BOARD OF ADJUSTMENT
MINUTES of Meeting No. 234
Thursday, April 21, 1977, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Blessing	Jolly	Edwards	Jenkins, Building
Guerrero, Chairman	Purser, Mrs.	Etter, Mrs.	Inspector's Office
Smith		Gardner	Pauling, Legal Dept.
		Jones	

Chairman Guerrero called the meeting to order at 1:30 p.m. and declared a quorum present.

SPECIAL REQUEST:

9445

Action Requested:

Review of the plat plan in accordance with the Board's April 7, 1977 approval of an exception to permit a grooming and boarding facility on the subject property in conjunction with an animal hospital--the approval subject to the final plans being approved by the Board prior to the issuance of a building permit in order that the Board might be assured that the multifamily property would be properly protected with regard to noise, etc.

Presentation:

John Hammond submitted the plot plan (Exhibit "A-1"), pointing out the location of the structure in relation to the existing multifamily zoning. In Staff and Board review, it was pointed out that the plans submitted were in compliance with the Board's approval and concerns.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) accepted the plot plan submitted as being in conformance with the Board's previous approval of the application.

UNFINISHED BUSINESS:

9410

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home in an RS-1 District located at 10502 West 51st Street.

9410 (continued)

Presentation:
Margaret Hill, the applicant, was not present.

The Staff advised that they had attempted to reach the applicant, but that she had moved and her phone number had changed. It was noted that it was the applicant's understanding that she was obtaining a permit when she filed her application, noting further that the family member filing the application was not home.

Protests: None.

Board Action:
On MOTION of BLESSING, the Board (3-0) continued application 9410 to May 5, 1977, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center and instructed the Staff to advise the applicant that the application would be dispensed with at that time with no further continuances to be granted.

9436

Action Requested:
Variance (Section 310 - Principal Uses Permitted in the Agricultural District - Section 1227 - Heavy Manufacturing and Industry) to allow the continuance of a salvage yard operation in an AG District located at 1715 East 86th Street North.

Presentation:
Patrick J. Malloy, III, attorney representing the property owner, was not present. Charles Sublett, attorney, advised the Board at a point later in the meeting that he had phoned the applicant and was advised by his secretary that he was in Federal Court and that she would attempt to reach him; however, no answer had been received.

The Board proceeded with the agenda and when it was apparent that the applicant would not be appearing the Staff advised, upon questioning by the Board, that the applicant was not advised that a final determination would be made this date. Mr. Gardner pointed out that if the application were stricken from the agenda or denied this date, the applicant would refile and the protestants would again be required to attend if they so desired to voice their objections.

Protests:
Dr. R. G. Snuggs, 1748 South Knoxville Avenue, advised he would rather have a decision this date.

H. J. McElroy, 909 East 54th Street North, was present and advised that his property is adjacent to the subject property on the south across the street.

Board Action:
On MOTION of BLESSING, the Board (3-0) continued application 9436 to May 5, 1977, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center and instructed the Staff to advise the applicant that the application would be dispensed with at that time and no further continuances granted.

9439

Action Requested:

Appeal (Section 1650 - Appeals from the Building Inspector) for refusing to permit a machine shop; and a Variance (Section 204 - Limitation on Land Use - Under the Provisions of Section 1670) to permit a small machine shop in a concrete block building behind a residence to continue operation in an RS-2 District located at 1217 South 129th East Avenue.

Presentation:

W. B. Horner, the applicant, was not represented.

The Staff submitted a written request (Exhibit "B-1") from the applicant's attorney, James Elder, that the subject application be continued to May 5, 1977 as originally requested as the exhibits are being prepared and would not be ready for presentation prior to May 5. He noted it was his understanding that the application had been continued to May 5, therefore, he had made other commitments for today and was unable to reschedule them as the rescheduling was not within his control.

Protests:

There were protestants present this date, as well as April 7 when the application was continued to this date.

Mr. Gardner pointed out that should the application be stricken from the agenda or denied, the applicant could refile the application and the protestants would again be required to return to voice their objections. The applicant was advised that the application had been continued, but was not advised that a final determination would be made this date with or without his presence.

Board Action:

On MOTION of SMITH, the Board (3-0) continued application 9439 to May 5, 1977, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, giving the protestants an opportunity to present their objections this date if they so desired. The protestants noted they would rather return than make their objections without the applicant present.

9441

Action Requested:

Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1217 - Automotive and Allied Activities) to park new and used automobiles in an RM-3 District located north of 8th Street, between Madison and Norfolk Avenues.

Presentation:

Ben Franklin advised that the property has in the past been used exclusively for parking new cars for several auto dealers in the City. For a period of 60 days this past winter, the lot was used to park used cars for a companion operation and the area residents thought they were salvage vehicles. Mr. Franklin noted that some years ago Board approval was granted to permit parking new and used cars on the property for a period of two years, however, that time period has lapsed. Upon questioning, Mr. Franklin advised that he had been parking cars on the property for a period of five years without a permit. He noted that

the lot is gravelled and fenced, has two access points, and there is an alley to the south of the property with residences to the east and south. The Central Park recreation center is a well-established center and the Park parking lot is well used. The use is a part-time use (March--August), and approximately 90 to 100 cars can be parked on the property at one time. The cars are serviced at the dealership and then taken to the lot for storage. There are no large trucks unloading the cars, as each is individually driven to the site. The lot is not lighted and there have been no vandalism reports.

Mr. Gardner noted that this a request for a principal use variance and that the applicant must demonstrate unique hardship. Upon questioning, the Board was advised that the exception in April, 1970 was granted prior to the effective date of the Zoning Code which was July, 1970.

Mr. Franklin noted that he has attempted to sell the property which is part of his father's estate; however, with the RM-3 designation there have been no interested parties. There have been inquiries for commercial purposes, but none for multifamily in the nine months that the property has been on the market. Also Mr. Franklin did not feel that the property could be rezoned for commercial purposes because of its location.

Protests:

George Carter, 1007 East 8th Street, advised the Board that he and his wife reside on the property to the south of the alley of which the applicant spoke. He noted that two or three months ago approximately 30 used cars were placed at the east end of the property by wreckers--none being brought under their own power. The Building Inspector's Office was notified and the use investigated. The inspector found that the automobiles were salvage autos rather than used automobiles being parked on the lot. Mr. Carter questioned if the Board wanted a salvage yard adjoining the Park as the Park is in the process of spending $75,000 for remodeling. Mr. Carter noted that he and his wife objected to the parking of used automobiles on the property as they felt the applicant intended to place more salvage automobiles on the property; however, he and his wife would have no objection to new cars being parked on the property.

The son of Tom Surber, 724 South Norfolk, spoke on behalf of his father and a neighbor, Eddie Barry of 701 South Norfolk. He noted that his father and other area residents felt that the parking of used and junk cars on the lot would be detrimental to the character of the neighborhood. Further, Mr. Surber advised that residents in the past were forced into approving of the parking lot by being told that apartments could be developed on the property with no control over the renters. He pointed out that the Vision 2000 Plan designates the property for multifamily use and not used and salvage automobiles. He felt that the parking of new cars on the lot would not create the problems that parking used cars on the lot might create.

Mrs. Mary Ann Surber, 724 South Norfolk, advised the Board that she and her husband own four properties across the street from the subject property and that they are not in favor of used or salvage automobiles being parked on the property as stated by her son.

9441 (continued)

Mr. Franklin advised the Board that cars were parked on the subject property while the operation at 1100 East 4th Street was being expanded, pointing out he did not know that this was not permitted. He noted that he could have advised the area residents that the used cars on the lot a few months ago were only there on a temporary basis if they had contacted him. He added he would not object to the approval being limited to the parking and storage of new cars only as it was not his intention to park used cars on the lot. Upon questioning, Mr. Franklin advised that his father operated the lot and he was not aware of his extending the two year approval. Mr. Franklin requested the use be permitted for two years. Further he noted that it would not be economically feasible for shrubbery to be provided along the existing chain link.

Board Action:

On MOTION of SMITH, the Board (3-0) granted a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1217 - Automotive and Allied Activities) to park new cars only for a period of two years in an RM-3 District on the following described tract:

All of Lot 2 and a part of Lot 1, Block 3, Oaklawn Addition, to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded plat thereof, being more particularly described by metes and bounds as follows:

Beginning at the Southeast corner of said Lot 2; thence North along the East line of said Lot 2 and continuing North along the East line of said Lot 1 to a point; said point being 100 feet North of the Southeast corner of said Lot 2; thence West parallel to and 100 feet North of the South line of Lots 1 and 2, a distance of 274.38 feet to a point on the East line of the Expressway; thence South 4°-48'-06" West a distance of 100.35 feet to a point on the South line of said Lot 1, thence East along the South line of said Lots 1 and 2 to the Southeast corner of said Lot 2 and the place of beginning, containing approximately 28,000 square feet.

9460

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) for a variance of the side yard requirements from 10' to 5' to permit 5' on each side of single-family dwellings to be constructed in an RD District located on South 181st East Avenue between 2nd Street and 4th Street.

Presentation:

W. C. Friman, the applicant, was represented. The Board was advised that the properties were zoned for duplex use but would be developed as single-family residences; therefore, the variance is being requested because the yard requirements for duplexes are more restrictive than the requirements for single-family development.

Mr. Gardner advised that single-family development with 5' side yard requirements exists to the east of the subject property. A portion of Lots 19, 20 and 21, Block 7, is within the moratorium, therefore consideration of this application should be subject to the City Engineer's

9460 (continued)

approval as to elevations on these three lots. Also, the moratorium touches the extreme southern portion of Lots 17 and 18 (not the building portion) and the Board may wish to add these two lots for consideration by the City Engineer.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) granted a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) for a variance of the side yard requirements from 10' to 5' to permit 5' on each side of the structures, subject to the elevations of Lots 17-21, Block 7, being approved by the City Engineer, in an RD District on the following described tract:

Lots 13 through 21 inclusive, Block 1; Lots 1 through 18, and 36 through 39 inclusive, Block 5; and Lots 1 through 14 inclusive, Block 6; and Lots 13 through 21 inclusive, Block 7, all being in Indian Hills Estates Addition to the City of Tulsa, Oklahoma.

NEW APPLICATIONS:

9461

Action Requested:

Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1226 - Moderate Manufacturing and Industry) to operate a concrete batch plant for a period of two years in an IL District located southwest of 36th Street North and the Mingo Valley Expressway.

Presentation:

Connie Hall, representing the applicant and Anchor Concrete, requested an extension of the Board's previous approval to permit the operation of the concrete batch plant on the subject property. Mr. Hall advised that the company has a 15-year lease with the Tulsa Airport Authority to use the property for this purpose if necessary and it is anticipated that the plant will be operated for that period of time. The batch plant will serve northeast Tulsa and Owasso.

Upon questioning, it was noted that notice was given for the use to operate a period of two years; however, the application can be readvertised for a longer length of time if the applicant so desired.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (3-0) approved an Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1226-Moderate Manufacturing and Industry) to operate a concrete batch plant for an additional two year period in an IL District on the following described tract:

Beginning at the SE corner of the NE/4 of Section 19, Township 20 North, Range 14 East, Tulsa County, Oklahoma; thence Westerly 331.10' to a point of beginning; thence North 150' along the East line of Section 19; thence West 300'; thence South 150'; thence East 300' to the point of beginning.

9462

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 420.1 - Accessory Uses in Residential Districts) to operate a rooming and boarding house in an RS-3 District located at 7152 East Jasper Street.

Presentation:

Mrs. L. M. Cuenca advised the Board that two women live with her in her home and two additional women would also like to reside in her home; however, Board approval is required for rooming and boarding. Mrs. Cuenca advised that the structure has been inspected and found to be sufficient for six persons, but she would like a permit for only five persons.

Upon questioning by David Pauling, Assistant City Attorney, Mrs. Cuenca advised that she was aware of the previous history of the structure with regard to the care home for elderly persons. She advised that she owns the subject property and structure, that the breezeway has been removed between the subject structure and the structure next door, and that the back yard fence has been separated into two separate yards. She noted that the property next door had been purchased by someone by the name of Johnson. Also, the side of the structure that once contained the breezeway has been repaired and painted to make the structure again appear to be a single-family residence. Mrs. Cuenca advised she had spoken with neighbors in the area who are in support of the application. Mrs. Cuenca noted that she was requesting only sleeping rooms with persons having kitchen facilities--not actually caring for persons as the previous use.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 420.1 - Accessory Uses in Residential Districts) to operate a rooming and boarding house for six persons including the applicant, approval being granted for this property owner only on the subject 57' x 136' tract located at 7152 East Jasper, as presented, in an RS-3 District on the following described tract:

Lot 2, Block 15, Val Charles Addition to the City of Tulsa, Okla.

9463

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a children's nursery in an RM-1 District located at 1319 North Kenosha Avenue.

Presentation:

Bessie Mae Williams requested permission to operate a children's nursery on the subject property, advising that the State had advised that 24 children could be cared for on the property. Mrs. Williams further noted that the residence would be remodeled and that the property is

9463 (continued)

fenced at present. She advised that she intended to care for only between 12 and 14 children between the hours of 6:00 a.m. and 7:00 p.m., that she would have a van available for transporting the children to and from the nursery, and that the one-car drive could be widened if necessary.

The Staff pointed out that only one lot was advertised for the use, after which Mrs. Williams advised that the nursery would be located on one lot, but that there was enough yard in the two lots that she owns to provide adequate play room.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (3-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a children's nursery, subject to the approval being granted for a maximum of 14 children, the hours of operation being 6:00 a.m. to 7:00 p.m., and subject to no signs being permitted, in an RM-1 District on the following described tract:

Lot 18, Block 7, Rosedale Addition to the City of Tulsa, Okla.

9464

Action Requested:

Variance (Section 910 - Principal Uses Permitted in Industrial Districts-Under the Provisions of Section 1670) to locate a mobile home in an IH District located at 3315 West 21st Street.

Presentation:

Hugh Seeley advised the Board that he was born and raised on the subject property which contains a mobile home. He and his mother reside in the mobile home located on the two-acre tract at present and he requested permission to locate an additional mobile home on the opposite end of the tract in order that he might be near his mother to care for her. Also, he noted that he works only 1½ miles from the property.

The Staff noted that there are four or five residences in this industrial area and a number of mobile homes. The physical facts demonstrate that the area is essentially residential even though zoned industrial.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) granted a Variance (Section 910-Principal Uses Permitted in Industrial Districts - Under the Provisions of Section 1670) to locate a mobile home for a period of five years in an IH District on the following described tract:

Tract in Section 9, Township 19 North, Range 12 East, Tulsa County, Oklahoma; beginning 27.5' North and 124.86' West of the Southeast corner of Section 9; thence West 208.8'; thence North to the Railroad right-of-way; thence East to a point 124.86' West of the East line of Section 9; thence South 407.75' to the point of beginning.

Action Requested:

Appeal (Section 1650 - Appeal from the Building Inspector) to stop operating a business; and an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) to operate a small machine shop in an RS-3 District located at 507 South 39th West Avenue.

Presentation:

Darrell Rollins advised the Board that he is an automotive machinist and would like to continue operating his shop on his property as it is difficult to get a machinist job in an automotive shop. He advised of the equipment that he utilizes in his shop, including a valve machine, two boring machines and a crank shaft grinder. With regard to noise, Mr. Rollins advised that the shop was not noisy and that he has had no complaints with regard to the operation. However, there is no air-conditioning system and the door is left open to the shop in the summer which has not created any noise.

Mr. Rollins submitted two photographs (Exhibit "C-1") of his property which is comprised of three lots, one lot containing the two-car garage in which the operation is located and two lots which contain the residence. He noted that a young boy helps in the operation on a part-time basis. The shop has been in operation for a period of three years between the hours of 9 a.m. and 9 p.m. and Mr. Rollins advised, upon questioning, that the crank shaft grinder has a seven horsepower motor that is louder than the valve grinder.

Paul Jenkins, Zoning Inspector, advised the Board that a complaint was filed but that the person would not identify himself.

Protests:

Mrs. Fred Loving, 432 South 51st West Avenue, representing the District 10 Planning Team, advised the Board that she had received two complaints about the operation but that she had not called the Building Inspector because she thought another person had called. Mrs. Loving noted she did not oppose the operation on a personal basis, but this is not a high quality residential area and she felt that this type of operation would not help upgrade the area. She noted that the lots are narrow, the homes are small and the residents are poor. Upon being advised of the rules of a home occupation, Mrs. Loving noted that there has been more than one employee at the shop in the past, there also has been work undertaken in the late evening hours and she has also received a complaint that the property is not well kept. Mrs. Loving noted that it is the District's feeling that the Plan either be adhered to or junked.

Interested Party:

Mrs. Ruby Horton, 506 South 39th West Avenue, advised the Board that she had no objections to the use as she lived directly across the street and the operation created no disturbance in the area. She advised that she and her husband own the property next door which is rented and she had received no complaints from the residents. Mrs. Horton advised that there had been some noise, but that after speaking with Mr. Rollins the operation has quieted down. She pointed out that he cooperates with the area residents, maintains his property and does not work in the late evening.

Mr. Rollins submitted 11 photographs (Exhibit "C-2") of other residences and businesses within residences in the area, the majority of which are in poor condition and operating without permission. Upon questioning, Mr. Rollins felt that the complaint had probably came from the neighbor to the east that was disturbed by his son's shooting a BB gun which he has since taken away from his son. Mr. Rollins further noted that he is very particular with regard to keeping his yard clean, noting that he could operate without outside help.

David Pauling, Assistant City Attorney, noted that the residence and garage are on separate lots and the Code requires, with regard to the home occupation, that the use be located on the property containing the residence. Mr. Pauling was concerned that approval of this application might set a precedent for other such requests.

Mr. Rollins advised that all three lots were fenced as one lot and Mr. Gardner questioned whether or not the use could be permitted if the properties were tied by contract. Because of the properties being separate lots, Mr. Pauling did not feel that the use could be considered even if the properties were tied as one as presently advertised. Board Member Smith felt that the application could be approved with a statement that it was not the Board's intention of setting a precedent, after which the Chair felt that the best approach would be a continuance in order that the applicant could readvertise the application requesting a variance to permit the use.

Board Action:

On MOTION of SMITH, the Board (3-0) continued application 9465 to May 5, 1977, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, to permit the applicant to readvertise as a variance.

9466

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplexes) to erect three duplexes; a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) to build across a lot line; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) for a variance of the lot area requirements from 9,000 square feet to 8,556 square feet in an RS-3 District located northeast of 71st and Indianapolis Avenue.

Presentation:

Reg McClish presented a drawing (Exhibit "D-1") to the Board, requesting permission to erect three duplexes on two lots across a platted lot line with 8,556 square feet of lot area per structure rather than the required 9,000 square feet. Mr. McClish advised that there are duplexes to the north and west of the subject property and that the development would meet all other requirements of the Code. Also, each unit would contain 1,600 square feet of floor area exclusive of the garage and open porch areas.

9466 (continued)

Upon questioning by the Board with regard to drainage, Mr. McClish advised that he had spoken with Phil Smith of Hammond Engineering approximately one year ago and was told that the drainage could be taken care of without directing water to the Vienna Woods Addition, as the water would be directed to the street.

Board Member Smith pointed out that he would have to abstain from consideration of the subject application because of his relationship to Phil Smith, after which the Chair noted that the Board would then not want to consider the item further unless there were other Board members present.

Protests:

George Thompson, attorney representing residents of Vienna Woods Addition, advised the Board that the residents are concerned with drainage and the meeting of the plat requirements with regard to the possibility of changing the character of the neighborhood. Mr. Thompson noted that the drainage problems would have to be resolved sufficiently for the area residents via the Board or District Court as drainage in this area is a serious problem. Mr. Thompson felt that possibly the applicant could hire his engineer in order that drainage plans might be provided for the Board's review of the application.

Board Action:

On MOTION of BLESSING, the Board (3-0) continued application 9466 to May 5, 1977, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9468

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church use and church parking and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) for a variance of the front setback requirements from 25' to 5' in an RM-1 District located northeast of 24th Street and Nogales Avenue.

Presentation:

Rev. Connie Cariker submitted the plot plan (Exhibit "E-1") requesting permission to utilize Lots 10-16 of Block 42 as an educational building expansion to the church use established on Lots 1-9 of Block 42; to expand the existing church and provide church parking on Lot 1, Block 2 as well as provide church parking on Lot 4, Block 1. Two rows of established parking would be lost when the sanctuary is expanded, but additional parking will be provided on those new lots proposed for parking purposes. Also, the variance is requested to provide the alignment of the new addition with other existing structures.

Protests: None.

9468 (continued)

Board Action:

On MOTION of SMITH, the Board (3-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205-Community Services, Cultural and Recreational Facilities) to use property for church use and related parking; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) for a variance of the front setback requirements from 25' to 5', all per plot plan, in an RM-1 District on the following described tract:

Lot 4, Block 1; Lot 1, Block 2, West Dale Addition; and Lots 10, 11, 12, 13, 14, 15 and 16, Block 42, West Tulsa Addition to the City of Tulsa, Okla.

9469

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home in an RS-1 District located at 4372 West 26th Street.

Presentation:

Donna Cockran, the applicant, was not present.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (3-0) continued application 9469 to May 5, 1977, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, instructing the Staff to advise the applicant that a decision would be made at that time.

9470

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) for a variance of the setback requirements from 25' to 15' on corner lots in an RS-3 District located on the east side of 92nd East Avenue, between 58th and 61st Streets.

Presentation:

Don King, the applicant, was not present.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (3-0) continued application 9470 to May 5, 1977, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, instructing the Staff to advise the applicant that a decision would be made that date.

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1220 - Commercial Recreation: Intensive) to operate a miniature golf course in a CS District located in the 6200 Block of South Peoria Avenue.

Presentation:

Charles Sublett, representing the prospective purchaser of the subject property, advised the Board that the property fronts Peoria, is presently zoned CS and surrounded by CS zoning to the north, east, west, and partially on the south. Mr. Sublett submitted three photographs (Exhibit "F-1") of the properties to the north and east of the subject property, including a view of the subject property from the east. He advised that his client proposes to operate a Putt-Putt miniature golf course on a 130' x 200' portion of the property with the balance (the southern and western portions of the lot) being utilized for parking and access purposes. He presented two photographs (Exhibit "F-2") of the Putt-Putt operation located at 12th and Memorial, advising that the layout would be the same even though he had no plot plan to present to the Board at this time as plans would be drawn if approval was obtained. Mr. Sublett felt that the use would be compatible with the surrounding area.

Mr. Sublett advised that a Pizza Inn is located to the north, a Warehouse Market to the east across Peoria, a service station to the south, and vacant CS property to the west. He felt that locating the parking to the south of the course would help to insulate the use from the multi-family to the west should it be developed. He pointed out that the course would be its busiest in the early evening, after the rush hour and therefore not create a traffic problem. Also, Mr. Sublett felt that the proposed use would be more desirable than some of the uses permitted by right in the CS District. Mr. Sublett pointed out that those property owners in the area that he had spoken to were not opposed to the proposed use. A rezoning application was filed near the property for the proposed use; however, it was denied as the Planning Commission felt that the use would be best located on a property already zoned for commercial purposes. With regard to the use, Mr. Sublett noted that the lighting would be controlled and that a six-foot screening fence exists at present between the duplex development to the south and west of the service station and the service station property and that portion of the subject property which abuts the duplexes.

Mr. Gardner pointed out that the Staff's only two concerns are the lights and sound system that are to be utilized in conjunction with the operation. He noted that the Board imposed a condition upon the use located at 12th and Memorial in that the sound system could be utilized on the property but not such that it could be heard outside the perimeter of the property. Also, the lighting was conditioned in that it was to be directed away from the surrounding residential development.

Protests: None.

9471 (continued)

Interested Parties:

Gary Baldwin, 4629 East 80th Street, advised the Board that he owned four-plexes in the area and was concerned with the lighting and parking in relation to the surrounding development. Also, he expressed concern with regard to the exact location of the use and what type of barrier would be provided, in addition to the types of conditions that might be imposed regarding the maintenance of the existing fence and whether or not a barrier would be provided as protection for the fence located on his property.

Michael Layne, 6805 West 7th Street, noted that he also was concerned with regard to the lighting and fence arrangements as stated by Mr. Baldwin.

In response to the interested parties' concerns, Mr. Sublett advised that there would be no parking immediately adjoining their properties or the fence, but that a barrier would be provided to keep the automobiles a reasonable distance from the fence. The speakers to be utilized in conjunction with the operation are low-volume speakers, pointing out that there have been no complaints from residents or the owners of the multifamily development which immediately abuts the course on Memorial.

David Clifson, the prospective purchaser of the subject property, advised the Board and interested parties that the proposed parking immediately south of the course would be an island-type situation rather than abutting the fence, thereby creating no problems with the maintenance of the fence. Also, he pointed out that a 20' to 25' strip would be utilized for access purposes for the subject property and the service station to the south.

The interested parties were advised, once again, that curb stops would be provided along the fence as protection for the fence and the property owner to the immediate south. Should the fence be destroyed by a patron of the course, the owner of the course would be liable for repairing the fence.

Board Action:

On MOTION of SMITH, the Board (3-0) approved an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1220 - Commercial Recreation: Intensive) to operate a miniature golf course, subject to the lighting and speaker system being the same as that utilized for the 12th and Memorial operation and subject to the southern 25' being restricted as an access lane as opposed to parking with curb stops to be installed along the south property line to protect the existing fence, in a CS District on the following described tract:

The South 218.60 feet of Lot 1, Block 1, Zandbergen Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) to keep more than three dogs in an RS-3 District located at 1315 South College Avenue.

Presentation:

Robert Mason, attorney representing Paul Whalen, advised the Board that Ms. Whalen had inherited the subject property from her grandmother two years ago and had lived in the neighborhood for 12 years. He described the area surrounding the property, pointing out the duplexes to the north and at the corner of College and 13th Street. Mr. Mason advised that Ms. Whalen owns four adult dogs, which is one more than permitted by the Code, and she is requesting permission to keep five adult dogs on the premises. He noted that Ms. Whalen works at Hillcrest Medical Center from 3 p.m. to 11 p.m. and is home at night to be assured that the dogs do not bother the neighbors. He advised he had letters from neighbors to the west across the street who have no objection and a letter from Ms. Whalen's veterinarian stating that her dogs are vaccinated, should the Board desire to review the letters. Mr. Mason advised that there has been a time when Ms. Whalen has had more than three adult dogs on the premises--the latest being a week earlier when she was attempting to find homes for the extra dogs. At present there are four adult dogs and seven puppies, six being a new litter. The Board was advised that there is a pen in the back yard for the larger dogs and that they had gotten out of the yard on only three occasions prior to the time the pen was built, except on those occasions when someone other than the applicant left the gate open. Mr. Mason advised further that Ms. Whalen trains the dogs in obedience and keeps them as pets. He noted, upon questioning, the types of dogs kept, pointing out that the dogs are not kept for commercial purposes.

Protests:

Claire Smittle, 1311 South College, advised that the dogs were disturbing the peace of the neighborhood and lowering property values. She felt that the four adult dogs in addition to the puppies and between eight and ten cats was too much for one residential property, noting that the other residents in the area are struggling to maintain the neighborhood for themselves. Mrs. Smittle pointed out that the dogs have been a disturbance to a great number of people, making it impossible to sleep through the night.

Upon questioning by the Board, the Staff advised that they were not aware of any ordinances governing the number of cats permitted on a residential property.

Fran Pace, 1326 South Florence, advised the Board that she resides four houses south of the subject property backing to the homes on College. She advised that the neighborhood is comprised of small lots and is one of the three most dense neighborhoods in the City. Even with so many people and the shortage of park space, the residents plan to stay. In addition, property owners are moving back into the homes that they once rented. Mrs. Pace advised that the residents love the atmosphere of the neighborhood, but felt that this was too many animals for one residence in such a crowded area. Also, she felt that approval would set a precedent.

9472 (continued)

P. L. Jenkins, 1320 South Florence, felt that there were already too many dogs creating too much noise for the area residents. Also, he stated that he did not know of the animals biting anyone. Mr. Jenkins pointed out that the back yard is clean at this time, but for three months it was not cleaned.

Mrs. Oscar White, 1310 South Florence, advised the Board that one of the large dogs had jumped the fence as if it were not even in place, pointing out that she has a small dog of her own. She noted that she had called the dog pound and felt that she might have started the need for the application before the Board this date.

Mr. Mason did not feel the adding or removing of one dog would change the noise factor in the neighborhood because of the number of dogs throughout the entire neighborhood. He pointed out that on many occasions the dogs are kept inside the home so as not to disturb the residents in the area. Even if the application is denied, Ms. Whalen will keep three dogs, therefore he did not feel that one or two additional dogs would make much of a difference.

Board Action:

On MOTION of BLESSING, the Board (3-0) denied application 9472 in an RS-3 District on the following described tract:

Lots 41 & 42, Block 1, Rosemont Heights Addition to the City of Tulsa, Oklahoma.

9473

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church use and to operate a children's day care center in an RS-3 District located at 648 East 46th Street North.

Presentation:

Mr. and Mrs. Ed Miller, representing St. Paul's AME Church, advised the Board that a day care center was operated in the original church structure which burned. The children have been moved and will be relocated in the subject structure which was purchased for church purposes in February.

The Staff noted that the Board had granted approval of a sign in 1970, but the church use was never approved as the use was nonconforming; however, church use is required at this time in order that the day care center might be considered.

Upon questioning, Mr. and Mrs. Smith advised that there is available parking for the day care operation which will have operating hours of from 6 a.m. to 6 p.m.

Protests: None.

9473 (continued)

Board Action:

On MOTION of SMITH, the Board (3-0) approved an Exception (Section 410-Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church purposes and to operate a children's day care center in the church in an RS-3 District on the following described tract:

Beginning at the NE corner of the NW/4 of Section 13, Township 20 North, Range 12 East, Tulsa County, Oklahoma; thence West 417.4 feet; thence South 208.7 feet; thence East 417.4 feet; thence North 208.7 feet to the point of beginning.

9477

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use as a public park with facilities to include a golf course, clubhouse, golf cart storage building and parking areas in an RS-3 District located at Mohawk Park.

Presentation:

Hugh McKnight, Director of the City of Tulsa Park and Recreation Department, submitted a conceptual site plan (Exhibit "G-1") of the development proposed for the area surrounding the existing clubhouse at Mohawk Park, noting that the expansion of the electrical golf cart program prompted the subject application. Because of public demand an additional 25 carts are proposed to be housed in the existing storage building which will be expanded to a 20' x 40' structure. Eventually, a storage building for 80 carts will be provided as shown on the conceptual plan. When funding is available for the larger storage building, the existing storage building will be used for golf course maintenance. The facilities existing in the area under application are the clubhouse with locker rooms, a restaurant, pro shop and parking lot in addition to the existing cart storage building which will be expanded upon approval of this application by the Board.

In Board and Staff discussion Mr. McKnight advised that this portion of the Park property is outside the moratorium.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property as a public park with facilities to include a golf course, clubhouse, golf cart storage building and parking areas, per concept plan submitted, in an RS-3 District on the following described tract:

SE/4, NW/4, of Section 15, Township 13 North, Range 20 North, Tulsa County, Oklahoma.

9478

Action Requested:

Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance of the frontage requirements from 75' to 15' to permit a lot-split (L-13875) in an RS-2 District located in the 3700 Block of Lewis Ave.

Presentation:

Joe Donelson, the applicant, was not present.

The Staff advised that the Planning Commission had approved the lot-split subject to the approval of the Board.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) granted a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance of the frontage requirements from 75' to 15' to permit a lot-split (L-13875) in an RS-2 District on the following described tract:

TRACT #3: A tract of land situated in the S/2, NE/4, NE/4, SE/4, of Section 19, Township 19 North, Range 13 East, Tulsa County, Oklahoma being more particularly described as follows, to-wit: Beginning at a point 203' North and 50' North 89°-16'-48" West from the SE corner of said S/2, NE/4, NE/4, SE/4; thence North 89°-16'-48" West and parallel to the South line of said S/2, NE/4, NE/4, SE/4 for 200'; thence due South and parallel to the East line of said Section 19 for 113'; thence South 89°-16'-48" East for 50'; thence due South for 90'; thence North 89°-16'-48" for 173'; thence due North for 90'; thence South 89°-16'-48" East for 108'; thence due North for 128'; thence South 89°-16'-48" East for 215'; thence due South for 15' to the point of beginning.

TRACT #4: A tract of land situated in the S/2, NE/4, NE/4, SE/4, of Section 19, Township 19 North, Range 13 East, Tulsa County, Oklahoma, being more particularly described as follows, to-wit: Beginning at a point 218' North and 50' North 89°-16'-48" West from the Southeast corner of said S/2, NE/4, NE/4, SE/4; thence North 89°-16'-48" West and parallel to the South line of said S/2, NE/4, NE/4, SE/4, for 215'; thence due South and parallel to the East line of said Section 19 for 128'; thence North 89°-16'-48" West for 108'; thence due North for 143'; thence South 89°-16'-48" East for 323'; thence due South for 15' to the point of beginning.

9486

Action Requested:

Minor Variance (Section 206 - Number of Dwelling Units on a Lot - Under the Provisions of Section 1630) for a variance of the number of dwelling units on one lot from 40 to 184 units in an RM-1 District located south and west of 51st Street and Mingo Road.

Presentation:

Jack Cummings, the applicant, was not present.

9486 (continued)

The Staff presented the plot plan (Exhibit "H-1") for the Board's review after which Mr. Gardner advised that the Staff has no problem with the request to construct more than 40 dwelling units on a lot, pointing out that the plan had been reviewed by the Technical Advisory Committee. The Board was advised that the parking shown on the front portion of the property will require a waiver prior to the issuance of a building permit.

Mr. Gardner felt that some type of landscaping should be provided for the protection of the single-family residences with regard to the parking. Mr. Gardner pointed out that the Board could approve the application regarding the number of units on a lot this date, and the applicant would then be required to file an application with regard to the variance required for the parking.

Board Member Smith noted that the original plat was engineered by his engineering firm, Hammond Engineering, but he did not feel it necessary to abstain from voting on this application as he would not profit from the application.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (3-0) granted a Minor Variance (Section 206 - Number of Dwelling Units on a Lot - Under the Provisions of Section 1630) for a variance of the number of dwelling units on one lot from 40 to 184 units in an RM-1 District on the following described tract:

Lot 1, Block 1, 51st and Mingo Commercial Center to the City of Tulsa, Oklahoma.

9489

Action Requested:

Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance of the frontage requirements from 75' to 50' to permit a lot-split (L-13976) in an RS-2 District located northeast of Atlanta Place and 38th Street.

Presentation:

Stephen Turner, the applicant, was not present.

The Staff advised that the lot-split had been approved by the Planning Commission subject to the approval of the Board.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (3-0) granted a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance of the frontage requirements from 75' to 50' to permit a lot-split (L-13976) in an RS-2 District on the following described tract:

9489 (continued)

Lot 14, Block 1, West Oak Addition, and Lot 6, Block 3, Oakview Estates Addition to the City of Tulsa, Oklahoma.

9490

Action Requested:

Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance of the frontage requirements from 150' to 138.8' to permit a lot-split (L-13970) in a CS District located at the northeast corner of 19th Street and Garnett Road.

Presentation:

John Sublett, the applicant, was present.

The Staff advised that the lot-split had been approved by the Planning Commission, subject to the approval of the Board.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) granted a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance of the frontage requirements from 150' to 138.8' to permit a lot-split (L-13970) in a CS District on the following described tract:

The North 138.8 feet of the West 250 feet of the S/2, N/2, SW/4, SW/4 of Section 8, Township 19 North, Range 14 East of the Indian Base and Meridian, to the City of Tulsa, Oklahoma.

9491

Action Requested:

Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance of the frontage requirements from 100' to 13.20' to permit a lot-split (L-13987) in an RS-1 District located south and east of 72nd Street and Columbia Avenue.

Presentation:

Steve Cowan, the applicant, was not present.

The Staff advised that the Planning Commission had approved the lot-split, subject to the approval of the Board.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) granted a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance of the frontage requirements from 100' to 13.20' to permit a lot-split (L-13987) in an RS-1 District on the following described tract:

9491 (continued)

The North 414 feet of the South 714 feet of the East 14 acres of the NE/4, NW/4 of Section 8, Township 18 North, Range 13 East, City of Tulsa, Oklahoma.

ADDITIONAL ITEMS:

8310

David Pauling, Assistant City Attorney, reviewed the subject application with the Board, advising that H. & R. Meat Company was granted a variance by the Board in July, 1974 in order that an existing structure might be expanded and refaced, and thereby approved an encroachment into the front and side yards. This approval was granted per plot plan submitted. The Company located a 10' x 30' tank which was not a part of the plot plan approved by the Board. The Company had requested a permit for the tank and the Building Inspector denied the permit. However, the Company located the tank upon a roadway without a permit and the action was taken to District Court by the City. In District Court, the Company was directed to remove the tank. Subsequently, the Company sought to relocate the tank to the south of the approved structure, but within the setback. This request was denied by the Building Inspector. Mr. Pauling felt that it would be proper for the Board to consider accepting an amended plot plan showing the relocation of the tank as being within the spirit and intent of the original approval rather than the applicant's being required to refile an application for this purpose.

On MOTION of SMITH, the Board (3-0) accepted the amended plot plan as being within the spirit and intent of the original approval--the plan showing the tank located to the south of the structure and within the setback.

Discussion of "Rules of Procedure for granting Principal Use Variances"

The Staff advised that this meeting had been set aside for the purpose of discussing the "Rules of Procedure for granting Principal Use Variances" in the interim prior to amending the Ordinance. Those members of the Board present this date felt that consideration should be continued until such time as all five members of the Board were present for the discussion.

The Staff submitted a communication (Exhibit "I-1") from R. L. Davidson, Jr., attorney, advising that he approved of the standards and criteria proposed as guidelines for granting principal use variances. However, he further advised that he objected strongly to the suggestion that the variance approved be implemented by an Ordinance amending the zoning maps and districts as he felt the Board then would become a recommending body rather than a "true" Board of Adjustment, in that this would be inconsistent with the established land use control. Also, he did not feel that a zoning amendment ordinance could be conditioned whereas the Board is empowered to impose conditions and the Board's action is final and subject to review only by direct appeal to the District Court. Mr. Davidson pointed out that the granting of a variance is predicated on the existence of a unique hardship and is "quasi-judicial" in nature while amending the zoning district by Ordinance is legislative. The actual rezoning would then be a basis for strip zoning. Amending by ordinance would, in Mr. Davidson's opinion, cause many future problems and be extremely difficult to control. He did not feel that a court examining

a future case would consider the limited variance based upon unique hardship as a basis to judicially rezoned land; this would be entirely turned if the property were actually abutting a legislatively rezoned tract.

John Sublett, speaking on behalf of other attorneys in the City (Charles Gotwals, William B. Jones, Harry Crowe, George Thompson, Louis Levy and John Moody), advised the Board that he was concerned with the implications of the recent District and Supreme Court actions regarding principal use variances. Mr. Sublett noted that he had long felt that the adoption of the 1970 Ordinance created a problem in that the Board of Adjustment is a creature of Statute and that the authority for the Board eminates from that legislation and any attempt by the City to restrict or inhibit the jurisdiction of the Board must, necessarily, be invalid which was the issue in the Nuckols case. Mr. Sublett, the Bar Association and the Zoning Committee of the Association strongly felt that the attempt by the City in the new zoning ordinance to take away the right of the Board to grant principal use variances or to limit it in any way was necessarily contrary to the State Statutes and would not therefore be upheld. At the time he was an employee of the City Attorney's Office and then a member of the Board of Adjustment, Mr. Sublett noted it was his feeling that one looks to the State Statutes with regard to the jurisdiction of the Board; therefore, he pointed out that he is concerned insofar as the guidelines in any proposal that comes to the Board as a result of the Supreme Court decision that would have a tendency to so restrict an application for a use variance to come before the Board to put so many conditions that in effect the applicant would be prohibited to have an application heard on a use variance which, in effect, would subvert the intent of the decision itself which said that the Board of Adjustment of the City has the authority to grant a use variance. Mr. Sublett suggested to the Board that additional litigation by the adoption of policies that would destroy the validity of a case for a principal use variance not be invited.

Mr. Sublett noted Mr. Davidson's comments on the matter and referred to that portion of the proposed amendment to Section 1670.1 of the Zoning Code which states that ". . . it is the intent of this Code that a change of the permitted principal use should be made by Ordinance amendment of the Zoning Code or official zoning map and it should not be routinely accomplished by variance approval. The Board of Adjustment shall adopt written rules of procedure governing its consideration of principal use variance applications.", feeling that to provide such an amendment which would state that a variance granted by the Board was not effective until such time as the zoning ordinance had been changed was obviously contrary to the Statutes and the jurisdiction given to the Board.

At this point Mr. Pauling advised Mr. Sublett that that was not the intent of the amendment, noting that there had been several misunderstandings with regard to the proposed amendment, one of which was the concern of the suggested language provided under (a) of the recommended rules of procedures. The argument was that the applicant was being required to provide all elements listed each time a use variance was being requested from the Board, and this was not the intent. The intent is more clearly reflected, Mr. Pauling noted, if the wording is changed to read: "An application . . . detailed site plans as proposed by the application to include:". There is

noting in the Ordinance as proposed that even touches on what Mr. Davidson alluded to in his written comments to the Board. The proposal says that it is the intent, as stated by the Court in the Nuckols case in that it recognized that a variance is a circumstance that is not automatic but only granted in exceptional circumstances. The proposed amendment is merely saying that a change in the principal use is normally accomplished by a rezoning of the property and the Board of Adjustment may, in appropriate cases, grant a principal use variance. Further that the Board shall adopt rules of procedure which is specifically provided for by both the Statute and the Ordinance. This has noting to do with conditional zoning or requiring the publication of the rezoning of the property after the use variance is granted.

With regard to the listed elements, Mr. Sublett felt that if the Board literally would stick to the number of items listed in the rules of procedure, that many people would be in effect prohibited access to the Board in that many persons could not afford to provide the types of information required. He noted he was interested in not creating too many obstacles which would deny access to the Board without the applicant first obtaining a lawyer, engineer, etc., in order that his application might be presented for consideration. Mr. Sublett felt that the Board, in his research in the matter in the case of Oklahoma City vs. Harris, can almost do anything that the members of the Board feel is fair in being consistent with fairness, equity and hardship. Further, Mr. Sublett felt that the wording proposed would be permitting this by the Board, but also advising that principal use variances should be granted with careful consideration -- a principal he felt was followed by the Board at present as well as has been followed in the past.

The Chair noted at this point that he felt the Board has acted in the manner so described with regard to reviewing use variance applications with fairness and giving careful consideration to these applications.

As a result of the Nuckols vs. City of Tulsa decision, Mr. Sublett did not feel that anyone would see a change in the manner in which the Board operates, pointing out that there was a principal involved with the case in that some lawyers felt strongly that in a given case the Board did have jurisdiction and the applicant ought to be heard if they could meet the criteria of the State Statutes. He did not feel that this proposed section of the Ordinance adds to or takes away from the Board's jurisdiction as outlined within the State Statutes.

Mr. Pauling pointed out that the proposed amendment is attempting to do noting more than what Mr. Sublett is speaking of. The rules of procedure provide a checklist of the points regarding an application that the Board might be concerned with and the change in the wording proposed this date would help to relieve the need for the applicants to be required or feel required to hire an attorney to represent them before the Board.

Board Member Smith advised that when the rules were first submitted to the Board there were misunderstandings by the Board members as they did not want to give away what the State Statutes authorized the Board to do. He felt as Mr. Sublett that all applicants should not be required to provide all information listed in the rules because of the cost of the services that would be required.

Discussion of "Rules of Procedure" (continued)

Mr. Pauling again advised of the intent of the rules, noting that the information being given to the applicants prior to their filing an application will save time for the Board as well as monies for those applicants who discover before filing that they do not have a unique hardship or in order that their presentations to the Board might be prepared with information available regarding the application. Further, he noted an amendment might be made to the language of item (5) with regard to the moratorium and the burden that locating the moratorium on a property might have on an applicant in that language could be provided advising that moratorium maps are located within City Hall for the applicants' review prior to filing.

Mr. Gardner pointed out that the rules were adopted on the interim and never intended to be the final word--that was the purpose of studying the language in the interim and determining how the Code is to be changed. After public hearing, the Board would adopt by resolution what has been adopted in the interim and whatever changes are necessary to that language.

The Chair advised Mr. Sublett that he could submit his comments and any further discussion to the Board if he so desired.

There being no further business, the Chair declared the meeting adjourned at 4:55 p.m.

Date Approved May 19, 1977

Chairman

4.21.77:234(24)