

COUNTY BOARD OF ADJUSTMENT
Minutes of Meeting No. 54
Tuesday, November 20, 1984, 1:30 p.m.
Room 119, Administration Building
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF	OTHERS
Alberty Martin Tyndall Walker	Wines	Gardner Jones Phillips	Ray Green, Director of Protective Inspections

The notice and agenda of said meeting were posted in the office of the County Clerk on Friday, November 16, 1984 at 11:30 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Tyndall called the meeting to order at 1:38 p.m.

Minutes:

On MOTION of ALBERTY and SECOND by WALKER, the Board voted 4-0-0 (Alberty, Tyndall, Martin, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to APPROVE the Minutes of October 16, 1984.

Case No. 508

Action Requested:

Special Exception--Section 410--Principal Uses Permitted in the Residential Districts--Use Unit 1209--Request an exception to allow a mobile home in an RS zoned district, located on the NE/c of 61st Street and 97th West Avenue.

Presentation:

The applicant, Paul D. Record, 5947 South 97th West Avenue, informed that there is a house on the subject property which needs to be removed, and he is requesting to be allowed to place a mobile home on the property. There are several mobile homes in the area. In answer to a question by the Board, he informed that he will be using a septic tank and the percolation test has been approved. He informed that he is aware that he needs to acquire a Building Permit. A plot plan was submitted (Exhibit "A-1").

Protestants: None

Comments and Questions:

Mr. Gardner informed that the applicant needs to be required to remove the old house before the mobile home can be placed on the property.

Case No. 508 (continued)

Board Action:

On MOTION of MARTIN and SECOND by ALBERTY, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to APPROVE a Special Exception (Section 410--Principal Uses Permitted in the Residential Districts--Under the provisions of Use Unit 1209) to allow a mobile home in an RS zoned district; subject to the existing dwelling being removed before the mobile home can be placed on the property; subject to Health Department approval and the issuance of a Building Permit; per plot plan submitted; on the following described property:

The South 340' of the West 330' of the SW/4 of the SW/4 of Section 36, T-19-N, R-11-E, of the I.B.M., Tulsa County, Oklahoma.

Case No. 509

Action Requested:

Use Variance--Section 310--Principal Uses Permitted in an Agricultural District--Use Unit 1215--Request a use variance to permit an existing nonconforming use (motor rewind) to be located in a new structure in an AG-R zoned district, located at 23770 Hound Dog Hollow Road.

Presentation:

The applicant, Benny Speaker, Route 2, Box 522, Sand Springs, Oklahoma, was represented by Bob Debolt, 10615 West 33rd West Avenue, Tulsa, Oklahoma. Mr. Debolt submitted a plot plan and explained that there is an existing building on the subject property (Exhibit B-1). Mr. Debolt explained that Mr. Speaker and his son rewind electric motors for oilfield equipment. Their business has expanded beyond the size of the smaller building and they need the larger one to accommodate the storage of the motors, which are quite large. There will be no business conducted in the smaller building once the larger one is complete. He submitted a floor plan (Exhibit "B-2") and a brochure depicting the "packaged steel building" proposed (Exhibit "B-3"). Mr. Debolt works for Redco Construction Company and is the contractor working with Mr. Speaker.

Protestants: None

Comments and Questions:

Mr. Walker asked Mr. Debolt how long the business has been in operation. Mr. Debolt informed the business has been on the subject property since 1979. Mr. Walker asked if there was any material to verify that. Mr. Debolt informed that he did not have anything with him to support that claim.

Mr. Alberty inquired about the character of the area. Mr. Debolt informed there are various uses (e.g. residences, stores, churches).

Case No. 509 (continued)

Mr. Alberty asked who lives in the mobile home on the subject property. Mr. Debolt explained that Mr. Speaker lives in the house on the subject property and that his son lives in the mobile home. The third building is where the business is being conducted.

Mr. Gardner explained, in answer to a question from the Board, that there are no plans for this area. It is not a major intersection. Mr. Gardner suggested that Mr. Speaker might have a neighbor sign an affidavit stating the business has been in existence since 1979.

Mr. Debolt informed that the existing building is a frame structure with no insulation or heating, and the applicant intends to tear it down when the new one is complete.

Mr. Alberty expressed concern about the size of the building. He suggested the applicant might need to look for industrial property.

Mr. Martin asked Mr. Gardner if this area could support an application for industrial use. Mr. Gardner informed that the property is not on a major street and would not support industrial zoning.

Mr. Edwards informed that the County Board of Adjustment approved a special exception to allow a glass-works (i.e. windows, mirrors, etc.) on Coyote Trail last year. He also noted that building size is not limited in AG-R zoned districts. A farmer could use the same size building (3200 sq. ft.) for agricultural purposes.

Mr. Walker informed that he is familiar with the area, which is rural residential. Mr. Debolt informed that there is a store down the road, as well as a "dirt" business.

Mr. Debolt emphasized that the applicant's existing building is not large enough for the equipment necessary to continue his business. These motors are large and cannot be left out in the weather during winter. Improvements cannot be made to the existing structure.

Additional Comments:

Mr. Edwards asked the Board if they determined if the use is nonconforming. They discussed why the applicant did not come prepared to verify the nonconforming use. Mr. Edwards explained that the Mortgage Companies are the ones who need that proof. If Mr. Speaker intends to finance this project, he would need to verify the nonconforming use to the lender.

Board Action:

On MOTION of ALBERTY and SECOND by WALKER, the Board voted 3-1-0 (Alberty, Tyndall, Walker, "aye"; Martin, "nay"; Wines, "absent") to **DENY** a Use Variance (Section 310--Principal Uses Permitted in the Agricultural Districts--Under the provisions of Use Unit 1215) to permit an existing motor rewind use to be located in a new structure

Case No. 509 (continued)

In an AG-R zoned district; located on the following described property:

The North 310' of the West 140' of the SW/4 of the SE/4 of Section 29, T-19-N, R-10-E, less the North 30', Tulsa County, Oklahoma.

On MOTION of ALBERTY and SECOND by WALKER, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to CONTINUE the balance of Case No. 509 to allow the applicant the opportunity to present evidence that the use is, in effect, a legal nonconforming use.

Case No. 510

Action Requested:

Variance--Section 330--Bulk and Area Requirements in the Agricultural Districts--Use Unit 1206--Request a variance of the required 200' lot width to 30' to permit splitting of a tract in an AG zoned district, located 1/4 mile East of NE/4 of 41st Street and 177th West Avenue.

Presentation:

The applicant, Brummett Surveyors and Associates, 2329 East 13th Street, Tulsa, Oklahoma, was not represented.

Protestants: None

Board Action:

On MOTION of ALBERTY and SECOND by MARTIN, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to CONTINUE Case No. 510 until December 18, 1984.

Case No. 511

Action Requested:

Special Exception--Section 410--Principal Uses Permitted in the Residential Districts--Use Unit 1209--Request an exception to allow a mobile home in an RS zoned district; and a

Variance--Section 208--One Single-Family Dwelling Per Lot of Record--Request a variance to permit two dwellings (1 house, 1 mobile home) per lot record, located at 5724 South 97th West Avenue.

Presentation:

The applicant, Bill Reeves, 110 W. 53rd Place, Sand Springs, Oklahoma, informed that he owns a 2 1/2 acre lot with a house on the front. He stated his request is to be allowed to put a mobile home on the back half of the lot. His mother has owned the land for years and his brother lives in the house. He stated that he wants

Case No. 511 (continued)

to move onto his family's land. He stated that his brother will move someday, and when he does they will build their own home on the site. There are other mobile homes in the area, but there are no lots with two dwelling units.

Protestants: None

Comments and Questions:

There was discussion about the size of the lot. There was a discrepancy between the map furnished the Board members, and the dimensions furnished by the applicant.

Mr. Martin asked the applicant if there will still be a need for two dwelling units on the lot once the brother moves. Mr. Reeves informed that when his brother moves, the old house will be razed and a new one will be built for his family. There will be no need for the mobile home at that time.

In answer to a question by the Board, Mr. Reeves informed that both sides of the lot percolated, so the lots could be split.

There was discussion about where the mobile home will be set on the lot.

Board Action:

On MOTION of MARTIN and SECOND by WALKER, the Board vote 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to APPROVE a **Special Exception** (Section 410--Principal Uses Permitted in the Residential Districts--Under the provisions of Use Unit 1209) to allow a mobile home in an RS zoned district; and a **Variance** (Section 208--One Single-Family Dwelling Per Lot of Record) to permit two dwellings (1 house, 1 mobile home) per lot of record; subject to the house being occupied by family only; subject to the tract size being no less than 2.5 acres; subject to Health Department approval; and subject to a Building Permit; on the following described property:

Lot 10, Block 3, Hilltop Addition, Tulsa County, Oklahoma.

Additional Comments:

The applicant left the meeting and returned with information indicating that the actual lot size is 413.77 and 413.98 x 219.9, which is approximately 2.1 acres. Considering this new information, the Board took the following action.

Board Action:

On MOTION of ALBERTY and SECOND by WINES, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to REOPEN Case No. 511.

On MOTION of MARTIN and SECOND by WALKER, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no

Case No. 511 (continued)

"abstentions"; Wines, "absent") to AMEND the former motion to include the new dimensions of the lot (i.e. 413.77 and 413.98 x 219.9, or approximately 2.1 acres).

Case No. 512

Action Requested:

Special Exception--Section 410--Principal Uses Permitted in the Residential Districts--Use Unit 1206/09--Request an exception to permit a mobile home in an RS zoned district; and a

Variance--Section 208--One Single-Family Dwelling Per Lot of Record--Request a variance to permit two dwelling units (1 house, 1 mobile home) per lot of record, located on the NE/c of 45th West Avenue and 45th Street.

Presentation:

The applicant, Phyllis Maxwell, 4343 West 45th Street, informed that she is requesting the special exception so her son can put a mobile home on the NE/c of her property. She has a 304.9' frontage. She informed that her son is recently divorced and has custody of two small children. If he is allowed to live near her, she can help with his children. There are other mobile homes in the area. She is not aware of any other lots in the area with more than one dwelling unit on them. She submitted a plat of survey showing where the other mobile homes are located (Exhibit "C-1"). She requests to be allowed to leave the mobile home permanently because the land is deeded to her son in the event of her death. A percolation test has been approved.

Protestants:

Don Davis, 4334 South 45th West Avenue, Tulsa, Oklahoma, informed that he does not want a mobile home in his neighborhood. He feels that the neighborhood is in transition and can be upgraded if mobile homes are kept out. His property is across the street from the NW/c of the subject property and there is already a mobile home on the property. He informed that he has lived on his property since 1943.

Mr. Martin informed that in 1982 this Board granted a mobile home use with a five-year limitation.

Board Action:

On MOTION of WALKER and SECOND by ALBERTY, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to APPROVE a **Special Exception** (Section 410--Principal Uses Permitted in the Residential Districts--Under the provisions of Use Units 1206/09) to permit a mobile home in an RS zoned district; and a **Variance** (Section 208--One Single-Family Dwelling Per Lot of Record) to permit two dwelling units (1 house, 1 mobile home) per lot of record; subject a five-year limitation, Health Department approval and a Building Permit; on the following described property:

Case No. 512 (continued)

The South 276' of lot 13, Bridges Park Second Addition to Tulsa County, Oklahoma.

Case No. 513

Action Requested:

Section 310--Principal Uses Permitted in the Agricultural Districts--Use Units 1205--Request a special exception to permit a church and related uses in an AG zoned district; and a

Use Variance--Section 310--Principal Uses Permitted in the Agricultural Districts--Use Unit 1211--Request a variance to allow a radio station in an AG zoned district, located N. of NE/c of 121st St. and 129th East Avenue.

Presentation:

W. Nelson Pendergrass, 110 West Kenosha, Broken Arrow, Oklahoma, 74012, represented Walnut Grove Church, David Ingles Ministries, and Creative Educational Media in their request to allow a facility to house their church and offices, as well as a radio station on the subject tract. They need to relocate their activities, as they have lost their lease on Grace Fellowship Church's building, located at 8600 South Memorial. He submitted a map on which the Broken Arrow Planning Commission designated the 100-year flood plain (Exhibit "D-1"). They will employ an engineering firm to designate the flood plain as it applies to their property. There is no existing structure on the property and their plans have not been finalized. Federal Communications Commission has required the radio station to be "on the air" by February 1, 1985, or their license will be revoked.

Protestants: None

Comments and Questions:

There was discussion about the relationship of the three organizations.

Mr. Gardner informed that the applicant will be required to plat the tract to show the easements and drainage. There was discussion about the transmitting tower. The applicant informed that they will transmit from a dish to a transmitter on the Channel Six tower. Their dish will be on a pole no taller than a telephone pole.

A letter was submitted by the Staff from the City of Broken Arrow which recommended that the approval be conditioned upon the 100-year flood plain area being maintained in its natural state (Exhibit "D-2").

Board Action:

On MOTION of ALBERTY and SECOND by MARTIN, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no

Case No. 513 (continued)

"abstentions"; Wines, "absent") to APPROVE a Special Exception (Section 310--Principal Uses Permitted in the Agricultural Districts--Under the provisions of Use Unit 1205) to permit a church and related uses in an AG zoned district; and a Use Variance (Section 310--Principal Uses Permitted in the Agricultural Districts--Under the provisions of Use Unit 1211) to allow a radio station in an AG zoned district; subject to the applicant returning to the Board with a detailed site plan which should include parking and the height and design of the tower prior to the issuance of a Building Permit; on the following described property:

A tract of land located in the Northwest Quarter (NW/4) of the Southwest Quarter (SW/4) of Section Thirty-Three (33), Township Eighteen (18) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, more particularly described as follows, to-wit: Commencing at the Northwest corner of the NW/4 of the SW/4 of Section 33, T-18-N, R-14-E of the Indian Base and Meridian, thence due South along the West line of said Section a distance of 496.23 feet to the Point of Beginning; thence North $89^{\circ}48'40''$ East a distance of 1321.77 feet to a point; thence South $00^{\circ}01'15''$ East a distance of 413.60 feet to a point; thence South $89^{\circ}49'40''$ West a distance of 1321.92 feet to a point on the West line of said Section; thence due North a distance of 413.52 feet to the point of beginning, containing 12.55 acres, more or less.

Case No. 514

Action Requested:

Variance--Section 330--Bulk and Area Requirements in the Agricultural Districts--Use Unit 1206--Request a variance of the lot width from 200' to 155.79' and 7.69' for a lot split in an AG zoned district; and a

Variance--Section 207--Street frontage required--Request a variance of the required 30' frontage to 7.69' for a lot split, located W. of 261st West Avenue and Coyote Trail.

Presentation:

The applicant, Lynn Calton, 11004 East 44th Street, informed that he is aware that the Health Department requires that a tract be one acre, excluding easements, and the original site plan he presented reduced the lot sizes to .98 acres. He submitted the original site plan (Exhibit "E-1") and the new site plan (Exhibit "E-2") and described their differences. All three lots are now in compliance with the one-acre requirement by the Health Department.

Protestants: None

Case No. 514 (continued)

Comments and Questions:

Mr. Alberty asked the applicant if the easement is still to the east of the subject property. Mr. Calton informed that it is.

Mr. Gardner informed that the TMAPC approved both lot splits and the Health Department lent their assistance for the design.

Board Action:

On MOTION of MARTIN and SECOND by ALBERTY, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to APPROVE a **Variance** (Section 330--Bulk and Area Requirements in the Agricultural Districts--Under the provisions of Use Unit 1206) of the lot width from 200' to 155.79' and 7.69' for a lot split in an AG zoned district; and a **Variance** (Section 207--Street Frontage Required) of the required 30' frontage to 7.69' for a lot split; on the following described property:

Beginning at a point 1440' north and 1010' east of the southwest corner of the Northeast Quarter, Section 30, T-19-N, R-10-E, Tulsa County, Oklahoma, thence west 200', thence North 736.74'; thence Southeast along the South R/W line of Coyote Trail 205'; thence South to the Point of Beginning containing 3.38 acres, more or less.

Case No. 515

Action Requested:

Variance--Section 203--One-Single Family Dwelling Per Lot of Record--Use Unit 1206/09--Request a variance to allow 3 dwelling units (1 house, 2 mobile homes) per lot of record in an AG zoned district, located W. of NW/c of North Memorial and 100 Street North.

Presentation:

The applicant, Russell Keck, 7913 East 100th Street North, informed that the subject tract is 4 1/2 acres and belongs to his future mother-in-law. At the present time there is one house and one mobile home on the subject property. The mobile home has been there since 1978 when the owners were building their home. There are other mobile homes in the area. In answer to a question by the Board, Mr. Keck informed that their hardship is economical--they can afford the mobile home if they can set it on the family's land. If not, they cannot afford a home at this time.

Interested Parties:

Connie Hess, P. O. Box 382, Owasso, Oklahoma, 74055, (the applicant's fiancée'), explained that her parents put the original mobile home on the subject property while their home was being built, and her sister lives there now.

Protestants: None

Case No. 515 (continued)

Comments and Questions:

Mr. Martin asked the Staff what the tract size is for a mobile home in an AG zoned district. Mr. Gardner informed that the tract size is 2 acres, so the two existing dwelling units are in compliance with the Ordinance and the third needs the variance.

Board Action:

On MOTION of ALBERTY and SECOND by MARTIN, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to **APPROVE** a **Variance** (One Single-Family Dwelling Unit Per Lot of Record--Under the provisions of Use Unit 1206/09) to allow 3 dwelling units (1 house, 2 mobile homes) per lot of record in an AG zoned district; subject to Health Department approval and a Building Permit; and restricting the second mobile home for no more than 3 years; on the following described property:

A tract of ground situated in the South half of the Northeast Quarter (S/2, NE/4) of Section 14, Township 21 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, and being more particularly described as follows: Beginning at a point 1,217.21 feet West and 27.0 feet North of the Southeast corner of the Northeast Quarter (NE/4) thence North a distance of 536.8 feet; thence West a distance of 353.73 feet; thence South a distance of 536.8 feet to a point 27.0 feet North of the South line of the Northeast Quarter; thence East a distance of 354.01 feet to a point of beginning, containing, in all, 4.36 acres.

Additional Comments:

Ms. Hess's mother informed the Board that the existing mobile home now belongs to another daughter who will soon be buying a house. When that transaction is completed, the first mobile home will be moved off of the subject tract.

Mr. Walker informed that he considers approval of this application limited to three years only and does not look favorably upon suggesting that the variance might be approved again in three years. He suggested that the applicant seek an alternative within these next three years.

Case No. 516

Action Requested:

Special Exception--Section 710--Principal Uses Permitted in the Commercial Districts--Use Unit 1215--Request an exception to permit a roofing contractor with outside storage in a CS (pending) zoned district; and a

Refund of the filing fee, located S. of SW/c of 201st Street and Peoria.

Case No. 516 (continued)

Presentation:

The applicant, Otto Dorris, Route 1, Box 365, Mounds, Oklahoma, informed that this application was heard on October 16, 1984, as Case No. 506, and was denied, although he was not present at that time. He informed the Board that he thought the meeting was on Wednesday, instead of Tuesday of that week. He has reapplied for the same special exception and requests that his fees be refunded since he has not had an opportunity to present his case, yet has paid twice. He informed that he is proposing to use his property for his business, which is a roofing contracting company. He has been storing his supplies on the subject tract, and would like to build there in the future. He is requesting outside storage because cedar shakes need to be stored outside, as they are highly flammable. He is willing to put a screening fence around the property, and the surface is mostly gravel. He invited the Board's suggestions as to how this business might be conducted without causing detriment to the community. He informed the Board that he will be able to build on the property within a year. A plot plan was submitted and described (Exhibit "F-1").

Protestants:

The applicant, Jerry Schands, Route 1, Box 364, Mounds, Oklahoma, informed that he was present on October 16, 1984 and stated his protest at that time. His protests are still the same--his mother's health, potential detriment to his property value (due to the outside storage), and the requested use is not compatible with the area. He protested the validity of this hearing, since the request was denied on October 16, 1984 (Case No. 506). He informed that the nature of his protest is not personal, but is motivated by his feeling that this use is not compatible with the area. However, if the applicant built an attractive building, with no outside storage, he would not have a problem with the exception. He stated that since the zoning has been changed, a portion of his own property can be developed for commercial uses.

Comments and Questions:

Mr. Gardner explained the validity of the hearing. The applicant was allowed to reapply under a new application (same request) because he was not present at the first hearing. This is a separate case number, but the same application.

Mr. Martin asked Mr. Gardner if the zoning is still pending. Mr. Gardner informed that since that meeting, CS zoning has been approved. There was discussion about the zoning ordinances.

Applicant's Rebuttal:

Mr. Dorris informed that he will comply with the Board's decision and its restrictions. He again requested the outside storage, to allow him to leave his truck and forklift outside. He stated that he could store the cedar shakes inside, though it would be a fire hazard.

Case No. 516 (continued)

Additional Comments:

Mr. Gardner informed that there is no screening requirement from any district other than residential, unless the Board imposes such a requirement. The storage could be permitted behind the building line, and screened.

Mr. Martin informed the Board that he would like to see a plot plan.

Board Action:

ALBERTY MOTIONED to APPROVE a **Special Exception** (Section 710--Principal Uses Permitted in the Commercial Districts--Under the provisions of Use Unit 1215) to permit a roofing contractor with outside storage in a CS zoned district; subject to the outside storage not exceeding the building area; and to DENY a **Request** to refund the filing fees.*

*This motion died for lack of a second.

On MOTION of MARTIN and SECOND by ALBERTY, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to CONTINUE Case No. 516 until December 18, 1984 to allow the applicant to present a plot plan and building plans.

Case No. 517

Action Requested:

Variance--Section 930--Bulk and Area Requirements in the Agricultural Districts--Use Unit 1206/09--Request a variance of the lot width from 200' to 132'; of the lot area from 2 acres to 1.85 acres; and of the land area from 2.2 acres to 2 acres in order to permit a lot split in an AG zoned district, located E. of NE/c 61st Street and 161st West Avenue.

Presentation:

The applicant, Phillip Copeland, Route 3, Box 169, Sand Springs, Oklahoma, was not present.

Protestants: None

Board Action:

On MOTION of ALBERTY and SECOND by WALKER, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to CONTINUE Case No. 517 until December 18, 1984.

Case No. 518

Action Requested:

Special Exception--Section 310--Principal Uses Permitted in an Agricultural District--Use Unit 1205--Requests an exception to permit a daycare center with sign, at an existing church building in

Case No. 518 (continued)

an AG zoned district, under the provisions of Section 1680, located Northeast of 40th Street and West 60th Avenue.

Presentation:

The applicant, Scott Ivey, 5907 West 33rd Street, Tulsa, Oklahoma, of Berryhill Baptist Church, was represented by June Ivey, 6035 West 40th Street, Tulsa, Oklahoma. She informed that the church is requesting an exception to allow a daycare center in the church building during the week. The church is replacing a ground sign (4' x 8') with a large pole sign, and the daycare center would like to use the old one. They will be open from 6:30 a.m. until 6:00 p.m. Monday through Friday and are licensed for 32 children. The church was approved for 75 children, but they did not want to be that large. They have met the State's licensing requirements (i.e. bathrooms, fenced play area, etc.).

Protestants: None

Comments and Questions:

Mr. Edwards informed that the plumbing was inspected and that the sign will be placed on an existing frame.

Board Action:

On MOTION of MARTIN and SECOND by ALBERTY, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to **APPROVE** a **Special Exception** (Section 310--Principal Uses Permitted in an Agricultural District--Under the provisions of Use Unit 1205) to permit a daycare center with a sign at an existing church building in an AG zoned district, under the provisions of Section 1680; on the following described property:

NW/4, SW/4, SE/4, SW/4, Section 20, T-19-N, R-12-E, Tulsa County, Oklahoma.

Case No. 519

Action Requested:

Special Exception--Section 710--Principal Uses Permitted in the Commercial Districts--Request to permit automobile sales in a CS district; and a

Variance--Section 1217.3--Automotive and Allied Activities--Request to permit outdoor display of merchandise offered for sale within 300' of an R district; and a

Variance--Section 1217.3--Automotive and Allied Activities--Request to permit a variance of the screening requirements, located on the SW/c of 101st Street North and Garnett Road.

Case No. 519 (continued)

Presentation:

The applicant, Bob Williams, Route 3, Box 1600, Owasso, Oklahoma, informed that this land was approved by special exception for this use two years ago with a two-year time limitation. Mr. Cook, the owner of the property, was told at that time that if the use was not detrimental to the community and could be a "good neighbor," it could be reconsidered in two years. He presented pictures of the property to show that he has made many improvements to the property. Mr. Williams leases the land from Mr. Cook's son (the older man is deceased). Before Mr. Williams leased the land, there was a junk store there.

Protestants: None

Comments and Questions:

Mr. Gardner informed that the two-year restriction was placed on the property because of the junk that was being sold there. This use is a tremendous improvement.

Mr. Alberty asked the applicant if he leases the whole property. Mr. Williams informed that he leases a portion which is approximately 200' x 175'. The owner lives directly behind the subject tract.

Mr. Alberty asked if there are other businesses in the area and Mr. Williams named several.

Mr. Edwards asked what type of sign the applicant intends to use. Mr. Williams informed that he intends to use a 4' x 8' sign. He was cautioned to keep the sign out of the County roadway.

Mr. Jones informed that the City of Owasso had no comment about the application.

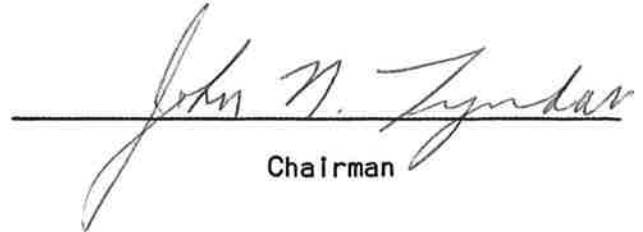
Board Action:

On MOTION of MARTIN and SECOND by ALBERTY, the Board voted 4-0-0 (Alberty, Martin, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Wines, "absent") to **APPROVE** a **Special Exception** (Section 710--Principal Uses Permitted in the Commercial Districts) to permit automobile sales in a CS zoned district; and a **Variance** (Section 1217.3--Automotive and Allied Activities) to permit outdoor display of merchandise (automobile) offered for sale within 300' of an R district; and a **Variance** (Section 1217.3--Automotive and Allied Activities) to permit a waiver of the screening requirements; on the following described property:

East 200' of East 403' of the South 620' of the N/2, NE/4, SE/4, Section 18, T-21-N, R-14-E, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 4:25 p.m.

Date Approved _____



Chairman

11.20.84:54(15)