

BOA-22785

18-13 14

18.1



**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 8314

Case Number: **BOA-22785**

CZM: 53

CD: 8

HEARING DATE: 11/12/2019 1:00 PM

APPLICANT: Cindy Davis

ACTION REQUESTED: Verification of the 300 ft spacing requirement for a family home daycare from another family home daycare (Section 45.070)

LOCATION: 7415 E 83 ST S

ZONED: RS-3

PRESENT USE: Residential / Family Child Care Home

TRACT SIZE: 10798.57 SQ FT

LEGAL DESCRIPTION: LT 12 BLK 3, SOUTHFIELD ESTATES

RELEVANT PREVIOUS ACTIONS:

Subject property: None

Surrounding Properties: None

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned RS-3 and located at the NW/c of E. 83rd St. S. and S. 75th E. Ave.

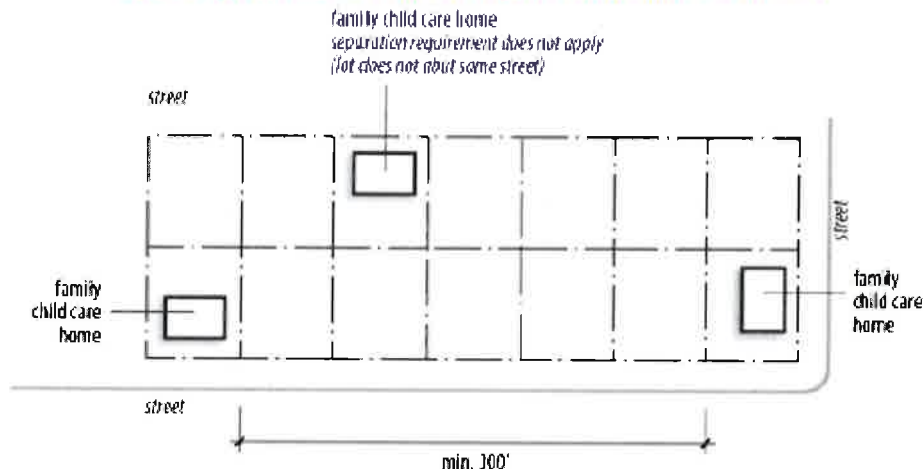
STAFF COMMENTS: The Applicant is requesting **Verification** of the 300 ft spacing requirement for a family home daycare from another family home daycare (Section 45.070)

18.2

Section 45.070 Family Child Care Homes

- 45.070-A** Family child care homes must be an accessory use to an allowed household living use and be licensed by the State of Oklahoma.
- 45.070-B** Applicants for family child care homes must obtain a zoning clearance permit and a certificate of occupancy before commencing operation.
- 45.070-C** Family child care homes may provide supervision for no more than 7 children.
- 45.070-D** No person may be employed other than a member of the household residing on the premises or a non-resident, substitute caregiver, as may be required for family child care homes by the State of Oklahoma.
- 45.070-E** Signs advertising a family child care home are prohibited.
- 45.070-F** No exterior building alterations or site modifications may be made that would change the residential character of the premises.
- 45.070-GA** family child care home may not be established on any lot located within 300 feet of another lot occupied by a family child care home if any boundary of the subject lot abuts the same street. For purposes of this provision, "street" means any named or numbered street along its full length, regardless of any intervening streets. State-licensed family child care homes lawfully established on or before October 22, 1985 that would be prohibited by the distance separation requirements of this section, are allowed to continue to exist and operate.

Figure 45-2: Separation Requirements for Family Child Care Homes



Included in your packet is an exhibit identifying properties within 300 ft of the subject property and a list of registered Family Home Daycares within the zip code of the subject property. Staff does not know of any family home day cares within 300 ft of the subject property

SAMPLE MOTION:

I move that based upon the facts in this matter as they presently exist, we accept the applicant's verification of spacing shown on the attached exhibit, indicating that there are no existing Family Child Care Homes operating within the required spacing radius of the subject lot.



Subject property



Distance ?

2,073 ft ▾



18.5



Oklahoma Department of Human Services
Sequoyah Memorial Office Building, 2400 N. Lincoln Blvd. • Oklahoma City, OK 73105
(405) 521-3646 • Fax (405) 521-6684 • Internet: www.okdhs.org

Oklahoma Child Care Locator

Selection Criteria: County=Tulsa; City Name=Tulsa; ZipCode=74133; Star Level=All; All Centers and Homes; Facilities are sorted first by Star Level, then by town, then by zip code, then by Facility Name.

Click the facility number or name for more information and non-compliance issues.

Number	Subsidy Contract	Star Level	Star Effective Date	Facility Name	Facility Type	Address	City	Zip	Phone	Capacity
K830054468	29310	★★★	9/1/2018	LEGACY CHILDHOOD EDUCATION CENTERS	Center	9135 E 61ST ST	TULSA	74133	(918) 250-5537	90
K820053223	59541	★★★	2/1/2019	GREENE-ROSS, NICKIA CHILD CARE HOME	Home	6924 E 78TH PL	TULSA	74133	(213) 300-5805	12
K830022042	27151	★★★	5/1/2007	BETHANY COMMUNITY SCHOOL	Center	6730 S SHERIDAN	TULSA	74133	(918) 492-5865	90
K820054858	59767	★★	6/17/2019	HAWKINS, ORLANDO M. CHILD CARE HOME	Home	9219 E 77TH ST	TULSA	74133	(918) 906-3722	7
K830025041	28727	★★	12/1/2011	TREEHOUSE ACADEMY OF TULSA LLC	Center	6605 EAST 93RD ST	TULSA	74133	(918) 392-7852	120
K820047910	58519	★★	11/1/2014	JONES, CARISSA CHILD CARE HOME	Home	8806 E 79TH ST	TULSA	74133	(918) 630-4366	7
K830024436	28329	★★	9/1/2008	JEFFERSON ELEMENTARY EXTENDED DAY PROGRAM	Center	8418 S 107TH E AVE	TULSA	74133	(918) 357-4339	120
K830025002	28791	★★	5/1/2012	UNION 6TH/7TH GRADE EDP	Center	10100 E 61ST	TULSA	74133	(918) 357-4321	40
K830021188	26657	★★	2/1/2007	GROVE ELEMENTARY-EXTENDED DA	Center	10202 E. 62ND ST	TULSA	74133	(918) 357-8854	80
K830021189	26604	★★	11/1/2006	JARMAN ELEMENTARY	Center	9015 E. 79TH ST	TULSA	74133	(918) 357-8945	120
	26921	★★	6/1/2006	DARNABY	Center	7625 E 87	TULSA	74133	(918)	120

K830021463				ELEM-EXT DAY PROGRAM	ST		357- 8749 (918)	
K830021464	26926	★★	5/1/2007	CEDAR RIDGE ELEM-EXT. DAY PR	Center	9817 S MINGO	TULSA 74133	120
K830022851	27442	★★	4/1/2007	GRISSOM BEFORE/AFTER CARE PROGRAM	Center	6646 S 73RD E AVE	TULSA 74133	40
K830023875		★★	1/1/2011	KINDER CARE (MINGO)	Center	9625 S. MINGO RD	TULSA 74133	190
K820047308		★	11/1/2009	PETERS, TONYA CHILD CARE HOME	Home	6625 E 103RD ST	TULSA 74133	12
K830025017		★	9/6/2011	RAINBOW MONTESORRI SCHOOL	Center	9725 E 79TH ST	TULSA 74133	22
K830054048		★	10/10/2017	PRIMROSE OF SOUTH TULSA	Center	10185 S. 85TH E. AVE	TULSA 74133	200
K820054701		★	2/6/2019	ASMA SHAHID CHILD CARE HOME	Home	8412 S 107TH E AVE	TULSA 74133	7
K830054302		★	5/21/2018	GRADE POWER LEARNING	Center	7715 E 91ST ST	TULSA 74133	30
K820054956		★	8/26/2019	GARNER, SARAH RANAE CHILD CARE HOME	Home	9617 S 88TH E AVE	TULSA 74133	7
K830025101		★	6/1/2012	LIFE TIME FITNESS KID'S CAMP	Center	10642 SOUTH MEMORIAL ROAD	TULSA 74133	150
K830052305		★	12/1/2014	CHILDREN'S LEARNING ADVENTURE	Center	8061 E 106TH PLACE	TULSA 74133	439
K820053329		★	8/9/2016	AUSTIN, DANIELLE CHILD CARE HOME	Home	9320 E 76TH ST	TULSA 74133	7
K830053740		★	4/3/2017	AVANT GARDE PRESCHOOL AND EARLY LEARNING CENTER	Center	7607 S SHERIDAN RD	TULSA 74133	87
K820033965	54982	★	7/1/2007	REIDENBACH, TERRI CHILD CARE HOME	Home	8427 S 111 E AVE	TULSA 74133	12
K820037828	53511	★	11/1/2001	DAVIS, CINDY CHILD CARE	Home	7415 E 83RD ST	TULSA 74133	12

K820037866	★ 11/28/2006	HOME GALBREATH, ROSEMARY CHILD CARE HOME	Home	10031 S 91ST E AVE	TULSA 74133	6534 (918) 254- 7964	7
K820041913	★ 10/1/2010	OAKLEY, STEPHANIE CHILD CARE HOME	Home	9046 E. 99TH ST	TULSA 74133	(918) 521- 0055	12
K830021482	★ 11/28/2006	FAITH UNITED METHODIST CHURCH	Center	7431 E. 91ST ST.	TULSA 74133	(918) 254- 1934	89
K830023394	★ 11/28/2006	ASBURY PRESCHOOL	Center	6767 S MINGO	TULSA 74133	(918) 392- 1128	269

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★ Facilities with an OKDHS Subsidy Contract are indicated by a ★ preceding the NUMBER.

Printing problems? The browser File menu contains Page Setup options for printing. To ensure that all information prints, please change the left/right margins to "narrow" and print in "landscape" mode.



Go back to the form to enter another search.

The case files of child care centers and family child care homes are open to the public. Appointments may be made to view these files in the county OKDHS Licensing Services office. A Child Care Licensing Specialist will be available to discuss the file with you and answer any questions you may have about the contents of a file. To locate the telephone number and address of the [Child Care Licensing Specialist](#) for your county, please use the Licensing information page. For more information about Child Care Licensing, review the [Child Care Locator Fact Sheet](#).

Contact us by e-mail - Oklahoma Child Care Services

Last Updated: 12/07/2017



Oklahoma Department of Human Services
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Click the facility number or name for more information and non-compliance issues.

Number	Subsidy Contract	Star Level	Star Effective Date	Facility Name	Facility Type	Address	City	Zip	Phone	Capacity
K820010841		★	11/28/2006	KOONS, ANITA CHILD CARE HOME	Home	7828 E 79 ST	TULSA	74133	(918) 249-0169	12
K820011882		★	6/15/2003	HAMILTON, LINDA CHILD CARE HOME	Home	9314 EAST 93RD ST	TULSA	74133	(918) 252-0157	12

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◆ **Facilities with an OKDHS Subsidy Contract are indicated by a ◆ preceding the NUMBER.**

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Contact us by e-mail - Oklahoma Child Care Services

Last Updated: 12/07/2017

CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

TEL (918)596-9688
clange@cityoftulsa.org



DEVELOPMENT SERVICES
175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1
Cindy Davis
7415 E 83 ST
Tulsa, OK 74133

October 15, 2019

Phone: 918.671.6534

APPLICATION NO: **COO-044818-2019**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **7415 E 83 ST**
Description: **Family Day Care**

INFORMATION ABOUT SUBMITTING REVISIONS

OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

REVISIONS NEED TO INCLUDE THE FOLLOWING:

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.

IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.
2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
3. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
4. A COPY OF A "RECORD SEARCH" **[X] IS [] IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

18.10

REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT
WWW.CITYOFTULSA-BOA.ORG

COO-044818-2019

7415 E 83 ST

October 15, 2019

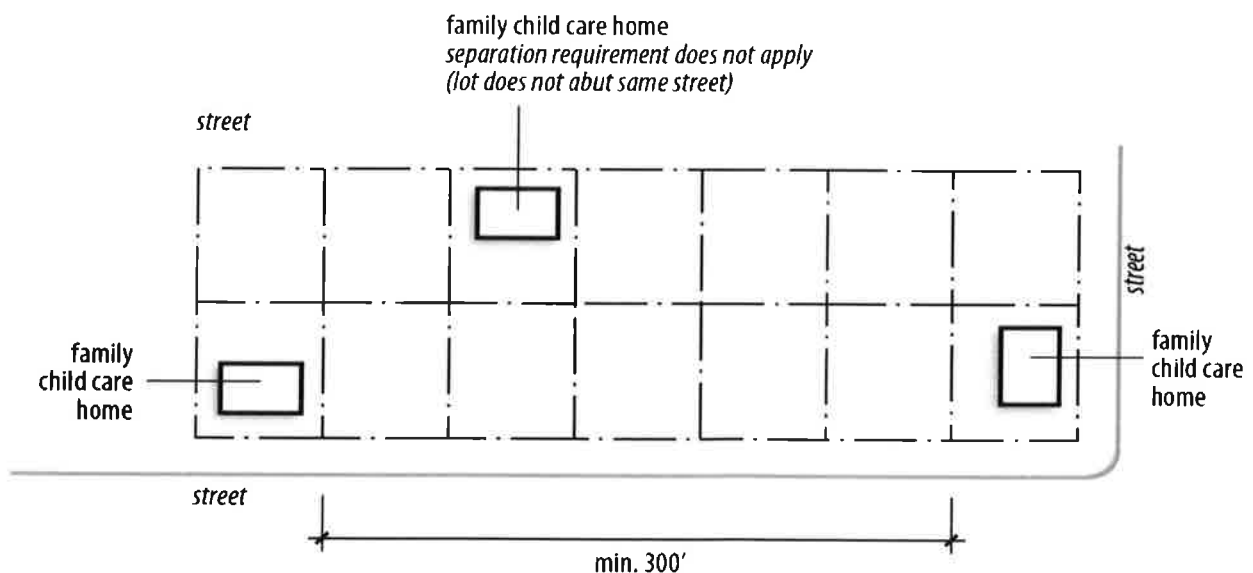
Note: Please direct all questions concerning spacing verification, variances and all questions regarding BOA application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

Sec.45.070-G: Your proposed daycare is designated a Family Child Care Home. Family child care homes must be an accessory use to an allowed household living use and be licensed by the State of Oklahoma.

Applicants for family child care homes must obtain a zoning clearance permit and a certificate of occupancy before commencing operation. Family child care homes may provide supervision for no more than 7 children. No person may be employed other than a member of the household residing on the premises or a non-resident, substitute caregiver, as may be required for family child care homes by the State of Oklahoma. A family child care home may not be established on any lot located within 300 feet of another lot occupied by a family child care home if any boundary of the subject lot abuts the same street. For purposes of this provision, "street" means any named or numbered street along its full length, regardless of any intervening streets (*see Figure 45-2 below*). State licensed family child care homes lawfully established on or before October 22, 1985 that would be prohibited by the distance separation requirements of this section, are allowed to continue to exist and operate.

Review comment: Submit a copy of the 300 foot Spacing and Separation Distance Verification, reviewed and approved per Sec.70.110. A variance reviewed and approved, per Sec.70.130 is required if your lot fails to meet the 300 foot spacing requirement.

Figure 45-2: Separation Requirements for Family Child Care Homes



Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code:

<http://www.tmapc.org/Documents/TulsaZoningCode.pdf>

Please notify the reviewer via email when your revisions have been submitted

This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

A hard copy of this letter is available upon request by the applicant.

END – ZONING CODE REVIEW

NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.



18-13



0 50 100
Feet



Subject
Tract

BOA-22785

18-13 14

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018



18.14

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