block 2, Forest Park South Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15494

Action Requested:

Minor Variance of the setback from the centerline of Edison from 50' to 35.5' and Minor Variance of the setback from the centerline of 41st West Avenue from 40' to 25' to permit a pole sign - **Section 1221.C.6 General Use Conditions for Business Signs** - Use Unit 21, located at 4040 West Edison.

Presentation:

The applicant, **Claude Neon Federal Sign Company**, 533 South Rockford, Tulsa, Oklahoma, was represented by Norma Dobson, owner of the Dobson Exterminating Company. She explained that the exterminating business has been moved to a new location and the pole for the previous business is still in place. She explained that the sign was moved from the previous site and installed on the existing pole; however, it was discovered that the sign was not properly permitted and it was removed. Ms. Dobson informed that the area consists of partially vacant rental property, a church and a dwelling to the east.

Comments and Questions:

Ms. White asked Ms. Dobson if the neon roof sign will remain, and she replied that the sign will remain, but will not be lighted after 10:00 p.m.

Mr. Fuller asked if there is a sign on the church property, and Ms. Dobson stated that the church has a lighted sign, as does the Post Office. She informed that a neon sign is in place at the Burger House to the east.

In response to Mr. Jackere, Ms. Dobson stated that the roof sign has been placed on the the canopy in front of the building.

Mr. Jackere informed the Board that the amount of street frontage will determine the amount of signage allowed for the property.

Case No. 15494 (continued)

Mr. Gardner advised that the Building Inspector's office calculates the amount of signage permitted for the business, and the Board is only being asked to make a decision as to the variance of the setback for the pole sign.

**Protestants:** None.

**Board Action:**

On **MOTION** of **FULLER**, the Board voted 5-0-0 (Bolzie, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Minor Variance** of the setback from the centerline of Edison from 50' to 35.5' and Minor Variance of the setback from the centerline of 41st West Avenue from 40' to 25' to permit a pole sign - **Section 1221.C.6 General Use Conditions for Business Signs** - Use Unit 21; per plan submitted; and subject to the execution of a removal contract; finding that the sign will be installed on an existing pole and will align with other signs in the area; on the following described property:

A tract beginning at the northwest corner of Lot 2, thence south 187.4', east 165.4', north 188.2', west 165.4' to the POB, Section 4, T-19-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15495**

**Action Requested:**

Variance of the minimum distance from a Residential Zone to a sexually-oriented business from 500' to 474' to permit an existing business **Section 705.B.5. LOCATION OF SEXUALLY-ORIENTED BUSINESSES** - Use Unit 12, located at 1850 South Sheridan.

**Presentation:**

The applicant, **Robert Nichols**, 111 West 5th Street, Tulsa, Oklahoma, who submitted photographs (Exhibit F-5), a property survey (Exhibit F-2) and land use maps (Exhibit F-3 and F-4), stated that he is representing **Floyd Ratcliff**, owner of the business in question. In presenting a brief history of the business, Mr. Nichols informed that the sexually oriented business was previously operating in the Brookside area until the Zoning Code was amended in 1986 to prohibit this type of operation within 300' of a Residential District. He explained that Mr. Ratcliff then purchased the subject property and moved his business to the present location, which complied with the zoning ordinances. Mr. Nichols noted that the Zoning Code was again amended to prohibit the operation of a sexually oriented business within 500' of a residential area, with a two year period to relocate. He stated that the Lady Godiva club, operated by Mr. Ratcliff, is in compliance with the current regulations until March 1, 1991. It was also noted by the applicant, that a case concerning the Red Dog Saloon in Oklahoma City is almost precisely the same as the case in question. An aerial photograph (Exhibit F-1) was submitted.

Case No. 15495 (continued)

Comments and Questions:

Ms. Bradley asked if the measurement of 474' from the west side of the building to the east boundary line of the residential area is correct, and Mr. Nichols replied that his staff measured the distance and found it to be 474'.

Ms. Bradley remarked that the residential area is located on a bluff to the rear of the building, which appears to be approximately 30' in height.

Mr. Nichols noted that the residential lots are within 500' of the business in question, but the residential buildings are outside the 500' radius.

Ms. White asked Mr. Nichols to clarify the location of the RM District referred to in his presentation, and he informed that the apartments across the street, on the east side of Sheridan, appear to be approximately 450' from the Lady Godiva.

Mr. Jackere advised that technically the Board has declined to hear cases when the request for relief changes and the applicant asks for more relief than is advertised. He stated that the Board can determine to hear the case if they conclude that all facts concerning the case have been presented, or determine to continue the case to a future date.

Mr. Nichols pointed out that the subject property is not near pedestrian walkways, and there are no streets into the residential neighborhood from this area. He further noted that, due to the elevation of the homes to the west, they only view the tops of the buildings below from their back yards.

Mr. Bolzle stated that the map and legal description indicate that a parcel of land larger than that owned by Mr. Ratcliff is under application, and suggested that the actual lot lines should be more clearly defined.

Mr. Jackere advised that Board action should be limited to the property in question.

Mr. Nichols informed that, if the application is denied, an alternative would be to remove or abandon a portion of the building in order to comply with the Zoning Code.

After discussion, it was the consensus of the Board to act on the case as presented and not require a continuance.



Case No. 15495 (continued)

Protestants:

**Charles Gilmore**, 7432 South Gary Place, Tulsa, Oklahoma, stated that he has an interest in the shopping center across the street from the business in question, which is vacant except for a bar. He explained that leasing negotiations are under way with a national firm, and feels the location of the sexually-oriented business in the area will be a deterrent to acquiring a tenant. Mr. Gilmore pointed out that the area along Sheridan has had a problem in the past with a clustering of sexually-oriented businesses, and is concerned that the problem might reoccur. He stated that the value of his property has been damaged by the location of these businesses in the area.

Sue McMillan, Federal Deposit Insurance Cooperation, stated that her company owns commercial property across the street to the north. She pointed out that they recently acquired the buildings and are attempting to upgrade their tenants.

Mr. Jackere asked McMillan if she has had either a positive or negative experience with the Lady Godiva since acquiring the property, and she stated that she has not.

Mr. Bolzle asked Ms. McMillan if the existing bar will remain on their company property, and she replied that it will be relocating.

**Gary Watts**, 1564 South Gillette, Tulsa, Oklahoma, stated that he is Counselor for District 4, which includes the subject property. He stated that area residents protesting the application are not in attendance, as he assured them he would appear in their behalf; however, if their presence is required, he asked that the application be continued to allow them to appear before the Board. He referred to the Red Dog Saloon case, and stated that he is not in agreement with Mr. Nichols' statement that this application is comparable to it. He pointed out that the Court of Appeals clearly pointed out that the residential area was buffered from the Red Dog Saloon by other buildings. Mr. Watts stated that he viewed the Lady Godiva site and found that anyone standing on their parking lot can look into the back yards of the residents to the west. He noted that the type of activity outside the business is a major concern, and an area resident relayed to him that she was disturbed by noises created by the business. Mr. Watts pointed out that the building housing the Red Dog Saloon was constructed for that use, and the building on the subject property was constructed for restaurant use. He further noted that the Red Dog Saloon had been at the present location for approximately 20 years and the facts surrounding the two businesses are very different. In regard to a hardship, Mr. Watts pointed out that the applicant failed to present anything unique about the subject property that would warrant the granting of a variance. He noted that there are numerous sites in the City that allow sexually oriented businesses by right. A letter of protest (Exhibit F-4) was submitted.

Case No. 15495 (continued)

**Applicant's Rebuttal:**

Mr. Nichols remarked that the business has been operating at the present location for approximately three years, with no citations or disturbances reported. He stated that the physical facts regarding the case are that the business is located on a secondary arterial street, the land use is appropriate, it complies with the required 1000' separation between other sexually oriented businesses and it is not near a church or school.

**Interested Parties:**

The Board received a letter (Exhibit F-3) from Mayor Rodger Randle urging their careful consideration of Mr. Ratcliff's request for a variance.

**Additional Comments:**

In response to Mr. Bolzle's question concerning the setting of a precedent, Mr. Jackere informed that the chance of finding a similar building that was setting 474' away from residential property and separated from that property by vacant property and a 30' bluff, would be highly unlikely. He stated that, although Mr. Ratcliff has a reputation for operating an upstanding business, he could sell to another operator at any time.

Mr. Jackere stated that he is neither for or against the application; however, the court found that, although the the Red Dog Saloon property was within 500' of residences, the actual building was outside the 500' radius. He further noted that there were no protesting residents in the Red Dog Saloon case. Mr. Jackere pointed out that this Board has not heard specific witnesses stating that the neighborhood has been negatively affected by the business. He stated that the Oklahoma City court found that the property was standing alone in the block, with no concentration of adult entertainment businesses resulting in blighting or deterioration of the area.

Ms. Bradley stated that she is pro-neighborhood, but the residences to the west are located on top of a bluff, with absolutely no access down to the parking area for Lady Godiva. She pointed out that the applicant does have a hardship, due to the separation by vacant property and the bluff to the rear of the lot.

Mr. Chappelle noted that Mr. Ratcliff can remain at the present location until the end of the two-year relocation period in 1991, and if the Board should deny the business in 1991, the building can be altered and he can continue to operate.

Mr. Watts stated that his primary concern is that the Board not substitute their legislative judgment for the legislative judgment of the City Commission, now the Council. He pointed out that the Board should look for a hardship, based on the physical facts, and the bluff is the only thing that makes this site different from any other location. He reiterated that the back yards of the residential neighborhood look down on the Lady Godiva parking lot.

Case No. 15495 (continued)

Ms. Bradley contended that the houses are not on the same level as the parking lot and there is no access to the parking lot from the residential area.

Mr. Watts stated that the City Commission considered noise and spill-over activity when the ordinance was passed governing this type of business.

**Board Action:**

On **MOTION** of **BRADLEY**, the Board voted 5-0-0 (Bolzie, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the 500' minimum distance between a Residential Zone and a sexually-oriented business, as reflected in the maps and aerial submitted, to permit the existing business - **Section 705.B.5. LOCATION OF SEXUALLY-ORIENTED BUSINESSES** - Use Unit 12; per survey and land use maps and aerial photographs submitted; finding that there is no access to the subject property from the residentially zoned area to the west; finding that all dwelling units are 500' from the sexually oriented business; and finding a hardship demonstrated by the vacant land, bluff and buildings separating the business in question from the residences to the west; on the following described property:

Part of Lot 2, beginning 574.24' south of the NE/c, thence west 200', north 150', east 200', south 150' to the Point of Beginning, Block 2, Lynn Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15496**

**Action Requested:**

Special Exception to permit a minor servicing and cleaning of limousines business - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located 8771-8775 South Lewis.

**Presentation:**

The applicant, **Robert Nichols**, 111 West 5th Street, Tulsa, Oklahoma, represented the owner of the subject property, Bethany Real Estate. He informed that Cancer Care Centers of the United States is leasing the property to store limousines that are used to pick up patients at the airport. He stated that from three to five vehicles will be parked in the building and there will be no outside storage. He pointed out that a full service gasoline station could be operated on the property by right.

**Comments and Questions:**

Ms. Bradley inquired as to the size of the building, and Mr. Nichols stated that it contains approximately 1500 sq ft of floor space.

In response to Ms. Bradley, Mr. Nichols stated that the vehicles will be washed, polished and vacuumed inside the building. He informed that three garage doors will be installed on the east.

Case No. 15496 (continued)

**Board Action:**

On **MOTION** of **FULLER**, the Board voted 5-0-0 (Bolzie, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a minor servicing and cleaning of limousines business - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, subject to no outside work or storage of merchandise or other inventory, and no automotive repair work being conducted at this location; and subject to signage being limited to 200 sq ft of wall signs; finding that the use as presented will not be detrimental to the area; on the following described property:

Lot 2, Block 2, Crown Imperial Addition, City of Tulsa, Tulsa County, Oklahoma.

**NEW APPLICATIONS**

**Case No. 15487**

**Action Requested:**

Special Exception to permit a day care center as an accessory use in an RM-1 zoned district - **Section 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 5, located at 2402 North Marlon.

**Comments and Questions:**

Ms. White informed that Mr. Chappelle will abstain from hearing Case No. 15487.

**Presentation:**

The applicant, **Tulsa County Head Start Program**, was represented by **Sylvia Wilson**, 3348 North Garrison. She explained that the program will be located in the Apache Manor apartment complex, and is geared to instruct disadvantaged children at age four and five. Ms. Wilson stated that 30 children will be enrolled in the program, which is a free service to parents that are unable to pay for child care. A plot plan and layout (Exhibit G-1) were submitted.

**Protestants:** None.

**Board Action:**

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bolzie, Bradley, Fuller, White, "aye"; no "nays"; Chappelle, "abstaining"; none "absent") to **APPROVE** a **Special Exception** to permit a Head Start day care center as an accessory use in an RM-1 zoned district - **Section 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 5; per plan location submitted; on the following described property:

Blocks 4 and 5, Apache Manor Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15488**

**Action Requested:**

Special Exception to permit a day care center as an accessory use in an RM-1 zoned district - **Section 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 5, located in the 500 Block of East 32nd Street North.

**Presentation:**

The applicant, **Tulsa County Head Start Program**, was represented by **Sylvia Wilson**, 3348 North Garrison. She explained that the program will be located in the Vernon Manor apartment complex, and is geared to instruct disadvantaged children at age four and five. Ms. Wilson stated that 30 children will be enrolled in the program, which is a free service to parents that are unable to pay for child care. A plot plan and layout (Exhibit G-1) were submitted. The facility will be located near the southeast corner of the property.

**Comments and Questions:**

Ms. Bradley asked the location of the day care, and Ms. Wilson stated that two apartments have been combined on Garrison and 32nd Street North.

In response to Mr. Bolzie, Ms. Wilson stated that St. Andrew Baptist Church is across the street on 32nd.

**Protestants:** None.

**Interested Parties:**

Elnora Cozort, 3242 North Garrison, Tulsa, Oklahoma, stated that she owns property at 3512 East Xyler and came to the meeting to learn more about the application. She stated that Ms. Wilson has addressed all of her concerns in the presentation, and commended the Head Start program for its accomplishments.

**Board Action:**

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bolzie, Bradley, Fuller, White, "aye"; no "nays"; Chappelle, "abstaining"; none "absent") to **APPROVE** a Special Exception to permit a Head Start day care center as an accessory use in an RM-1 zoned district - **Section 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 5; per location requested; on the following described property:

Lot 1, less the south 21', Block 1, Vernon Manor Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15490**

**Action Requested:**

Special Exception to permit a mobile home to be used as a security guardhouse as an accessory use - **Section 902. ACCESSORY USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 9, located 12585 East 61st Street South.

Case No. 15490 (continued)

**Presentation:**

The applicant, **David Sanders**, 624 South Denver, Tulsa, Oklahoma, submitted a plot plan (Exhibit H-1), and stated that he is counsel for the owner of the property in question. He explained that his client owns 12 1/2 acres in a light industrial area, which is bounded on the north by the Katy Railroad, on the east by Oklahoma Drywall, and a Boise Cascade warehouse to the west. Mr. Sanders stated that the manufacturing plant has been constructed in an "L" shape and the owner is proposing to place a mobile guard house between the plant and the office located on the front portion of the property. He explained that there have been numerous burglaries, and the mobile unit will allow his client to defend and preserve his property. An aerial photograph (Exhibit H-2) was submitted.

**Comments and Questions:**

Mr. Jackere asked if an employee will live in the mobile home, and he answered in the affirmative.

In response to Mr. Jackere, Mr. Gardner stated that the ordinance specifically provides for a special exception for a mobile home in an industrial or commercial district, primarily for the purpose of security.

In response to Ms. Hubbard, Mr. Gardner stated that a variance was required for such uses in the past, however, the ordinance has been changed to allow the use as a special exception.

**Board Action:**

On **MOTION** of **FULLER**, the Board voted 5-0-0 (Bozile, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a mobile home to be used as a security guardhouse as an accessory use - **Section 902. ACCESSORY USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 9; per plot plan submitted; finding that the use of the mobile home as a guardhouse will not be detrimental to the area; on the following described property:

SE/4, SW/4, SE/4, Section 32, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15493**

**Action Requested:**

Special Exception to permit a mobile home in an AG District - **Section 301 - PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** - Use Unit 9.

Variance of the bulk and area requirements in the AG District - **Section 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT** - Use Unit 9, located at 8901 South 33rd West Avenue.

Case No. 15493 (continued)

**Presentation:**

The applicant, **B. C. Syndergard**, 8901 South 33rd West Avenue, Tulsa, Oklahoma, requested permission to allow his mobile home to remain at the above stated location. A packet (Exhibit J-1) containing a Stormwater Case Review and history of the property was submitted. He explained that the case concerning the mobile home has been heard in District Court and the ruling was in his favor, as the mobile home had been at this location for approximately 18 years. He requested that the mobile home be allowed to remain on the property permanently.

**Comments and Questions:**

Mr. Gardner informed that at the original filing of the application, all of Mr. Syndergard's property was advertised, including both AG and RS. He stated that, at that time, the applicant requested a special exception in a Residential District, one year time limit. Mr. Gardner pointed out that it was recently determined that the mobile home is actually located on the AG portion of the property, which does not require a variance of the time limitation.

Mr. Jackere explained that the application was previously denied based on the assumption that the property was located on residential property, and factors brought to the Board's attention by Stormwater Management. He stated that Judge Scott ruled that the applicant had not made a case for the variance of the time limit, but had made a case for a special exception. Mr. Jackere stated that when that determination by Judge Scott was made, it was thought that the mobile home was located in a Residential Zone. He stated that the correct facts are before the Board at this time. Mr. Jackere informed that Stormwater Management has regulations and if a permit is required to place a mobile home in a particular area, that organization has the authority to require such a permit. He stated that they recommended to the Board that they consider the fact that the property is located in a 100-year flood plain and, after consideration, denied the case. Mr. Jackere stated that the case was then appealed to District Court and the judge ruled in favor of the applicant, as they testified that the property has not flooded in the 18 years they have lived there. Mr. Jackere advised that Judge Scott stated that he would not try a flood plain boundary issue in a Board of Adjustment appeal, and suggested to the Board that they not deal with a flood plain issue since Stormwater Management has specific ordinances which are used in making their determinations. He advised that the Board should determine if the mobile home is compatible with the surrounding area.

**Interested Parties:**

**Ray Ross**, a resident of the area, stated that he is supportive of the application.

Case No. 15493 (continued)

**Board Action:**

On **MOTION** of **FULLER**, the Board voted 5-0-0 (Bolzie, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a mobile home in an AG District - **Section 301 - PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT - Use Unit 9**; and to **APPROVE** a **Variance** of the bulk and area requirements in the AG District - **Section 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT - Use Unit 9**; subject to the execution of a tie contract on the two lots, and the posting of a removal bond; on the following described property: finding that the mobile home is compatible with the surrounding area; on the following described property:

.5 acres SW/c, N/2, SW/4, SW/4, lying southwest of creek and .5 acres NW/c, S/2, SW/4, SW/4, lying northwest of creek, Section 15, T-18-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

**OTHER BUSINESS**

**Case No. 15491**

**Action Requested:**

Refund of filing fees.

**Comments and Questions:**

Mr. Richard stated that the applicant, Alan Madewell, was overcharged when making application for a minor variance, and suggested that fees in the amount of \$74.00 be refunded.

**Board Action:**

On **MOTION** of **BRADLEY**, the Board voted 5-0-0 (Bolzie, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Refund** of fees in the amount of \$74.00, finding that Mr. Madewell was overcharged when making application for a minor variance.

There being no further business, the meeting was adjourned at 2:55 p.m.

Date Approved Aug 14 1990

Janet R. Bradley  
Vice - Chairman