

**MINUTES  
BIXBY BOARD OF ADJUSTMENT  
BIXBY CITY HALL, COUNCIL CHAMBERS  
7 PM, AUGUST 4, 2003**

**MEMBERS PRESENT    STAFF PRESENT    MEMBERS ABSENT  
CARL CARNAHAN            JIM COFFEY    DARRELL MULLINS  
DAVE HILL  
LONNIE JEFFRIES  
JEFF WILSON**

- 1. CALL TO ORDER**
- 2. APPROVE MINUTES FOR May 5, 2003**

Minutes were amended to remove Jeff Wilson from Abstaining. The minutes also showed the correct vote of Jeff Wilson. Carl Carnahan moved and Dave Hill seconded for approval as amended.

**VOTING FOR:** Carl Carnahan, Dave Hill, Lonnie Jeffries, and Jeff Wilson

**VOTING AGAINST:** None

**ABSTAINING:** None

**MOTION PASSED: 4-0-0**

- 3. BBOA 405 Discussion and possible action to approve a variance from Section 430 Bulk Area Requirements, Table 3, Building Line Set Back, Joseph Schoener applicant.**

**STAFF REPORT: BBOA 405: Is a variance for a swimming pool that encroaches the rear set back line as indicated on the plat. The building permit was correctly issued but the contractor for the pool installed the pool so it encroached on the building line. When the property was sold to Mr. And Mrs. Schoener the survey indicated the pool was encroached. The present action is to clear the deed by granting a variance to the Building Set Back Line. Staff recommends approval.**

**Joe Schoener, 8636 E 118<sup>th</sup> Place. When buying the house I found out about the problem. We like the house and decided to purchase and see if the problem of the pool can be resolved.**

**Carl Carnahan moved and Dave Hill seconded that the variance be approved.**

**VOTING FOR:** Carl Carnahan, Dave Hill, Lonnie Jeffries, and Jeff Wilson

**VOTING AGAINST:** None

**ABSTAINING:** None

**MOTION PASSED: 4-0-0**

**4. BBOA 406 Discussion and possible action to approve a Special Exception, Section 610, to allow an Automotive Tire Service Center in a CS Zone, Robertson Tire, applicant.**

**Staff Report: BBOA 406: Is a request by Robertson Tire to allow a Tire Service Center in a CS Zone. Tire Service Centers are Use Unit 17 in our Zoning Code. Use Unit 17 is allowed in a CG Zone or in a CS Zone by Special Exception. The request is specific; it is only for a Tire Service Center and does not include other items listed in Use Unit 17. The property is in Bixby Commons in front of the Lowes store just North of Citizens Bank on Memorial. No comments have been received from public notice. Staff recommends approval.**

**Carl Carnahan asked about paving and access to the site. Planner pointed out the access was not directly off Memorial but part of the Lowes project with parking lots being paved.**

**Dave Hill asked about the entry from the bank parking lot that has access to Memorial. Planner said this might be an item to be worked out in the permitting stage. The Bank has not made comment although they have received notification. The service road connects LOWES and the Bank.**

**Jerry Atchison, represented for Robinson Tire explained that the entry from the Bank was a mutual access easement that was agreed to by the Bank and Lowes.**

**Jeff Wilson asked about automotive repair and Jerry Atchison stated it was a typical tire store with installation of tires and other minor auto repair.**

**Carl Carnahan asked about the zoning for automotive work. The planner explains the property is CS and would need the Special Exception. If the property was CG it could be done by right.**

**David Hill moved and Lonnie Jeffries second for approval.**

**VOTING FOR:** Carl Carnahan, Dave Hill, Lonnie Jeffries, and Jeff Wilson

**VOTING AGAINST:** None

**ABSTAINING:** None

**MOTION PASSED: 4-0-0**

**5. BBOA 407 Discussion and possible action to approve a Special Exception, Section 410, to allow a day time child care at 210 S Main, Anita Lechliden, applicant.**

**Staff Report: BBOA 407: Is a request by Anita Lechliden to operate a daytime childcare center on Main across from the school. She reports that she purchased the house at 210 S Main to keep the children of teachers working at the school. Ms. Lechliden has previously had a state license. However, State License are site specific, and my conversation with Gwen Fidler, representing the state, is that when she visited the site the house had not been repaired nor completed inside so she was unable to do an evaluation until the house was prepared inside for child care. We asked the Fire Marshall to inspect the property. At this point the Fire Chief has not been able to enter the building to make an evaluation. Ms. Lechliden was contacted about the need for the Chief and Ms. Fidler to make evaluations. If either evaluation is forthcoming we will present them at the meeting. Staff recommends approval with the following conditions. (1) State License must be obtained prior to operation. (2) Fire Marshall must approve the facility. The safety of children is a stake and childcare should be contingents upon a safe environment and proper license.**

**I received five names of people who signed a petition to not allow the Special exception. I also received several calls from teachers who want this day care for their children.**

**Anita Lechliden, P O Box 98 Leonard, Ok, applicant. She explained this was a part time day care mostly for teachers who work across the street. This is palace they can take their children and come over during lunch**

**and see their child and eat with them. We get the children from school in the morning and return them to school in the evening. This is not a night operated day care.**

**Dave Hill asked if all the children go back after school. Lechliden said about 90% of the students go back. Dave Hill asked about the Fire Marshal review and Lechliden stated they would comply with the request of the Fire Marshal.**

**Carl Carnahan asked about exits and the hot water heater. Lechliden said they would comply with the desires of the Fire Marshal as to exits, number of children, and the hot water heater was being changed to electric.**

Carl Carnahan asked The Planner if the Fire Marshal had to approve before the State would issue a license. The Planner said this was true. After the remodel and approval of the Fire Marshal they will also receive an occupancy permit.

Lonnie Jeffries asked how many children would you keep. Lechliden said she would like to keep 15 but 12 is a good number too. She had not committed to a number until she had everything done and sees what she would be allowed.

Jeff Wilson asked about the petition. The Planner explained he had explained the application to one of the signatures in a phone call. They called again today and said they would not be here but would leave a petition with the dispatcher. The list of five names and there comments are what I received. No one is here to represent this list.

Stephanie Blackwell, 18326 S 131 E Ave, crying, said Lechliden had taken care of her children last year and she could not think of them loosing her care. The children love her and we want her to take care of my children.

Lea Ann Fry, 1209 N 53<sup>rd</sup> Street, Tulsa, is a teacher at Bixby School and here children come with her and has stayed with Lechliden. She gives excellent care and we want her to keep my children.

Jeff Wilson asked Anita Lechluder to come back to the speaker's microphone and address some questions. Jeff Wilson said he was going through the list on the petition and would like for her to respond.

1. There will be increased traffic. I pick them up in a van and I take them back.
2. There is not ample parking. There is street parking in front of the house.
3. There will be increased congestion at the stop sign. One van is not increased congestion.
4. The owner has not exhibit willingness to keep property clean and maintained. We just purchased the house and were cleaning it up and redoing it.
5. After calling other child care centers and nurseries, all have opening, there seems to be not immediate need for additional childcare centers. There is always a need for childcare.
6. A large home nursery has right to have ten present at one time, meaning they could rotate out, and in shifts. The ten could end up being twenty or twenty-five total. If DHS says this many then I will have that many.
7. The childcare center is next to school and would not be appropriate. The center being next to the school is what is needed for the teachers.
8. There is a center two blocks away. Planner explain the location of the other child care center that was more than two blocks away and has been there for years.
9. The Baptist Church has before and after school care. Yes they have a program.
10. We don't intend to discourage occupants of property from having work, we just feel another location would be safer and more appropriate for a child nursery. Jeff Wilson asked about the back yard and Lechluder said they would have a privacy fence. There seem to be a shared liability with all children crossing the road in this area.
11. We understand the city regulations have a limit on children. The planner explained the license of small and large children day care.
12. Why aren't they required to have a commercial zoning? The planner explain the ordinance allow the childcare by special exception in a residential zone.

Jeff Wilson asked about the approval of a day care center. Can it move? The planner said the approval is site specific. If the property changes ownership then the approval is no longer valid.

Dave Hill moved to approve with the restrictions as listed by the City Planner and Lonnie Jeffries seconded for approval.

**VOTING FOR:** Carl Carnahan, Dave Hill, Lonnie Jeffries, and Jeff Wilson

**VOTING AGAINST:** None

**ABSTAINING:** None

**MOTION PASSED: 4-0-0**

**6. Old Business: None**

**7. New Business: None**

**8. Adjournment**

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