

CITY BOARD OF ADJUSTMENT  
MINUTES of Meeting No. 326  
Thursday, January 8, 1981, 1:30 p.m.  
City Commission Meeting Room  
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Purser, Chairman Lewis Smith Victor	Wait	Gardner Hubbard Jones	Jackere, Legal Department Miller, Protective Inspections Office

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on Tuesday, January 6, 1981, at 10:55 a.m., as well as in the Reception Area of the INCOG Office.

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

MINUTES:

On MOTION of LEWIS and SECOND by VICTOR, the Board voted 3-0-0 (Purser, Lewis, Victor, "aye"; no "nays"; no "abstentions"; Smith, Wait, "absent") to approve the Minutes of November 20, 1980, (No. 323).

MINOR VARIANCES AND EXCEPTIONS:

11300

Action Requested:

Variance (Section 280 - Structure Setbacks from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the setback requirements from 50' to 35' from the centerline of 51st Street to permit the erection of a sign. This property is located at 2109 East 51st Street.

Presentation:

Dennis Snow, 2109 East 51st Street, representing the applicant, Steve Sembritsky, was present to address the Board and submitted a plot plan (Exhibit "A-1"), as well as two photographs (Exhibit "A-2"). Mr. Snow advised that they were applying for a variance because the sign would be located in the middle of the parking lot if the setback requirement of 50' was used. Mr. Snow further advised that there was no area within 200 feet on either side of the subject property where a sign could be placed 50' from the street.

Protestants: None.

Board Comments:

Mr. Lewis asked Mr. Snow what type of business Audio Visual Enterprises was. Mr. Snow stated that it was retail sales of audio and visual equipment (i.e., stereos, televisions, etc.). Mr. Lewis then asked Mr. Snow if the building was new. Mr. Snow stated that it was an old building. Mr. Lewis asked Mr. Snow what business occupied the building prior to occupation by Audio Visual Enterprises. Mr. Snow advised that

11300 (continued)

another electronic business had been located there and, presently, the other wing of the building was occupied by a weather stripping company. Referring to the exhibited photographs, Mr. Lewis asked Mr. Snow if the proposed sign would be placed on the grass berm, to which Mr. Snow replied, "Yes."

Mrs. Purser asked Mr. Snow what the dimensions of the sign would be and Mr. Snow stated that the wide portion at the top would be 10' wide and the smaller portion underneath would be 2' wide.

Mr. Lewis asked if the sign would be protruding into the street. Mr. Snow replied that it would not be.

Mrs. Purser asked Mr. Snow if there were any other business signs in that location that were on the berm. Mr. Snow stated that there were none.

Mr. Gardner suggested utilizing building frontage dimensions as a guide to placement of signs on the berm for this location.

Mrs. Purser and Mr. Lewis stated that they were concerned over allowing the sign without having been presented with a more detailed description of what was proposed.

Board Action:

On MOTION of LEWIS and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to continue Case No. 11300 to January 22, 1981, to allow for the submission of more detailed plans. The Chair additionally directed the applicant to submit detailed plans to Traffic Engineering for their review.

11326

Action Requested:

Variance (Section 280 - Structure Setbacks from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the setback requirements from 50' to 42' from the centerline of 11th Street to permit a pole sign that will overhang 8'. This property is located at 947 South Erie Street.

Presentation:

Mr. Jones advised the Board that the applicant was not present.

Protestants: None.

Board Action:

On MOTION of LEWIS and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to continue Case No. 11326 to January 22, 1981.

11331

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the frontage requirements in an AG District to permit a lot-split. This property is located north and west of 111th Street and Quebec Avenue and 111th Street and Sandusky Avenue.

Presentation:

Mr. Jones advised the Board that on December 10, 1980, the Planning Commission approved lot-splits on these tracts of land, subject to the approval of this Board, and submitted the minutes of that meeting (Exhibit "B-1").

The applicant was not present to address the Board.

Protestants:

Max Washburn, 4246 East 78th Street, stated that he was a co-builder and co-developer with Mr. Leek of the land just north of the subject property. Mr. Washburn stated that he was concerned over the AG zoning of the land and felt it should be zoned RS-1 due to the size of the lots.

Mr. Gardner suggested another alternative whereby a document would be filed with the City Clerk's Office prohibiting agricultural-type uses.

Mr. Washburn stated that an AG zoned tract of land surrounding R zoned land was not a good selling point for developers and builders.

Mr. Jackere advised the Board that he did not feel it was appropriate to require a rezoning of the tract providing that Board relief can be conditioned upon the use of the property for strictly residential purposes stated in the Zoning Code. Mr. Jackere stated that he felt that would satisfy the objections of Mr. Washburn, with the exception that the land would still be zoned AG.

Board Comments:

Mr. Lewis voiced his concern over the absence of the applicant and felt action on this case would not be wise due to the complexity of the application and the absence of the applicant.

Board Action:

On MOTION of VICTOR and SECOND by LEWIS, the Board voted 4-0-0 (Purser, Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to continue Case No. 11331 so that the applicant may be present to justify his request.

11332

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the side yard requirements from 5' to 4' in an RS-3 District. This property is located at 2503 South Pittsburg Avenue.

11332 (continued)

Presentation:

Kenneth Vinson, representing the applicant, Duane West, was present to address the Board and submitted a plot plan (Exhibit "C-1") and stated that the applicant was seeking approval of the variance in order to construct a second bathroom.

Protestants: None.

Board Comments:

Mr. Smith asked Mr. Vinson if the applicant had consulted with his neighbors about the proposed addition. Mr. Vinson stated that Mr. West had, and that there were no objections.

Board Action:

On MOTION of SMITH and SECOND by LEWIS, the Board voted 4-0-0 (Purser, Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Seciton 1630 - Minor Variances) of the side yard requirements from 5' to 4' in an RS-3 District, per plot plan, on the following described property:

Lot 2, Block 7, Ridge View Addition to the City of Tulsa, Okla.

11333

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the frontage requirements in a CS District to permit a lot-split. This property is located in the 4700 Block of North Peoria Avenue.

Presentation:

Mr. Jones advised the Board that, on December 10, 1980, the Planning Commission approved a lot-split, subject to the approval of this Board.

Gordon Patton, 3601 East 51st Street, representing the applicant, Jim Lockmiller, was present to address the Board. Mr. Patton advised that Mr. Lockmiller was the executor of the estate of Kathryn South, and that the subject property is being sold to the existing parties who own a building that has been in existence on the property since the 1960's. Mr. Patton stated that the applicant was requesting that the Board waive the frontage requirement of 150' to 110'--a variance of 40'.

Protestants: None.

Board Action:

On MOTION of LEWIS and SECOND by SMITH, the Board voted 4-0-0 (Purser, Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to approve a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements in a CS District to permit a lot-split, per plot plan attached to the Case Report, on the following described property:

11333 (continued)

A tract of land, containing 0.3444 acres, that is a part of the SE/4, of the SE/4 of Section 12, Township 20 North, Range 12 East, City of Tulsa, Tulsa County, State of Oklahoma, said tract of land described as: Beginning at a point on the Easterly line of said Section 12, said point being 480' North of the Southeast corner of Section 12; thence Westerly parallel to the South line of Section 12, for 50' to the point of beginning; thence Westerly parallel to the south line of Section 12 for 150'; thence Northerly 110'; thence Easterly 150'; thence Southerly 110' to the Point of Beginning.

NEW APPLICATIONS:

11322

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations - Under the Provisions of Section 1680 - Special Exceptions) request for an exception to permit a beauty shop as a home occupation in an RS-3 District. This property is located at 1523 East 52nd Street North.

Presentation:

Myrtle Johnson, 1523 East 52nd Street North, advised the Board that she wished to operate a beauty shop in her home so that she could stay home with her children. Ms. Johnson further advised that the hours of operation would be from four to six hours per day, that there would be no more than one or two customers at a time and that the customers would be parking in the driveway, and that the only employee would be herself. Ms. Johnson stated that customers would be taken by appointment only.

Protestants: None.

Board Comments:

Mr. Victor asked Ms. Johnson if she owned her home. Ms. Johnson replied that she did.

Mr. Lewis asked Ms. Johnson what days of the week she would be operating the beauty shop. Ms. Johnson stated that the days of operation would depend upon her customers, but that she would not be operating on Sundays or Mondays.

Board Action:

On MOTION of VICTOR and SECOND by LEWIS, the Board voted 4-0-0 (Purser, Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations - Under the Provisions of Section 1680 - Special Exceptions) to permit a beauty shop as a home occupation in an RS-3 District, subject to the following: (1) That the hours of operation be from 7:00 a.m. to 5:00 p.m.; (2) that the number of customers be limited to 2 customers at any given time; (3) that parking be off-street; and, (4) that approval run with this owner only, on the following described property:

Lot 23, Block 4, Northridge Addition to the City of Tulsa, Okla.

11324

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the setback to be from 25' to 0' to allow a carport to remain. This property is located at 1504 East 49th Place.

Presentation:

Leo Schumacher, Jr., 1504 East 49th Place, was present to address the Board and submitted a plot plan (Exhibit "D-1"). Mr. Schumacher

11324 (continued)

advised that the carport was in existence and extended out from the house approximately 14' and set back from the street approximately 16½'. Mr. Schumacher further advised that the carport was 20' wide.

Protestants: None.

Board Comments:

Mr. Lewis asked Mr. Schumacher what construction materials were used in the construction of the subject carport. Mr. Schumacher explained that cedar beams and baked enamel on steel were used, and that the upright beams were 4' x 8' and the cross-beams were 4' x 12'.

Mrs. Purser asked Mr. Schumacher if the carport has been erected in front of an existing garage opening, to which Mr. Schumacher replied, "Yes." Mr. Schumacher went on to explain that the garage had been converted into a room several years earlier.

Mr. Lewis asked Mr. Schumacher if the garage was to the rear of the house. Mr. Schumacher stated that it was.

Mr. Victor asked Mr. Schumacher if there were other carports in the area. Mr. Schumacher stated that there was a considerable number of them.

Mrs. Purser asked Mr. Schumacher if there was another carport within one block of him, to which Mr. Schumacher replied, "Yes." Mrs. Purser then asked if the carport was tied in to the roofline of his house, and Mr. Schumacher explained that the carport was tied into the eave of the breezeway, but was a flat-roof carport extending from the side of the house. Mrs. Purser asked Mr. Schumacher if a contractor erected the carport. Mr. Schumacher stated that a contractor did construct the carport. Mrs. Purser then asked if the contractor was not aware that a building permit was needed. Mr. Schumacher replied that the contractor did not retain a permit, and that he (Mr. Schumacher) was not aware that he needed one.

Mr. Lewis asked Mr. Schumacher if the carport affected the traffic in any way. Mr. Schumacher stated that it did not.

Board Action:

On MOTION of VICTOR and SECOND by LEWIS, the Board voted 4-0-0 (Purser, Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to continue Case No. 11324 to January 22, 1981, to allow the applicant time to return with a photograph of the subject carport.

11327

Action Requested:

Exception (Section 610 - Principal Uses Permitted in the Office Districts); and, an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1208 - Multifamily Dwellings and Similar Uses - Under the Provisions of Section 1680 - Exceptions) request for an exception to permit apartments in an OL and CS Districts; and, a Variance (Section 206 - Number of Dwelling Units on a Lot - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the number of dwelling units on one lot.

This property is located to the north and west of 7th Street and Memorial Drive.

Presentation:

Hayden Crawford, 1714 First National Building, was present to address the Board and submitted a map of location (Exhibit "E-1"), Elevation A (Exhibit "E-2"), and Elevation B (Exhibit "E-3"). Mr. Crawford advised that the proposal for development of the subject property is an apartment complex consisting of a total of 100 units in 17 buildings. Mr. Crawford briefly set out the make-up of the complex (i.e., number of one-bedroom units in a building, number of two-bedroom units in a building, etc.) for the Board. Mr. Crawford explained that the buildings would be one-story and two-story, but that there would be no structures over two stories. Along the west side of the complex, Mr. Crawford advised, there would be a six-foot fence, with parking spaces between the fence and the buildings. Mr. Crawford further advised that the proposed complex would be landscaped. Brief discussion ensued as to the parking requirements, and Mr. Crawford advised that he had been assured by the architect that he was in compliance with the City's parking requirements.

Protestants:

Paula Carter, 8318 East Seventh Street, advised that she felt development of the subject property would lead to increased drainage problems. Ms. Carter briefed the Board on current drainage problems in the immediate vicinity.

Mr. Smith asked Ms. Carter if she had objections other than the drainage situation. Ms. Carter stated that she was somewhat concerned over the increased traffic problems that would result from the development of the property.

John Franklin, 1328 North Garnett Road, stated that McClure Park was directly across the street from the subject property and, during ball season, the baseball facilities in the Park were used to a great extent, thus generating a heavy traffic problem in the area. In addition, Mr. Franklin explained, the other recreational facilities (tennis courts, etc.) were used to a great extent.

Mrs. Purser asked Mr. Franklin if he would object to the proposed application if the Board approved it with a condition that access be from Memorial Drive rather than 7th Street. Mr. Franklin indicated that conditioned approval to that effect would not change his concerns about the heavy traffic problem.

Mrs. John Erickson, 707 South Memorial, advised the Board that she was concerned about the water pressure in the area dropping as a result of a 100-unit apartment complex. Mrs. Erickson further advised that water pressure has dropped considerably in the previous years as development of the area progressed.

Applicant's Comments:

Mr. Crawford stated permission to proceed with construction of the proposed complex would not be given if drainage and screening requirements are not met. Mr. Crawford further stated that any type of development on the subject property would create additional traffic.



11327 (continued)

Board Comments:

Mr. Lewis advised Mr. Crawford that it appeared to him that the plans shown indicated access to the apartment complex from Sixth Street and Seventh Street. Mr. Crawford confirmed that, but stated that all requirements from Traffic Engineering must also be met.

Mr. Smith stated that, from his count, he determined a complex of 104 units. Mr. Crawford advised that if the plans indicated that number of units, that would be the correct number; however, the architect had quoted a figure to him of 100 units.

Discussion ensued as to the development plan proposed for the property. Several planning concerns were raised as to the proposed project and compatibility with adjacent single family homes.

Board Action:

On MOTION of LEWIS and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to continue Case No. 11327 to January 22, 1981, in order that the applicant may return to the Board with approved drainage plans and a new plot plan which addresses the Board's concerns.

11328

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services Cultural and Recreational Facilities) request for permission to use property for church use; and, a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the setback requirements from 25' to 0' on the north and east property lines; and request for a variance of the height requirements from 26' to 46'. This property is located to the south and west of Second Street and 66th East Avenue.

Presentation:

Leon Ragsdale, 3025 East Skelly Drive, representing Sheridan Christian Center, was present to address the Board. Mr. Ragsdale directed the Board's attention to a color-coded plot plan and explained that the Church proposed to erect a new worship facility on the corner of Second Street and 66th East Avenue. Mr. Ragsdale further advised that this proposed facility would have a balcony, thus increasing its height to approximately 40', and the exterior would be constructed with reflecting glass, creating the effect of transparency and reflecting the trees and homes in the neighborhood.

Protestants:

Dr. Ronald Irons advised the Board that he was the pastor of the Church next door to the Sheridan Road Assembly of God Church, and stated that he was concerned over additional traffic and parking congestion. Dr. Irons advised that committees from the two Churches had met and compromised on some issues--one being the redesign of the proposed facility. Dr. Irons further advised that Church service hours will be staggered in order to decrease much of the congestion.

Mrs. Purser asked Dr. Irons if he was speaking in protest or support of the proposal. Dr. Irons replied that he had mixed feelings about the proposed structure.

Thelma Hamilton, 210 South 67th East Avenue, stated that in the previous years the Church had never sought approval from the Board of Adjustment or the Planning Commission for the changes made on the property. Ms. Hamilton further advised that eight years ago she had sued the Church because they had placed a boys' dormitory next to her property. Ms. Hamilton informed the Board that there was a Christian school in operation on the subject property, and that the range in age of the students attending was from two years old through high school age. Ms. Hamilton advised that she did not believe the School was an accredited one and, further, that the Church operates under more than one name. Ms. Hamilton continued by stating that she and her neighbors had discovered that their property had been rezoned for parking by the Church without her knowledge.

Mrs. Purser asked Mr. Gardner if property could be rezoned by an applicant that did not own the property.

Mr. Gardner explained that the Atlas Maps in the Board of Adjustment Office depicted the area in question as approved for parking as he referred to the yellow area on the color-coded plot plan, and advised that Ms. Hamilton did not live in the yellow area. Mr. Gardner further explained that property owned by a person could not be rezoned by another party without the owner's knowledge.

Kitty Wells, speaking on behalf of her parents, Mr. and Mrs. Maurice Broom, 226 South 67th East Avenue, advised that a concern of their's was the decrease in value of their property. Ms. Wells stated that she had no objection to an average-sized church facility in the neighborhood, but that this particular Church had grown above and beyond an average-sized facility. Ms. Wells advised that the Church had made several promises in regard to the property in the past, but had not kept them--one of which was a promise to pave a parking lot which, to date, remains gravel. Ms. Wells submitted five photographs depicting the poor upkeep of portions of the Church property (Exhibit "F-1").

Maurice Broom, 226 South 76th East Avenue, stated that he was in opposition to the increase in building and traffic congestion. Mr. Broom stated that, presently, it was extremely difficult to get onto Sheridan Road. Mr. Broom advised that there was a drainage problem created by one of the Church's parking lots, wherein water drains off of the parking lot and onto his property. Mr. Broom indicated that he had spoken with the Church's officials about the drainage problem and that the Church had a retaining wall erected which resulted in a worsening of the condition. Mr. Broom further advised that a large amount of trash generated from the Church blows over onto his property.

Bill Ashford, 419 South 66th East Avenue, stated that he was concerned over the additional traffic congestion which would be created by further growth of the Church. Mr. Ashford stated that as he was preparing to leave his residence to attend this meeting, there was an unattended child from the Church "hanging on the curb of the street."

11328 (continued)

A letter of protest from Franklin Oler, 202 South 67th East Avenue, with photographs attached was submitted to the Board (Exhibit "F-2").

Board Comments:

Mrs. Purser asked the Church Administrator, Kurt Stauers, to address the concerns of the Board and the protestants. Mrs. Purser asked Mr. Stauers how many students were enrolled in the school. Mr. Stauers replied that, as of the close of the previous semester, the school accommodated 463, from early kindergarten through grade 12. Mr. Stauers advised that he did not have a student figure for the beginning of the semester in January.

Mrs. Purser asked Mr. Jackere if a church use approval constitutes school use approval, as well. Mr. Jackere advised that it did not, and stated that the Church would be required to apply for school use approval before the Board. Mrs. Purser advised Mr. Stauers that the Board of Adjustment records did not reflect approval ever having been given for school use. Mr. Stauers stated that this was the second full year of operation of the school, and further advised that he would examine the situation.

Mr. Smith asked Mr. Stauers if the Church parking lots were paved. Mr. Stauers replied that two of them were paved, and that portions of the other lots were paved with the intention of paving them in their entirety.

Mr. Smith referred to the exhibited photographs and questioned the outside storage of church property (school desks, etc.) as depicted in the photographs. Mr. Ragsdale responded to the question by stating he believed the property was stored outside for a short-term period while the Church was in the process of renovating the structure.

Board Action:

On MOTION of VICTOR and SECOND by LEWIS, the Board voted 4-0-0 (Purser, Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to deny an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for use of property for church use; and, a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 25' to 0' on the north and east property lines; and, a Variance of the height requirements from 26' to 46', on the following described property:

Lots 1, 2, 3, 4, 5, & 6, Block "F" Crestview Estates Addition to the City of Tulsa, Oklahoma.

11329

Action Requested:

Exception (Section 250.3 (b) - Modification of the Screening Wall or Fence Requirements - Under the Provisions of Section 1680 - Exceptions) request for an exception to modify the screening requirements where an alternative screening will provide visual separation of uses; and, a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) request

for a variance of the setback requirements from an R District from 75' to 0'; and request for a variance of the setback requirements from 50' to 35' from the centerline of Haskell Place. This property is located to the north and west of Haskell Place and Zunis Avenue.

Presentation:

Mr. Jones advised the Board members that their Case Report and zoning Map did not reflect that the east five feet of the subject property is zoned RM-1, and that was the purpose of requesting a variance in the setback requirements from 75' to 0' on the east.

Bob Nichols, representing Gate City Steel, was present to address the Board and submitted a plot plan (Exhibit "G-1"), as well as four photographs on the subject property as it appears today (Exhibit "G-2"), nine photographs of the subject property as it appeared when purchased (Exhibit "G-3"), and a zoning map of the subject property (Exhibit "G-4"). Mr. Nichols advised that Gate City Steel was proposing the erection of a building that would be in alignment with the existing structures at the front in order that usage of the craneway could be continued. Mr. Nichols further advised that this was being presented as a hardship due to the fact that, without the variance, utilization of the land would be impossible.

Board Comments:

Mrs. Purser asked Mr. Nichols if Gate City Steel had plans in the future to create additional access to the building from Zunis. Mr. Nichols advised that there was no need for, or plans to have, access on either Haskell Place or Zunis.

Protestants:

Abbott Grant advised the Board that Gate City Steel had purchased two lots in the area east of Zunis and had converted them into parking lots, thus condemning residential owners to a one-owner sale under adverse conditions.

Applicant's Comments:

Mr. Nichols advised that the lots that had been converted into parking lots he believed, were the property of Arrow Specialty and, further, that Gate City Steel did not own any property east of Zunis.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to approve an Exception (Section 250.3 (b) - Modification of the Screening Wall or Fence Requirements - Under the Provisions of Section 1680 - Exceptions) to modify the screening requirements where an alternative screening will provide visual separation of uses on Lots 4, 5, 6, & 7 only, subject to the applicant returning to the Board for waiver of the screening requirements on Lots 1, 2 and 3 if those lots are used at any time in the future; and, a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from an R District from 50' to 0' from the centerline of Zunis, rather than 75' to 0'; and, a Variance of the setback requirements from 50' to 35' from the centerline of Haskell Place, per plot plan, subject to no access to Zunis and no additional access to Haskell Place, on the following described property:

11329 (continued)

Lots 1, 2, 3, 4, 5, 6 & 7, Block 3, Cherokee Heights Addition  
to the City of Tulsa, Tulsa County, Oklahoma.

11330

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the setback requirements from 85' to 53' from the centerline of 51st Street. (To permit an accessory building). This property is located at 6731 East 51st Place.

Presentation:

Luther McCall, 6731 East 51st Place, was present to address the Board and stated that he had an accesosry building located on the northeast corner of his lot and that he wished to seek a variance of 32'. Mr. McCall stated that the accessory building was over an easement and that he had authorization from the City Water Department, the Public Service Company, and the Oklahoma Natural Gas Company to build over the easement, with the stipulation that if any one of those public service agencies needed access to the easement, Mr. McCall would remove the building at his own expense.

Board Comments:

Mrs. Purser asked Mr. McCall if the accessory building was already in existence, to which Mr. McCall replied, "Yes." Mrs. Purser then asked Mr. McCall why he did not come before the Board for approval of a variance prior to erecting the building. Mr. McCall stated that he was unaware that he needed approval since it was on his property and it was a storage shed.

Mr. Lewis asked Mr. McCall what his hardship was for the placement of the building, and Mr. McCall stated that he erected the building on the northeast corner of his lot because it was more convenient there and it would not be directly next to his residence.

Mr. Smith asked Mr. McCall if there was not a masonry fence along his north property line. Mr. McCall replied that there was, and that his building was built three feet inside that fence.

Mrs. Purser asked Mr. McCall how tall the accessory building stood. Mr. McCall advised that it was 12' in height, including the roof.

Protestants:

A. C. Phennighausen, 6735 East 51st Place, advised that his property and residence was located immediately east of the subject property. Mr. Phennighausen further advised that he felt that this was a case of arrogance--not ignorance--and that Mr. McCall had been advised while constructing the building that he was in violation of the Zoning Code by Mr. Phennighausen. Mr. Phennighausen stated that Mr. McCall did not receive permission from the utility companies to build over the easement until after the building was completed.

Mr. Lewis asked Mr. Phennighausen if the discussion between he and Mr. McCall included the fact that Mr. McCall was building too close to the lot line. Mr. Phennighausen advised that he had brought that fact to

Mr. McCall's attention, as well as the fact that there might be a drainage problem at the rear of his own property as a result of his construction.

Mrs. Purser asked Dorothea Miller of the Building Inspector's Office if Mr. McCall had been issued a building permit. Ms. Miller stated that he had not been issued the permit, and that her office has received a complaint and notice was given that Mr. McCall was in violation.

Mr. Phennighausen submitted to the Board a letter of protest from Mr. and Mrs. C. L. White, 6725 East 51st Place, stating that the building was out of character for a storage building, and that they objected to a beauty shop business being conducted at that location (Exhibit "H-1").

Applicant's Comments:

Mr. McCall advised the Board that when he discovered that he was in violation of the Zoning Code, he went to the Building Inspector's Office and received information on the proper procedures to be followed, whereupon he pursued those procedures. Mr. McCall stated that the building was not obstructing any drainage--that the lot was 130', the building was 12' wide, and the backyard was approximately 60'.

Mr. Victor asked Mr. McCall how the building would be utilized. Mr. McCall stated that the building would be strictly a storage building for lawnmowers, bicycles, etc.

Mr. Lewis asked Mr. McCall what materials the building was constructed with. Mr. McCall advised that lumber and composition shingles were used in the construction, and that the building matched his residence. Mr. McCall submitted to the Board a letter from the Public Service Company of Oklahoma (Exhibit "H-2"), a letter from the Oklahoma Natural Gas Company (Exhibit "H-3"), and an Agreement for Maintaining Structures on Sanitary Sewer Easement from the City of Tulsa (Exhibit "H-4"), all of which stated that there was no objection to construction over the easement on the condition that if access to the easement was needed in the future, the building would be removed at Mr. McCall's expense.

Mrs. Purser asked Mr. McCall if he had plans to operate a beauty shop in the building. Mr. McCall explained that his wife was a beautician and that was probably where the idea of operating a beauty shop in the building was conceived. Mr. McCall explained, however, that his wife rented space in the Sheridan Discount Center for operation of her business, and that there would be no beauty shop operation in the building.

Mrs. Purser asked Mr. McCall if he anticipated operating a business of any type out of the building, presently or in the future, to which Mr. McCall replied, "None whatever."

Mr. Lewis asked Mr. McCall if there were any other out buildings in the vicinity that were in violation of the 85' setback requirement. Mr. McCall advised that there was one directly west of him that was in violation, and that there were numerous outbuildings along Sheridan Road that were in violation.

11330 (continued)

The protestant, Mr. Phennighausen, requested additional time to comment and Mrs. Purser granted the additional time. Mr. Phennighausen advised the Board that the building in question was over 12' high, and that the building directly west of Mr. McCall, that Mr. McCall stated was in violation of the setback, was constructed of a plastic material and was approximately 7' high. Mr. Phennighausen stated that when one drives down 51st Street, there are no other buildings "sticking up" like Mr. McCall's.

Board Action:

MOTION was made by LEWIS and SECONDED by VICTOR to deny the variance. Further discussion ensued before a vote was taken.

Mr. Lewis explained that he simply did not find a hardship in applying for the variance.

Mrs. Purser stated that, although the building was constructed well and of good-quality materials, she could see no alternative other than to request that it be torn down or moved to a different location on the property in accordance with proper setback requirements.

Mr. McCall asked Mrs. Purser if the building could remain on the property if it was relocated. Mrs. Purser replied that it could remain as long as it was in compliance with the setback requirements. Mrs. Purser further stated that also of concern to the Board was that Mr. McCall did not come before the Board before construction took place and, if he had, it was her feeling that the variance would not have been granted at that time. Mr. McCall argued that during construction, he was not aware of setback requirements until he was served a notice by the Building Inspector's Office. Mr. McCall stated that the Building Inspector's Office did not advise him of setback requirements--only easements. Mr. McCall explained that he was made aware of the setback requirements when he went to the Building Inspector's Office after receiving notice of a violation, and stated that if he had been aware of the 85' setback requirement, he would never have built the building as close as he did.

Alan Jackere, City Legal Department, stated that, typically, the Building Inspector's Office has nothing to do with sanitary sewer easements and are often unaware that the easements exist. Mr. Jackere asked Mr. McCall if he was in the City Hall building when he spoke with the Building Inspector. Mr. McCall stated that he was. Mr. Jackere advised the Board that the Building Inspector's Office would have reason to advise an applicant on setback requirements in the Zoning Code, but would have no reason to advise on sanitary sewer easements. Mr. McCall stated that he had spoken with Don Young and Paul Jacoma in the Building Inspector's Office.

Mr. McCall asked the reason for the motion of denial. Mr. Victor explained to Mr. McCall that he was in violation of the law. Mr. McCall argued that he was seeking a variance just like any other citizen. Mrs. Purser advised Mr. McCall that the law requires that a hardship be shown when applying for a variance--one that is not economic in nature, but that is land-use related.

Mr. McCall stated that the hardship was space, and asked the Board if they wanted him to throw all of his stuff out in the yard and

11330 (continued)

make a junk yard out of it rather than try to be compatible with the neighborhood.

Board members consulted with Ms. Miller on figures of the property, but still could find no hardship. Mrs. Purser advised Mr. McCall that it appeared that he had room on the lot for the building if he would consent to move it up next to a wing of the residence.

Mrs. Purser then stated that there was a motion on the floor and asked if there was additional discussion.

On MOTION of LEWIS and SECOND by VICTOR, the Board voted 3-1-0 (Purser, Lewis, Victor, "aye"; Smith "nay"; no "abstentions"; Wait "absent") to deny the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 85' to 53' from the centerline of 51st Street to permit an accessory building on the following described property:

Lot 6, Block 4, Sungate Addition to the City of Tulsa, Oklahoma.

Applicant's Comments:

Mr. McCall asked the Board what they proposed he do. Mrs. Purser responded by saying that, under the law, since the Board could not find a hardship, they had no other choice than to deny the variance.

Mr. McCall argued that the building was not damaging in any way and that he was upset over the fact that a neighbor could dictate how he could live on his own property. Mr. McCall further argued that they would have to take him to jail and lock him up because he was not going to tear the building down.

Mrs. Purser attempted to explain to Mr. McCall that the presence of his neighbor, Mr. Phennighausen, had nothing to do with the basis on which the Board made its decision.

11334

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1202 - Area-Wide Special Exception Uses - Post Office - Under the Provisions of Section 1680 - Exceptions) request for an exception to permit a post office in the Fontana Shopping Center. This property is located at 4919 South 79th East Avenue.

Presentation:

Charles Norman, representing the Boothe Financial Corporation and the Hardesty Company, was present to address the Board and submitted a plot plan of the Fontana Shopping Center (Exhibit "I-1"), as well as a scaled down version of the same plot plan with the location of the proposed post office depicted in red pencil (Exhibit "I-2"). Mr. Norman stated that, under the Zoning Ordinance, a post office is classified as Use Unit #2. The uses within Use Unit #2 are permitted in any zoning district, subject to the approval of the Board of Adjustment. Mr. Norman advised the Board that Boothe Financial Corporation was proposing to lease space in the Fontana Shopping Center



11334 (continued)

for the operation of a post office at the location marked in red on the submitted exhibit. Mr. Norman further advised that an unmanned, self-service substation is being proposed for the location, and would utilize approximately 1,800 square feet.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by LEWIS, the Board voted 4-0-0 (Purser, Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1202 - Area-Wide Special Exception Uses - Post Office - Under the Provisions of Section 1680 - Exceptions) to permit a post office in the Fontana Shopping Center, on the following described property:

A parcel of land located in Lot 1, Block 1, "Fontana", an Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, said parcel being more particularly described as follows:

Commencing at the NE corner of said Lot 1; thence due South along the East line of said Lot 1, a distance of 149.00'; thence South 89°-58'-33" West a distance of 533.98'; thence South 0°-01'-27" East a distance of 150.00' to the point of beginning; thence North 89°-58'-33" East a distance of 60.00'; thence South 0°-01'-27" East a distance of 30.00'; thence South 89°-58'-33" West a distance of 60.00'; thence North 0°-01'-27" West a distance of 30.00' to the point of beginning. Containing 1,800 sq. ft., more or less.

11335

Action Requested:

Variance (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the setback requirements from 100' to 70' from the centerline of Sheridan Road to permit an addition to the present building. This property is located at 2305 South Sheridan Road.

Presentation:

Al Johnson, representing Johnson Construction Company, Route 2, Box 139-B, Sapulpa, Oklahoma, was present to address the Board and submitted a plot plan (Exhibit "J-1"). Mr. Johnson advised the Board that he wished approval of a variance to allow the construction of a 15' x 45' masonry addition to an existing structure.

Protestants: None.

Board Comments:

Mr. Victor asked Mr. Johnson if the addition would be one-story. Mr. Johnson replied that it would.

11335 (continued)

Mrs. Purser asked Mr. Johnson if there would be sufficient parking if the proposed addition was constructed. Mr. Johnson stated that there would be and that the proposed addition would be a drive-through facility for insurance claim processing.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to approve a Variance (Section 630 - Bulk and Area Requirements in the Office District - Under the Provisions of Section 1670 - Variances) of the setback requirements from 100' to 70' from the centerline of Sheridan to permit an addition to the present building, per plot plan, on the following described property:

Lot 1, Block 1, Johansen Acres Amended Addition to the City of Tulsa, Oklahoma.

11336

Action Requested:

Exception (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1680 - Special Exceptions) request for an exception to allow floor area ratio in excess of .25, but less than .40 on the proposed structure. This property is located at 4625 South Harvard Avenue.

Presentation:

George deVerges, 4111 South Darlington Avenue, Suite 600, was present to address the Board and submitted a plot plan (Exhibit "K-1"). Mr. deVerges advised Board members that the exception was being sought because of economic necessity. Mr. deVerges further advised that the proposed structure would have 53 parking spaces which, he believed, was in excess of the number required by the City.

Protestants: None.

Board Comments:

Mrs. Purser asked Mr. deVerges what the proposed structure would look like when completed. Mr. deVerges advised that it would be a one-story office building of red brick, similar to other structures in the area.

Mr. Lewis asked Mr. deVerges what floor area ratio he was requesting. Mr. deVerges replied that he was seeking a .39 floor area ratio.

Mr. Smith asked Mr. deVerges if the proposed structure would be rental space for a medical building. Mr. deVerges stated that it would not be--that the space would probably be general office space.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to deny the Exception (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1680 - Special Exceptions) to allow floor area ratio in excess of .25, but less than .40 on the proposed structure, on the following described property:

11336 (continued)

Lot 5, Block 3, Villa Grove Heights No. 1, Tulsa County, Okla.

11337

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Under the Provisions of Section 1680 - Special Exceptions) request for an exception to permit a church and church-related activities in an AG District. This property is located at 10600 South Memorial Drive.

Presentation:

Reverend Henry Churchill, 7519 East 102nd Street South, was present to address the Board and stated that the Church was purchasing the subject property, less the west 50' of the north 130'. Reverend Churchill further advised that it would be some time in the future before plans to develop and build on the property would be formulated.

Protestants: None.

Remarks:

The Staff advised the Board of a street problem which would develop if church use were approved for the entire tract. The problem involves the need for continuation of the collector street (106th Street) which is stubbed into the west boundary of the subject tract. The Technical Advisory Committee (TAC) would require this street be extended to Memorial Drive if they were reviewing a subdivision plat of the subject property.

The Technical Advisory Committee would require at a minimum, the street be turned to the north and stubbed into the AG property. There would have to be enough land left to extend the street, utilizing a general curve, not a right angle stop and turn arrangement. A lot-split would be required to reserve that portion necessary to construct the street if that portion is not under the same ownership as the subject property and AG property to the north.

Board Action:

On MOTION of SMITH and SECOND by LEWIS, the Board voted 4-0-0 (Purser, Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to approve an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Under the Provisions of Section 1680 - Special Exceptions) to permit in concept a church and church-related activities in an AG District, subject to the following conditions: (1) less and except the north 130' of west 175'; (2) the applicant must return in the future for approval of specific plans for construction; and, (3) no private school use, on the following described property:

The South 330' of the SE/4 of the NE/4 of Section 26, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

Action Requested:

Exception (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1680 - Exceptions) request for an exception of the floor area ratio from .25 to .32 in an OL District. This property is located north of the NE corner of 45th Street and Harvard Avenue.

Presentation:

Mr. Jones advised the Board members that they had reviewed an application by Mr. Seawright on December 18, 1980, of a similar request on the subject property, and that it would be at their discretion to re-hear this case if they felt it was a substantially new case. Mr. Jones further stated that, on December 18, 1980, the Board voted to allow a two-story structure with .25 coverage, rather than a two-story structure with .38 coverage.

James Seawright explained to the Board that plans had also been developed, which he felt constituted a new application. Mr. Seawright further explained that the protesting of the application was the result of drainage problems in the area, and that it was his feeling that the development of the subject property would not create additional drainage and erosion problems but, rather, help the existing ones. Mr. Seawright submitted to the Board a rendering of the proposed structure (Exhibit "L-1"), as well as a one-page summary of the property description and land usage (Exhibit "L-2").

Board Comments:

Mr. Lewis asked Mr. Seawright if there were other two-story buildings in the immediate vicinity. Mr. Seawright advised that there was one immediately to the north. Mr. Seawright explained that since the building would be depressed into the ground, it would not appear to be a full two-story structure. Mr. Lewis asked Mr. Seawright how tall the building would be, and Mr. Seawright stated that the building would be 20' from the ground to the top of the parapet, which is 30" higher than the roof of the building.

Protestants:

Kathy Borchardt, 3331 East 45th Street, submitted to the Board 16 photographs (Exhibit "L-3") depicting drainage problems in the vicinity. Ms. Borchardt stated that she was not entirely convinced that the proposed method of construction would remedy drainage problems that were of concern to the neighborhood, and added that Mr. Seawright had met with her earlier in the afternoon in an attempt to address her concerns. Ms. Borchardt cited several specific locations which add to the drainage problems in the area and referred to the exhibited photographs which depicted such problems. Ms. Borchardt stated that she would be willing to run the risk of foregoing all protective conditions from the Board by allowing a one-story structure by right.

Mr. Jackere explained that no "protective measures" could be required by the Board if a one-story, by right structure was built; however, the Board could require certain conditions of approval such as, lighting, number of parking spaces, landscaping, etc., if a variance or exception was required.

11338 (continued)

Ms. Borchardt advised that she felt the neighborhood was in the position of feeling that they have absolutely no protection anyway.

Considerable discussion ensued as to the drainage problems on Harvard, as well as what steps could be taken to eliminate and/or minimize drainage problems.

Mrs. Purser stated that the Board could condition the approval by stating that the water could run off only onto Harvard. Ms. Borchardt stated that she would be in favor of a conditioned approval to that effect.

Mr. Jackere suggested asking Charles Hardt, City Hydrologist, to attend the next Board meeting to review the plans and hear the complaints of the neighborhood on the drainage problems.

Weyman Ryker, 4344 South Jamestown Avenue, stated for the record that he had taken the exhibited photographs in June of 1980, subsequent to the paving of the two lots behind his property and the property to the north. Mr. Ryker further attested to the drainage problems as stated by Ms. Borchardt.

Mrs. Purser asked Mr. Seawright if he would be part owner of the proposed building or if he would have any interest in it. Mr. Seawright replied that he would be part owner and operator and that there would be no intention of selling it.

Board Action:

On MOTION of LEWIS and SECOND by SMITH, the Board voted 4-0-0 (Purser, Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to continue Case No. 11338 until January 22, 1981, to allow the attendance of Charles Hardt, City Hydrologist.

11339

Action Requested:

Variance (Section 910 - Principal Uses Permitted in Industrial Districts-Section 1227 - Heavy Manufacturing and Industry - Under the Provisions of Section 1670 - Variances) request for a variance to permit a salvage yard in an IL District. (This salvage yard has been in operation for approximately 17 years.) This property is located at 9100 East 46th Street North.

Presentation:

Mr. Jones advised the Board members that he did not take this application and that he felt it should be a request for an Exception rather than a Variance due to the fact that the property is zoned IL and appears to be a nonconforming use.

Dale Pittman, 4606 North Mingo Road, submitted an aerial photo (Exhibit "M-1") as documentation establishing the fact that the salvage yard was in operation at the subject location since 1960, thus meeting the requirements for a nonconforming use.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by LEWIS, the Board voted 4-0-0 (Purser, Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to find that the use is nonconforming and that the buildings and operation were in existence prior to Tulsa's zoning control, on the following described tract:

The W/2, SW/4, SW/4, SE/4, of Section 12, Township 20 North, Range 13 East, in the City and County of Tulsa, Oklahoma.

OTHER BUSINESS:

- Request from MTTA for approval of bus shelters

Gary Crawford, Public Transit Shelters, was present to address the Board. Mr. Crawford advised that Public Transit Shelters was the firm that will be installing the bus shelters for MTTA and submitted the following locations for approval of installation of bus shelters:

- (1) R-16 21st Street and Utica Avenue (corner of St. John's Hospital)

Board Action:

On MOTION of SMITH and SECOND by LEWIS, the Board voted 4-0-0 (Purser, Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to approve the location of bus shelter R-16, subject to approval of the Park Department.

- (2) R-126 Yale Avenue south of King Street

Board Action:

On MOTION of LEWIS and SECOND by SMITH, the Board voted 4-0-0 (Purser, Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to approve the location of bus shelter R-126, subject to approval of the Park Department.

- (3) R-129 Hartford Avenue south of North 46th Street

Board Action:

On MOTION of SMITH and SECOND by LEWIS, the Board voted 4-0-0 (Purser, Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to approve the location of bus shelter R-129, subject to approval of the Park Department.

- (4) R-140 Utica Avenue south of 12th Street

Board Action:

On MOTION of SMITH and SECOND by LEWIS, the Board voted 4-0-0 (Purser, Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to approve the location of bus shelter R-140, subject to approval of the Park Department.

- (5) R-141 West of Pittsburg Avenue on 41st Street

Board Action:

On MOTION of SMITH and SECOND by LEWIS, the Board voted 4-0-0 (Purser, Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions";

- Request from MTTA for approval of bus shelters (continued)

Wait "absent") to approve the location of bus shelter R-141, subject to approval of the Park Department.

- Request from Tulsa Industrial Authority and University of Oklahoma to waive BOA condition and substitute revised plot plan.

Jim Jessup, Attorney for TIA, was present to address the Board. Mr. Jessup advised that TIA was the public trust for the City of Tulsa, the beneficiary, and owns the subject property. Mr. Jessup further advised that the property is leased under long-term lease to the University of Oklahoma as a campus site for the exclusive use of the Health Sciences Center of Tulsa Medical College for the education of the medical students and residents of the Tulsa Branch Program. Mr. Jessup explained to the Board that the subject property at one time belonged to American Christian College.

Mr. Jackere advised Board members that, during ownership by American Christian College, the Board approved church buildings and church use on the property. Mr. Jackere further advised that, in more recent action, the Board set out a condition that if any further construction on the subject property occurs, notice must be given for a new public hearing. Mr. Jackere explained that the structures proposed on the property were under construction presently, but construction was halted because of the past condition made by the Board.

Mr. Jackere further explained that he had suggested to TIA and OU that the Board be consulted in this matter so determination could be made as to whether or not the condition was appropriate in this case. Mr. Jackere advised that the property is approved for the use.

Jim Schultz, architect for the project, briefly presented the plans and an artist's rendering of the proposed construction.

Considerable discussion ensued as to whether or not to waive the past Board conditions or to require the applicant to advertise for a public hearing and return to the Board with specific plans for approval.

Board Action:

On MOTION of SMITH and SECOND by LEWIS, the Board voted 4-0-0 (Purser, Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to continue this case until February 5, 1981, in order to allow time for notice of a public hearing to be mailed to property owners in the immediate area.

There being no further business to come before the Board, the Chair adjourned the meeting at 6:59 p.m.

Date Approved

February 19, 1981

Anthony J. Purser

Chairman