

**COUNTY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 175  
Tuesday, December 20, 1994, 1:30 p.m.  
County Commission Room  
Room 119  
County Administration Building

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Alberty Looney Tyndall, Chairman Walker	Eller	Gardner Moore Russell	Glenn, Building Inspection

The notice and agenda of said meeting were posted in the Office of the County Clerk on Monday, December 19, 1994, at 11:43 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 1:37 p.m.

**MINUTES:**

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller, Looney "absent") to **APPROVE** the **Minutes** of November 15, 1994 (No. 174).

**NEW APPLICATIONS**

**Comments and Questions:**

Ms. Russell advised that the City of Broken Arrow has requested by letter that Case No. 1312 be continued to allow the applicant sufficient time to discuss other alternatives with the Tulsa County Building Permit Department. The letter stated that the case will be reviewed by the Broken Arrow Board of Adjustment at the January 9, 1995 meeting.

After discussion, it was the consensus of the Board that, since the applicant is present and prepared to present the application, Case No. 1312 should be heard as scheduled.

**Case No. 1310**

**Action Requested:**

Variance of the maximum 750 sq ft for a detached accessory building and a variance to permit a detached accessory building in the side yard - **SECTION 240.2.E. Permitted Yard Obstructions** - Use Unit 6, located north of the northeast corner of West 56th Street South and South 107th West Avenue.

Case No. 1310 Continued)

**Presentation:**

The applicant, **Del Phillips**, 5503 South 107th West Avenue, submitted a plot plan (Exhibit A-1) and requested permission to construct a four-car garage on his property. Mr. Phillips stated that he needs a storage facility for his backhoe, tractors and truck. He submitted photographs (Exhibit A-2) and advised that the building exterior will be brick and all building materials will be the same as the existing dwelling.

**Comments and Questions:**

In response to Mr. Tyndall, the applicant stated that the proposed building will be 30' by 40'.

Mr. Walker asked the applicant if he is in the construction business, and he replied that he has retired from that business, but has retained the equipment for his personal use.

Mr. Alberty inquired as to the height of the garage doors, and Mr. Phillips stated that he will install 7' doors.

**Board Action:**

On **MOTION** of **WALKER** the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller, "absent") to **APPROVE** a **Variance** of the maximum 750 sq ft for a detached accessory building and a **variance** to permit a detached accessory building in the side yard - **SECTION 240.2.E. Permitted Yard Obstructions** - Use Unit 6; per plan submitted; subject to the proposed garage having the same exterior and architectural design as the existing dwelling; subject to the garage having 7' doors (maximum height for doors) and being utilized for personal storage only, with no business use; finding that the large tract can easily accommodate the structure, and approval of the request will not cause substantial detriment to the public good, or violate the spirit and intent of the Code; on the following described property:

South 93' of Lot 11 and all of Lot 12, Block 1, Buford Colony II, Tulsa County, Oklahoma.

**Case No. 1311**

**Action Requested:**

Variance of the required 30' of frontage on a public street - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6, located 9435 North Evanston.

**Presentation:**

The applicant, **Virgil Crain**, 9435 North Evanston, was represented by his brother, Kenneth Crain, co-owner of the subject tract. He explained that his brother resides on the property and his sister is proposing to construct a dwelling on the abutting five acres.

**Comments and Questions:**

Mr. Tyndall inquired as to access, and Mr. Crain stated that a 25' road easement (Exhibit B-1) has been executed and filed of record.

Mr. Tyndall stated that the location of the tract on the case map appears to be in error.

In reply to Mr. Alberty, Mr. Crain stated that a lot split is proposed.

Mr. Gardner advised that, if inclined to approve the application, the Board should make the approval subject to a lot split approval by TMAPC.

**Board Action:**

On **MOTION** of **ALBERTY** the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller, "absent") to **APPROVE** a **Variance** of the required 30' of frontage on a public street - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6; subject to the access easement being filed of record; and subject to lot split approval by TMAPC; finding that the property complies with land and lot area requirements and is served by a 25' roadway easement; and finding that approval of the request will not be detrimental to the area or violate the spirit and intent of the Code; on the following described property:

N/2, SE/4, NW/4, NE/4, Section 20, T-21-N, R-13-E, IBM, Tulsa County, Oklahoma and SE/4, NE/4, NW/4, NE/4 of Section 20, T-21-N, R-13-E, IBM, Tulsa County, Oklahoma.

**Case No. 1312**

**Action Requested:**

Variance to permit a duplex dwelling in an RE zoned district - **SECTION 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 7, located 13720 East 111th Street South.

**Comments and Questions:**

Mr. Tyndall asked if the Broken Arrow Board of Adjustment has heard this case, and Mr. Snow answered in the affirmative.

In reply to Mr. Tyndall, Mr. Snow informed that he explained the project to Broken Arrow at the December 7th meeting.

**Presentation:**

The applicant, **Gerald Snow**, 301 South 28th Street, Broken Arrow, Oklahoma, stated that he is proposing to construct a 6300 sq ft duplex (Exhibit C-1) for a mother and daughter that want to live near each other for medical purposes, but maintain different living quarters. The applicant stated that Broken Arrow requested that the structure be redesigned as a single family dwelling; however, the ladies were not amenable to the change. Mr. Snow pointed out that the duplex will have the appearance of a large dwelling.

**Protestants:**

**Julian Pope**, 11402 South 140th East Avenue, informed that he owns property in the neighborhood and stated that he is opposed to a duplex in the single-family residential area. A protest petition (Exhibit C-2) was submitted.

Mr. Walker inquired as to the size of homes in the neighborhood, and Mr. Pope stated that they vary in size from approximately 1500 sq ft to 3500 sq ft.

In reply to Mr. Walker, Mr. Pope stated that approval of duplex use in the area would set a precedent, and would be detrimental to the neighborhood.

**Wayne Cosey** stated that his property is to the east of the subject property and voiced a concern that the family situation could change for the two ladies and the property could be used for rental purposes. He stated that the road at this location is privately maintained and all residents share in this responsibility.

**Dale Hill** stated that he lives to the east of the subject property and is opposed to duplex zoning in the area.

**Applicant's Rebuttal:**

Mr. Snow noted that that his request for a variance to permit duplex use and is not zoning application.

Case No. 1312 (continued)

**Additional Comments:**

In reply to Mr. Looney, Mr. Snow stated that only family members will occupy the duplex.

In reply to Mr. Alberty, Mr. Gardner informed that the lot size for RE zoning is one-half acre.

Mr. Alberty emphasized that the proposed duplex appears to be a single-family dwelling, and noted that three dwellings could be constructed on the property by right. He stated that the precedent that would be set would be a house that is twice the size of an average dwelling.

**Board Action:**

On **MOTION** of **LOONEY** the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller, "absent") to **APPROVE** a **Variance** to permit a duplex dwelling in an RE zoned district - **SECTION 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 7; per plan submitted; subject to the duplex being occupied by family members only, with no rental units; subject to a building permit and Health Department approval; finding that the tract is large enough to support three dwelling units by right, and that the duplex has the appearance of a large single-family dwelling; and finding that approval of the request will not be detrimental to the neighborhood, or violate the spirit, purpose or intent of the Code; on the following described property:

Beginning 132' east and 50' south of the NW/c of the E/2, NW/4, NW/4, NE/4, thence south 445', east 173', north 445', west 173' to POB, Section 33, T-18-N, R-14-E, Tulsa County, Oklahoma.

**Case No. 1313**

**Action Requested:**

Special Exception to permit a children's nursery in an AG zoned district - **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 5, located east of the southeast corner of East 76th Street North and North 129th East Avenue.

**Presentation:**

The applicant, **Henry Penix**, PO Box 8010, submitted a plot plan (Exhibit D-2) and requested permission to construct a children's nursery on a 6½-acre tract. He informed that the brick structure will have the appearance of a single-family dwelling and will be an asset to the Owasso community. Mr. Penix stated that he has three other child care facilities that are operating very successfully. An architectural rendering (Exhibit D-1) was submitted.

Case No. 1313 (continued)

**Comments and Questions:**

Mr. Alberty inquired as to the proposed enrollment at this location, and the applicant replied that the license is for 150 children, with approximately 18 child care workers.

In reply to Mr. Alberty, Mr. Penix stated that the proposed building will contain approximately 7000 sq ft of floor space.

**Protestants:**

**Maxine Stotts**, 12935 East 76th Street North, Owasso, Oklahoma, stated that the land will not pass a percolation test and that she is opposed to a lagoon on the property. She further noted that the area currently experiences a traffic problem on 76th Street and the business in question would add to the existing congestion.

**Don Biggs**, 12910 East 76th Street, Owasso, Oklahoma, stated that the land is zoned for agriculture purposes, and requested that the application be denied.

**Wanda Patton**, 12910 East 76th Street, Owasso, stated that she lives across the fence from the proposed child care facility, and pointed out that traffic is very congested at this location.

**Mr. Marquette**, 12901 East 76th Street, Owasso, stated that there is blasting in the area, which would be an upsetting experience for the children.

**Applicant's Rebuttal:**

Mr. Penix advised that the land will not pass a percolation test; however, a sewer line will be extended to the site. The applicant advised that he has observed the traffic in the area and did not find this to be a congested area. He informed that adequate driveways and parking spaces will be installed and the building will comply with the building setback requirement. Mr. Penix informed that the day care will be open Monday through Friday, 6:30 a.m. to 6 p.m.

Mr. Gardner advised that platting will be required.

Mr. Alberty asked if the balance of the property will be developed, and Mr. Penix stated that there will be no other uses on the tract.

**Board Action:**

On **MOTION** of **LOONEY** the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller, "absent") to **APPROVE** a **Special Exception** to permit a children's nursery in an AG zoned district - **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 5; per preliminary plan and architectural rendering submitted; subject to Traffic Engineering approval; subject to a sanitary sewer serving the tract (no lagoon or septic); subject to platting; subject to a building permit and Health Department

Case No. 1313 (continued)

approval; subject to applicant returning for Board approval of a detail site plan before construction begins; subject to days and hours of operation being Monday through Friday, 6:30 a.m. to 6 p.m.; and subject to signage being limited to a 32 sq ft monument sign, with ground lighting only; finding the use to be compatible with the area; on the following described property:

East 440' of the NW/4, NW/4, NW/4, Section 33, T-21-N, R-14-E, IBM, Tulsa County, Oklahoma.

**Case No. 1314**

**Action Requested:**

Variance of the sign height to permit a 21' bulletin board sign and a 21' identification sign and a variance of the maximum 32 sq ft for an identification sign - **SECTION 320.2.B. Accessory Signs in the AG and AG-R Districts** - Use Unit 2, located northeast corner of Highway 20 and Highway 169.

**Presentation:**

**Jack Voss**, PO Box 284, Collinsville, Oklahoma, requested permission that the church be permitted to install a two-sided sign to identify the church and to make the public aware of special services. A site plan (Exhibit E-2) and a sign plan (Exhibit E-1) were submitted.

**Comments and Questions:**

Mr. Walker inquired as to the need for a 21' sign, and the applicant stated that a shorter sign will not be visible to motorists traveling north and south on Highway 169.

In reply to Mr. Tyndall, the applicant stated that the sign will be lighted from the pole.

Mr. Gardner asked if Highway 169 is elevated at this location, and the applicant answered in the affirmative.

**Protestants:** None.

**Board Action:**

On **MOTION** of **WALKER** the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller, "absent") to **APPROVE** a **Variance** of the sign height to permit a 21' bulletin board sign and a 21' identification sign (one two-sided sign) and a **variance** of the maximum 32 sq ft for an identification sign - **SECTION 320.2.B. Accessory Signs in the AG and AG-R Districts** - Use Unit 2; as designated on the plan submitted; finding a hardship demonstrated by the elevation of the highway at this location and the large size of the tract; and finding the sign would not be visible if installed at the required height; on the following described property:

Case No. 1314 (continued)

Commencing at the SW/c of the SE/4 of Section 4, T-21-N, R-14-E of the IBM, Tulsa County, Oklahoma, thence N88°44'34"E, 1289.63 along the south line of said Section 4 to the East end of the US Hwy 169 R/W line, thence along said R/W N01°15'26"W, 100.00', thence along said R/W S88°44'34"W, 117.11' to the POB, thence along said R/W S88°44'34"W 222.89', thence along said R/W N86°29'37"W 602.08', thence along said R/W N01°15'26"W 100.00' thence along said R/W on a curve to the left a distance 336.22', (R=1507.39') thence along said R/W N14°02'12"W 57.57' thence N88°44'34"E 872.97' thence S01°15'26"E 539.58' to the POB

### Case No. 1315

#### Action Requested:

Variance to expand a non-conforming use - **SECTION 1420.A. NONCONFORMING USE OF BUILDINGS OR BUILDINGS AND LAND IN COMBINATION** - Use Unit 23, located 11600 South Lynn Lane.

#### Comments and Questions:

Ms. Russell informed that the Broken Arrow Board of Adjustment heard this case on December 12, 1994 and has recommended approval (Exhibit F-3).

#### Presentation:

The applicant, **Sam Richey**, 7538 East 27th Street, was represented by **Ma Craige**, 5310 East 31st Street, Suite 240-A, informed that he is representing the owners of the tract, who operate a pipe yard and are proposing to construct an additional storage building. He stated that there are currently 13 buildings on the 240-acre tract, and the new building will be similar to the existing storage structures. Mr. Craige noted that his clients live on the property and the pipe yard has been in operation for many years. A site plan (Exhibit F-1) and an aerial photograph (Exhibit F-2) were submitted.

#### Protestants:

None.

#### Board Action:

On **MOTION** of **ALBERTY** the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller, "absent") to **APPROVE** a Variance to expand a non-conforming use - **SECTION 1420.A. NONCONFORMING USE OF BUILDINGS OR BUILDINGS AND LAND IN COMBINATION** - Use Unit 23; per plan submitted; finding a hardship demonstrated by the large size of the tract and the fact that the use has been established for many years; and finding that the proposed building will be similar to existing structures, and will not be detrimental to the area; on the following described property:



Case No. 1315 (continued)

N/2, SE/4 less beginning NW/c, SE/4, SE/4, thence east 377.84', north 325', west 577.84', south 325', east 200', Section 35, T-18-N, R-14-E, Tulsa County, Oklahoma.

**Case No. 1316**

**Action Requested:**

Special Exception to permit a residential and outpatient substance abuse treatment center, transitional living center and halfway house - **SECTION 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 2/5, located northeast corner of East 61st Street North and North Cincinnati.

**Comments and Questions:**

Mr. Alberty advised that he will abstain from hearing Case No. 1316 and left the meeting room.

**Presentation:**

The applicant, **Kay Bridger-Riley**, 8908 South Yale, stated that she is representing Freedom House, and submitted a packet (Exhibit G-5) containing a history of the organization and a letter of support. She requested that the use be permitted to begin operation on a 40-acre tract at the above stated location. The applicant stated that drug and alcohol rehabilitation services are offered, along with reintegration services. She informed that the operation includes residential treatment programs for pregnant women through the Department of Mental Health, halfway house treatment programs for adult males and females through the Department of Corrections and day treatment programs for adult males and females. She noted that the halfway house seems to be the most controversial of the proposed uses, and pointed out that the program is for individuals that will be released in approximately 90 days. She explained that the inmates are carefully screened by the Department of Corrections, as well as Freedom House, and they all have community clearance status. The applicant stated that these individuals have drug and alcohol abuse problems and have volunteered for the Freedom House program. She pointed out that Freedom House does not accept anyone that is classified as a violent offender or sex offender, and noted that the counseling is to allow the participants to get in touch with their families and prepare to reenter society. The applicant stated that drug testing is performed on a daily basis, and all individuals are expected to seek employment while staying at Freedom House. She submitted a site plan (Exhibit G-2) and explained that the facility in question was previously occupied by the Turley Children's Home and is suited for this type of operation. The applicant stated that the construction of an additional dormitory is proposed. She noted that the neighborhood will be buffered by a 400' strip on the east and 600' on the north, and the entire facility will be renovated to comply with standards imposed by the American Correctional Association and the Department of Mental Health. The

Case No. 1316 (continued)

applicant stated that national studies have indicated that crime rate does not escalate in neighborhoods where programs like Freedom House are operating and that property values are not negatively impacted. She stated that the feeling of security of law enforcement that a halfway house brings has a chilling impact on the crime that is present in a neighborhood. The applicant noted that there has never been a report that a client has committed a crime in the neighborhood where they were located. She informed that a meeting (Exhibit G-4) was scheduled to discuss these issues with the neighborhood.

**Interested Parties:**

**Dave King**, 245 West 12th Street, stated that he has been involved in the organization for many years and pointed out that it has been determined that crime rate goes down in areas where this type of facility is located.

Mr. Tyndall asked how much of the program will be devoted to halfway house use, and Mr. King stated that all uses will be moved to the subject property, except those services for women with children. He informed that approximately 100 individuals will occupy the existing buildings, and a dormitory is proposed that will accommodate 100 additional clients (50 male and 50 female). Mr. King stated that the women and children could be moved to this location in the future.

In reply to Mr. Tyndall, Mr. King stated that some of the individuals living on the premises have already been released from prison, but do not have homes.

In response to Mr. Looney, Mr. King stated that approximately 80% of the clients at Freedom House are male and 20% female, with 50 employees. He added that two employees are on site from 11 p.m. to 7 a.m., and electronic devices are also used for monitoring the whereabouts of the individuals.

Mr. Looney asked if the Turley Children's Home was approved at this location, and Ms. Russell answered in the affirmative.

**Sam McCoy**, 1247 South Quebec, director of Freedom House, pointed out that the program emphasizes responsibility, and that the clients will not be detrimental to the community.

**Ajuania Baldwin**, 309 West 47th Street North, stated that she is a correction officer at the Freedom Ranch and that the clients are not harmful.

**Latosha Wells**, 1557 East 53rd Street North, stated that she is a correction officer, and that her son attends school across the street from the subject property.

Case No. 1316 (continued)

**Wes Huddelston**, 1026 East 66th Place South, stated that he is the federal case manager and programs director for Freedom House, and explained that all of their client's activities are very structured, with all jobs being approved by Freedom House staff. He informed that data is available that proves this type of treatment lowers recidivism, and requested that the application be approved.

Mr. Looney asked if Freedom House transports individuals to and from jobs, and Mr. Huddelston replied that their clients rely mainly on public transportation, and noted that bus service is available at the proposed site.

**Claudette McCoy**, 1941 East 62nd Street North, stated that she has been a resident of the area for 30 years and is supportive of the application.

**Protestants:**

**Ray Bates**, 6330 North Utica Avenue, informed that he is District 24 Planning Team chairman and is representing many concerned property owners in the neighborhood (Exhibit G-3). He pointed out that one concern is the fact that the use will be expanded on the large tract of land, and many neighborhood residents are also opposed to the halfway house operating across the street from the existing school. Mr. Bates pointed out that north Tulsa and the Turley area have many problems and that its residents should not be subjected to the fear connected with the proposed use.

**Helen Jackson**, 316 East 61st Street North, informed that she lives across the street from the property in question and is opposed to the operation of a halfway house in front of her residence. She pointed out that the area does not currently have adequate security, and the addition of this correctional facility will only add to an existing problem in the neighborhood.

**June McGuire**, 5801 North Elwood, stated that she is interested in children and there are many children walking in the area near the bus stop. She remarked that there is a need for this type of facility, but the residential neighborhood is not an appropriate location.

**Jerry Quniton**, 7575 North Oakcliff Drive, stated that his residence is located to the north of the proposed use. He informed that he is employed at the District Attorney's office, but is not representing that office, and is familiar with the use in question. He noted that the inmates at the facility have problems with society and bringing this type of operation into the area would negatively impact the peace and tranquility of the neighborhood. Mr. Quniton stated that the buffer zone referred to by the applicant is the width of a street and is not sufficient. He asked that the Board protect the struggling neighborhood and deny the application.

Case No. 1316 (continued)

In reply to Mr. Looney, Mr. Quinton stated that the Turley Children's Home, which was the previous use on the property, blended in with the community. He added that the children were from very young to high school age.

Mr. Looney asked Mr. Quinton if it is his opinion that the security provided by the halfway house would add to neighborhood security, and he replied that these individuals are inmates that were involved in criminal activity and they do not instantly become otherwise when they enter the Freedom House. He stated that he is not complaining about the performance of the organization, but pointed out that the limited supervision and restrictions could not add to the security of the residential neighborhood.

**Ella Robertson**, 451 East 61st Street North, stated that she is concerned about her children walking to school near the correctional facility. She added that the use will increase crime in the area and lower property values.

**Linda Pauley**, 320 East 61st Street North, informed that her husband is a County Sheriff and stated that she is concerned about the safety of her daughters if the proposed use is approved. She pointed out that robbery is prevalent in the area and the approval of this type of operation will only add to the neighborhood problems. It was noted that these individuals that will occupy the facility are criminals and this use is not appropriate and is not welcome in the neighborhood.

**Frank Masters**, 6038 North Madison, noted that crime is committed by people involved in alcohol and drugs, and this area is not appropriate for the proposed use.

**Applicant's Rebuttal:**

The applicant stated that it is her finding that the use will not be detrimental to the neighborhood. She pointed out that the program is essential to prevent prisoners from going directly from prison to the street, without proper rehabilitation and without jobs. She stated that the proposed site is suited to the operation and does provide a buffer and the required public transportation. The applicant pointed out that crime is already in the area and Freedom House will improve the facility and prevent the problems that are caused by abandoned buildings. It was noted that the study on Freedom House shows 6% recidivism, as opposed to a 60% national average, and statistics show that they have a positive impact on the area where they are located.

**Additional Comments:**

In response to Mr. Walker, Mr. King stated that there is no difference in the rate of recidivism during the first year (with or without treatment); however, there is a significant difference after the first year.

Case No. 1316 (continued)

Mr. Looney noted that, if inclined to support the request, he would not support any type of expansion, and would impose a time limit on the use. He questioned the ability of two individuals to adequately supervise the use during the nighttime hours.

Mr. King stated that security people will be added if required.

In reply to Mr. Tyndall, Mr. King stated that the dormitory will probably be completed within the first year after occupancy.

In response to Mr. Walker, Mr. Gardner advised that TMAPC researched this type of use, and found that numerous studies showed that the presence of such use in an area did not decrease property values or increase crime rate. Mr. Gardner stated that, if inclined to approve the use, the Board could impose a time limit to demonstrate compatibility with the neighborhood.

There was a lengthy Board discussion concerning security and the impact of expansion of the existing facility.

**Board Action:**

On **MOTION** of **LOONEY** the Board voted 3-0-0 (Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, Eller, "absent") to **APPROVE** a **Special Exception** to permit a residential and outpatient substance abuse treatment center, transitional living center and correctional community treatment center (halfway house) - **SECTION 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 2/5; subject to the use being permitted for two years from this date; subject to one security person being assigned to each of the five existing cottages (25 residents per cottage) during the nighttime hours (9 p.m. to 7 a.m.); subject to no additional construction or expansion of existing buildings; and subject to a maximum of 125 clients; finding the use to be compatible with the residential neighborhood, per the restrictions and conditions listed above; on the following described property:

SW/4, NW/4, Section 1, T-20-N, R-12-E, Tulsa County, Oklahoma.

**Case No. 1317**

Special Exception to permit a mobile home in a CS zoned district - **SECTION 710. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 9, located 5917 South 67th West Avenue.

Case No. 1317 (continued)

**Presentation:**

The applicant, **Norma Diffie**, 5923 South 67th West Avenue, stated that she is representing the owners of the subject tract, who purchased the property from her. Ms. Diffie pointed out that there are 22 mobile homes in the area, and requested that a mobile home be permitted on the property.

**Comments and Questions:**

Mr. Tyndall asked if there is commercial activity on the lot in question, and Ms. Diffie stated that there has never been a commercial use on the property during her ownership.

Mr. Tyndall asked if the mobile home will be used for residential purposes, and the applicant answered in the affirmative.

Mr. Glenn informed that the operation of a ceramic shop was previously approved at this location, and Ms. Diffie noted that the shop was approved, but did not begin operation.

**Interested Parties:**

**Helen Pryor**, 5921 South 67th West Avenue, informed that she received approval of the ceramic shop, but her plans have changed. She explained that the shop will not be opened, because it is more important that someone live in the mobile unit and care for an ill family member.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **ALBERTY** the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller, "absent") to **APPROVE** a **Special Exception** to permit a mobile home in a CS zoned district - **SECTION 710. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 9; subject to a building permit and Health Department approval, if required; and subject to the mobile home being skirted and tied down; finding that there are numerous mobile homes in the neighborhood, and approval of the request will not be detrimental to the neighborhood; on the following described property:

Lots 35-40, Block 50, Taneha, Tulsa County, Oklahoma.

**Case No. 1318**

**Action Requested:**

Variance to permit two dwelling units on one lot of record - **SECTION 208. One Single-Family Dwelling per Lot of Record** - Use Unit 6, located 4346 East 86th Street North.

**Presentation:**

The applicant, **Bill Kelley**, 4448 East 86th Street North, requested permission to construct a second dwelling on a 9.75-acre tract. He explained that one house is located on the front portion of the tract and the second structure, which will be occupied by a family member, will be constructed to the rear of the property. A location map (Exhibit H-1) was submitted.

**Comments and Questions:**

Mr. Alberty asked if the entire tract will remain under one ownership, and the applicant answered in the affirmative.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **ALBERTY** the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller, "absent") to **APPROVE** a **Variance** to permit two dwelling units on one lot of record - **SECTION 208. One Single-Family Dwelling per Lot of Record** - Use Unit 6; finding that the tract will remain under one ownership, but is large enough to support more than two dwelling units; and finding that approval of the request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

W/2, W/2, NW/4, NE/4, less east 30', north 440' and 55' south and 30' west of the NE/c, W/2, W/2, NW/4, NE/4, thence westerly 301.27', north 55', east 301.58', Section 28, T-21-N, R-13-E, Tulsa County, Oklahoma.

**OTHER BUSINESS**

**Consider Approval of 1995 Planning Calendar**

**Board Action:**

On **MOTION** of **LOONEY** the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller, "absent") to **APPROVE** the 1995 Planning Calendar as presented.

There being no further business, the meeting was adjourned at 4:53 p.m.

Date Approved \_\_\_\_\_

1/19/95

  
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Chairman