

CITY BOARD OF ADJUSTMENT  
MINUTES of Meeting No. 409  
Thursday, March 22, 1984, 1:00 p.m.  
Langenheimer Auditorium, City Hall  
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Chappelle Smith, Chairman Wait	Purser Victor	Gardner Jones Wiles	Hubbard, Protective Inspections Jackere, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, Tuesday, March 20, 1984, at 10:40 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Smith called the meeting to order at 1:02 p.m.

MINUTES:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to approve the Minutes of February 23, 1984 (No. 407).

UNFINISHED BUSINESS:

Case No. 13011

Action Requested:

Variance - Section 440.6 - Special Exception Uses in Residential Districts, Requirements - Use Unit 1207 - Request for a variance of the required lot width from 75' to 20.8' and 23.45' and a variance of the required lot area from 9,000 sq. ft. to 6,822 sq. ft. and 7,704 sq. ft. to permit a lot split in an RS-3 District under the provisions of Section 1670, located north of the NW corner of East 61st Street and South Marion Avenue.

Presentation:

Kenneth Miles, 201 West 5th Street, represented the estate of the late Thomas L. Ozment. This application is concerning a duplex. The effect of the duplex lot split would not in any way increase the density in the neighborhood and would not in any way adversely affect the community. This was approved by the Planning Commission, subject to two conditions. A plat of survey was submitted (Exhibit "A-1").

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to approve a Variance (Section 440.6 - Special Exception Uses in Residential Districts, Requirements - under the provisions of Use Unit 1207) of the required lot width from 75' to 20.8' and 23.45' and a variance of the required lot area from 9,000 sq. ft. to 6,822 sq. ft. and 7,704 sq. ft. to permit a lot split

Case No. 13011 (continued)

(L-16098) of an existing duplex in an RS-3 District under the provisions of Section 1670, per plat submitted and subject to the filing of the easement, on the following described property:

TRACT A: A part of Lot 5, Tri-Kee Addition, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, being more particularly described as follows, to wit: BEGINNING at the most Easterly corner of said Lot 5; thence Northwesterly along the Northeasterly line of said Lot 5 a distance of 113.33' to the Northeast Corner thereof; thence Westerly along the North line of said Lot 5 a distance of 90.0' to the Northwest Corner thereof; thence Southerly along the West line of said Lot 5 a distance of 23.10' to a point; thence Southeasterly a distance of 155.37' to a point on the Southeasterly line of said Lot 5, said point being 20.80' Northeasterly from the Southeast Corner thereof; thence Northeasterly along the Southeasterly line of said Lot 5 on a curve to the right having a radius of 50.0', a distance of 23.45' to the Point of Beginning.

TRACT B: A part of Lot 5, Tri-Kee Addition, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, being more particularly described as follows, to wit: BEGINNING at the Southeast Corner of said Lot 5; thence Northeasterly along the Southeasterly line of said Lot 5 on a curve to the right having a radius of 50.0' a distance of 20.80' to a point; thence Northwest-erly a distance of 155.37' to a point on the West line of said Lot 5, said point being 23.10' South of the Northwest Corner thereof; thence Southerly along the West line of said Lot 5 a distance of 87.13' to the Southwest Corner thereof; thence Southeasterly along the Southerly line of said Lot 5, a distance of 118.84' to the Point of Beginning.

Case No. 13028

Action Requested:

Variance - Section 410 - Principal Uses Permitted in Residential Dis-tricts - Use Unit 1223 - Request for a variance to permit a storage building as the principal use on a lot of record in an RS-3 District under the provisions of Section 1670.

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Use Unit 1223 - Request for a variance of the required setback from the centerline of Archer Place from 50' to 45' to permit a storage building in an RS-3 District under the provisions of Section 1670.

Variance - Section 1223.3 - Use Conditions - Use Unit 1223 - Request for a variance of the required screening of the abutting R District in an RS-3 District under the provisions of Section 1670.

Variance - Section 250 - Screening Wall or Fence - Use Unit 1223 - Request for a variance of the screening requirements to permit a chain link fence in an RS-3 District under the provisions of Section 1670, located east of the SE corner of South 25th West Avenue and Archer Pl.

Case No. 13028 (continued)

Presentation:

The applicant, Dayton Girdner, 3815 Charles Page Boulevard, informed there is a working oil well right around the corner from the area of the subject property. The area is an isolated area and there is really nothing else that can be built into that area because of the isolation of the streets and the expressways and other businesses in the area.

Protestants: None.

Comments:

Mr. Smith informed that this is the case where the street is dedicated, but unimproved.

Mr. Girdner informed the dedication is even questionable.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to approve a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the provisions of Use Unit 1223) to permit a storage building as the principal use on a lot of record in an RS-3 District under the provisions of Section 1670, a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Under the provisions of Use Unit 1223) of the required setback from the centerline of Archer Place from 50' to 45' to permit a storage building in an RS-3 District under the provisions of Section 1670, a Variance (Section 1223.3 - Use Conditions - Under the provisions of Use Unit 1223) of the required screening of the abutting R District in an RS-3 District under the provisions of Section 1670, and a Variance (Section 250 - Screening Wall or Fence - under the provisions of Use Unit 1223) of the screening requirement to permit a chain link fence in an RS-3 District under the provisions of section 1670, per plot plan submitted, on the following described property:

Lot 11, Block 5, New Irving Place an addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13043

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request for a variance of street frontage requirements to permit 4 single-family lots having access to a private street in an AG District under the provisions of Section 1670, located north and west of the NW corner of 101st Street and Yale Avenue.

Presentation:

The applicant, Roy D. Johnsen, 324 Main Mall, was not present.

Protestants: None.

Comments:

Mr. Gardner informed that Mr. Johnsen needs a continuance. This needs to go before the Planning Commission first.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, 3.22.84:409(3)

Case No. 13043 (continued)

Victor, "absent") to continue Case No. 13043 to the April 5, 1984, meeting.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 13068

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Use Unit 1206 - Request for a Variance of the required 55' setback from the centerline of East 35th Street to 51.5' for an existing carport in an RS-2 District under the provisions of Section 1670, located east of the NE corner of East 35th Street and Zunis Place.

Presentation:

The applicant, Thomas E. Wier, 2217 East 35th Street, was not present.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to continue Case No. 13068 to the April 5, 1984, meeting, due to the loss of an official quorum.

NEW APPLICATIONS:

Case No. 13032

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Use Unit 1206 - Request for a variance of the required lot width of 75' to 10' and a variance of the required land area of 10,875 sq. ft. to 9,300 sq. ft. all to permit a lot split in an RS-2 District under the provisions of Section 1670, located north of the NW corner of East 33rd Street and South Braden Avenue.

Presentation:

The applicant, John R. Harris, 2913 East 11th Street, informed they have done something similar to this in another part of town and they had a successful development there. The interested parties live north of the subject tract and are in favor of this. This will be single-family housing. This was approved by the Planning Commission subject to this Board's approval. He submitted a plot plan (Exhibit "B-1").

Interested Party:

E. T. W. Hall, 3224 South Braden Avenue, owns the property adjoining the subject property on the north. They have lived there for 32 years. He feels that this development will be a big improvement over what is on the property now. It is very grown up with weeds and has never been cared for or taken care of unless the neighbors protested. They are in favor of this application.

Comments:

Mr. Gardner informed this piece of property is long and narrow in shape. It has been under pressure in the past for parking lots and for apartments. This will close the door to any commercial intrusion into the

Case No. 13032 (continued)

area in the future. The Staff has no problem with this.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - under the provisions of Use Unit 1206) of the required lot width of 75' to 10' and a variance of the required land area of 10.875 sq. ft. to 9,300 sq. ft. all to permit a lot split (L-16114) in an RS-2 District under the provisions of Section 1670, per plot plan, on the following described property:

The East 200' of Lot 1, Block 2, Yorkshire Estates, an addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13036

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request for an exception to permit a church and church use in an RS-3 District under the provisions of Section 1680.

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Use Unit 1205 - Request for a variance of the side yard setback from 5' to 0' to permit building across a lot line (Lots 2 and 3) in an RS-3 District under the provisions of Section 1670, located at the NE corner of South 135th East Avenue and East 36th St.

Presentation:

The applicant John E. Heller, 1801 South 120th East Avenue, was represented.

Protestants:

There were several protestants present. A letter was sent from the Park Plaza East III and IV Homeowners Association which requested that this application be continued until the April 5, 1984, meeting (Exhibit "C-1").

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to continue Case No. 13036 to the April 5, 1984, meeting.

Case No. 13045

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1207 - Request for an exception to permit a duplex in an RS-3 District under the provisions of Section 1680, located at the NW corner of East 33rd Place and South Cincinnati Place.

Presentation:

The applicant, George Hanks, 2723 West 68th Street, informed the subject property is a large piece of property--107' x 140'. The property

Case No. 13045 (continued)

backs up to an apartment complex. In the area are several duplexes and quite a bit of rental property. He feels this property is very suitable for duplex use. He is asking for only one duplex. He submitted a plan (Exhibit "D-1") and some photographs (Exhibit "D-2") and explained them.

Comments:

Mr. Jackere asked if the applicant would need any variances, and Mr. Gardner informed the area is large enough so that he would not need any variances. There is an existing structure and he thinks the applicant's plan is to convert the existing structure to a duplex. Mr. Gardner mentioned to the applicant that in a similar situation, the Board of Adjustment had required that one access point on a corner lot be to each street so that it would not have the appearance of a duplex. This Board could approve this subject to the applicant bringing back a plot plan showing that it looks similar to single-family and showing access to each street.

Protestants:

Greg Ferrar, attorney, 717 South Houston Avenue, Suite 502, informed he lives seven houses east of the subject property. He and several other people in the area are in opposition to this request. He informed they came before the Board in 1982 to contest a zoning change on this piece of property. The parking problems they had then are nothing compared to the problems they have now from the Brookside area. Several businesses have been installed in the area that have greatly increased the traffic flow. He further described their parking problems. He feels that this duplex will increase the parking problems, the trash problems, and the increased traffic because this will bring more cars and more families. They feel that what is proposed will decrease the values of their homes. His primary concern is the precedent this will set for future exceptions--this would additionally compound their problems further. There is no hardship plead or proven in this matter, and if there is any hardship, it has been self-imposed. The zoning restrictions were in effect when they purchased their property and when the applicant purchased his property. They expect the restrictions to be upheld and they have a vested right in this expectation. He informed the apartments in the area have always created a natural barrier between the homes of the property owners and the rental property. By allowing him to bring in more rental property to this area, it would open the door for other people to come in and do the same. There are three other duplexes in the area--two of them are up for sale, and none of them are very well kept. This intersection is a very busy intersection and is very dangerous. A driveway on each side of the lot would create more visual obstructions, more obstructions which need to be passed around, and will create a greater number of opportunities for more accidents to occur at the intersection.

Several area residents were present.

Comments:

There was discussion about whether other homes in the area have direct access to Cincinnati.

Mr. Jackere pointed out that in looking at the area, there doesn't appear to be any lots with this much frontage involved. In order to

Case No. 13045 (continued)

grant a duplex in a residential district, the frontage must be at least 75'. All of the other lots range in the 60s down to the 50s as far as their frontage. None of those would qualify and would, therefore, have to come in for a variance of this requirement--there would probably be other variances involved as well. This lot would appear to be the only one or one of a few lots that is large enough to accommodate a duplex. In the special exception process, no hardship need be shown. The only requirement, basically, is that there be no harm to the neighborhood.

Protestants:

Alberta Manry, 130 East 33rd Place, submitted a petition signed by 133 residents in the immediate area (Exhibit "D-3").

Rosalie Krause, 3330 South Cincinnati Avenue, lives across the street from the subject property. She described the people in the area, and informed they do not want their area to become a transient neighborhood.

Comments:

Mr. Jackere informed Mrs. Krause that every property owner in the neighborhood has the right to rent his house. He informed that the key in this case is what difference one more family in the area would make. Mrs. Krause informed she likes to live in a neighborhood that is not congested with rental property. Mr. Jackere informed that it would be inappropriate for this Board to consider the fact that this is rental property. The only question he is concerned with is whether or not the addition of one extra family is appropriate based on parking or other concerns.

Applicant's Rebuttal:

Mr. Hanks informed the lot has 15,000 sq. ft., and only 7,000 sq. ft. is required for a single-family residence. He already has the privilege to build another residence on the lot. This would not increase the density.

Comments:

Mr. Jackere pointed out that the lot is large enough under the Zoning Code to be split to have two single-family dwelling units placed on them.

Mr. Gardner described the history of the property. The property is large enough for two dwelling units. The Board has to look at whether granting the duplex will be inappropriate based on surrounding land use in the area, not on increased traffic or density since he has the right to build two dwellings.

There was discussion about where other duplexes are located in the area. Mr. Hanks presented a map showing the location of other duplexes in the area.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1207) to permit a duplex in an RS-3 District

Case No. 13045 (continued)

under the provisions of Section 1680, per drawing submitted, on the following described property:

Lot 6, Burgess Acres an addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13047

Action Requested:

Variance - Section 920 - Accessory Uses Permitted in Industrial Districts - Use Units 1206 & 1212 - Request for a variance to permit a 1,092 sq. ft. accessory building for the storage of personal items and restaurant equipment in an IL District under the provisions of Section 1670.

Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Use Units 1206 & 1212 - Request for a variance of the 75' setback from abutting R Districts to permit a 42' setback from the west property line and a 51' setback from the south property line to permit an accessory building in an IL District under the provisions of Section 1670, located north of the NW corner of 42nd Street North and Mingo Road.

Presentation:

Roy Johnson, 4220 North Mingo Road, informed this will be a metal building--42' x 26'. He will use the building to store restaurant equipment, a car, and a boat. To the south of the property used to be a garage, but he does not know what it is used for now. He submitted a plot plan (Exhibit "E-1").

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to approve a Variance (Section 920 - Accessory Uses Permitted in Industrial Districts - under the provisions of Use Units 1206 & 1212) to permit a 1,092 sq. ft. accessory building for the storage of personal items and restaurant equipment in an IL District under the provisions of Section 1670, and a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - under the provisions of Use Units 1206 & 1212) of the 75' setback from abutting R Districts to permit a 42' setback from the west property line and a 51' setback from the south property line to permit an accessory building in an IL District under the provisions of Section 1670, per plot plan submitted, on the following described property:

The South 80' of Lot 1, Block 1, Mohawk Village Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13048

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Use Unit 1207 - Request for a variance of the following:



Case No. 13048 (continued)

- 1) Lot area from 6,900 sq. ft. to 5,536 sq. ft. and 4,974 sq. ft.;
- 2) land area from 8,400 sq. ft. to 6,368 sq. ft.;
- 3) livability space from 4,000 sq. ft. to 3,452 sq. ft.;
- 4) lot width from 60' to 55.79'; and
- 5) side yard setback from 5' to 0' all to permit a lot split of an existing duplex in an RS-3 District under the provisions of Section 1670, located at the NW corner of East 73rd Street and East 72nd Place South.

Presentation:

Charles Hanson, 1201 Fourth National Bank, informed this is a duplex and they are asking for a lot split as per the plat of survey submitted (Exhibit "F-1"). They have filed the declaration of covenants and restrictions. This does not increase the density of the area. The lot split was approved by the Planning Commission.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - under the provisions of Use Unit 1207) of the following: (1) Lot area from 6,900 sq. ft. to 5,536 sq. ft. and 4,974 sq. ft.; (2) land area from 8,400 sq. ft. to 6,368 sq. ft.; (3) livability space from 4,000 sq. ft. to 3,452 sq. ft.; (4) lot width from 60' to 55.79'; and (5) side yard setback from 5' to 0' all to permit a lot split (L-16112) of an existing duplex in an RS-3 District under the provisions of Section 1670, per survey, on the following described property:

Lot 1, Block 4, Kirkdale Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13049

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request for an exception to permit automobile sales in a CS District under the provisions of Section 1680, located at the NE corner of East 17th Street and South Memorial Drive.

Presentation:

Jeff Wolfe, 525 South Main Mall, represented Dean Bailey Oldsmobile. He informed that an exception was granted on the property in 1978 to place 28 cars on the lot. They would like that number to be increased to 70 cars. He presented some photographs of the surrounding area and described the surrounding area. Dean Bailey Oldsmobile has improved the lot a great deal. He submitted a layout of the lot (Exhibit "G-1") and explained it. The lighting will reflect downward and not outward. The access to the property is off of 17th Street, so there will be no ingress and egress changing the traffic flow on Memorial.

Vic Noe, 4747 South Yale Avenue, is the general manager of Dean Bailey Oldsmobile. He started improvements on the subject property before

Case No. 13049 (continued)

he knew there was a 28-car limitation on the lot. He told of improvements they have made on the lot. Cars will not be serviced at this location--this is strictly a retail site. They have increased the surface parking with asphalt 70%. They have a total available space of 30,000 sq. ft. on this lot, and they have a 740 sq. ft. building. The property has the capacity of holding 95 cars. They have increased the entrance on the south end of the property from 20 feet to 45 feet. The people in the area are glad they have come in and improved the property. The lot will accommodate between 10 and 15 customers, but they probably won't have more than 6 on it at any given time.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts - under the provisions of Use Unit 1217) to permit automobile sales in a CS District under the provisions of Section 1680, for 70 cars with no service at this location, as well as no outside storage except for automobiles, on the following described property:

Lot 1, Block 1, John Calvin Addition to the City of Tulsa,  
Tulsa County, State of Oklahoma.

Case No. 13050

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request for an exception to permit a car wash in a CS District under the provisions of Section 1680.

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1217 - Request for a variance of the required setback from the centerline of West 61st from 110' to 68' to permit a car wash in a CS District under the provisions of Section 1670, located at the NE corner of 33rd West Avenue and West 61st Street.

Presentation:

Gene Robison, 5108 West 64th Street, informed he has found since he filed his application that all he needs approved is the Special Exception. He can put the car wash in without the variance, so he is deleting the variance from the application. He submitted a diagram (Exhibit "H-1") and explained it. The car wash will have four bays and it will operate around the clock seven days a week. The lights will go out at midnight. He will have an attendant at the car wash at all times. The car wash will be all self-service. Mr. Robison informed that to the north of the property is rental property and to the south of him they are building apartments. To the west of the property is a U-Tote-M, and to the east is a vacant lot and then a bar. The house to the north will be protected by a seven foot solid wooden fence that he will install. He will also put a fence on the east side.

Protestants: None.

Case No. 13050 (continued)

Comments:

Mr. Smith suggested that the applicant talk to the Traffic Engineer about his access openings--they are very wide.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts - under the provisions of Use Unit 1217) to permit a car wash in a CS District under the provisions of Section 1680, per plot plan submitted, subject to approval of the Traffic Engineer as to access, subject to the applicant putting a 7-foot screening fence on the east side and north side of the property line, and subject to there being an attendant at the car wash, on the following described property:

Lot 16, Block 1, Summit Park Addition to the City of Tulsa,  
Tulsa County, State of Oklahoma.

Case No. 13051

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1215 - Request for an exception for a home occupation (kennel) to permit the keeping of pet dogs in an RS-2 District under the provisions of Section 1680, located south of the SE corner of East 71st Street and South Peoria Avenue.

Presentation:

Patricia A. Berry, 7135 South Peoria Avenue, informed she would like to keep her pets. When she moved to the property, it was zoned AG and they had several pets. She now has eleven dogs. She does raise them to sell. She has a fenced yard and has dog runs for the dogs. She never lets them out unless they are on a lead. There are only a few neighbors who have houses within 300 feet of her property. The neighbors have dogs and have indicated to the applicant that they do not mind the dogs being there. The subject tract is half an acre in size. The dogs are Siberian Huskeys and weigh about 45 pounds. They do not plan to add any more dogs and will not replace them as they die. Three of the dogs are quite old. She has 2 males and 9 females. She keeps the dogs separated. If there are more puppies, she will sell them.

Neal Berry, 7135 South Peoria, informed that this kind of dog does not bark. They have never had a complaint about the dogs from anyone in the neighborhood. He described how they happened to come before the Board.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1215) for a home occupation (kennel) to permit the keeping of pet dogs in an RS-2 District under the provisions of Section 1680, subject to the following conditions: (1) That the total

Case No. 13051 (continued)

number of dogs not exceed 11; (2) that the dogs cannot be replaced as they die until there are three or fewer dogs, (3) that the approval be for this owner only, on the following described property:

Beginning at the Southwest corner of Lot Two, Block Two, River Grove Subdivision, Tulsa County, State of Oklahoma, according to the recorded plat thereof; thence East Two Hundred Fifty-six feet; thence South Eighty-two feet to the point of beginning.

Case No. 13052

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request for an exception to permit a mobile home in an RS-3 District under the provisions of Section 1680, located north of the NW corner of Queen Street and Maplewood Avenue.

Presentation:

The applicant, Robert D. Harrell, 5601 East Xyler Avenue, requested by letter (Exhibit "I-1") that this item be continued until the April 5, 1984, meeting.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to continue Case No. 13052 to the April 5, 1984, meeting.

Case No. 13053

Action Requested:

Variance - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 17 - Request for a variance to permit Use Unit 1225 (automotive painting) to permit antique automobile restoration in a CS District under the provisions of Section 1670, located south of the SW corner of Admiral and South 111th East Avenue.

Presentation:

Tom Dewitt, 11417 East 17th Street, was represented by Phyllis Dewitt, a co-owner of the subject property. She submitted some maps of the subdivision (Exhibit "J-1") and informed she made a similar request on another piece of property in the area that was tabled. The protests at that time came from residents who seemed more concerned about the repair aspect of the business as opposed to the painting. The day after they closed the sale for the subject property, the City Commission published an Ordinance excluding the use of painting from Use Unit 17 in a CS zone. They did not apply for their permit until about a week later. Their building was specifically built for this use and includes a paint booth. Her husband uses the building to restore classic and antique and special interest type cars. The shop is located on one of the farthest lots from the residential area. It is about 600 feet from the nearest residence. She described the location of the building on the subject property and the area. The paint booth will be exhausting out of the back of the building. The building is 2,400 sq. ft. in size.

Case No. 13053 (continued)

This is a one-person operation. She described other businesses in the area. She does not believe that this kind of use would be contrary to public interest because it is a free-standing building and there are no neighbors that they will contaminate. She does not think it would be contrary to the Ordinance. She submitted seven pictures of the area (Exhibit "J-2").

Tom Dewitt informed he would probably do about four complete car restorations per year. He does not paint everyday--the paint booth would be in operation approximately 10 to 15 hours per month. He informed the paint booth is a commercial paint booth and is set up for any type of painting operation. It meets all the requirements.

Interested Party:

Bob Beason, 11119 East 13th Place, informed he is one of the developers of the Wagon Wheel Trade Center. When they received the original Board of Adjustment approval for Use Unit 17, it was his understanding that it included painting. He still owns the majority of property in the area, and they have no objections to the paint booth.

Comments and Questions:

Mr. Smith informed that if the Ordinance had not been passed, the applicant would not have had to come before the Board.

Mr. Gardner informed the hardship was the passing of the Ordinance. The Staff does not have a concern with the number of cars, per se. His business is all enclosed within a building, and the painting aspect is accessory to the business. The Staff does not have any particular problems with this. He thinks one of the conditions that is normally imposed is that the applicant not do outside work.

Mrs. Dewitt informed that the restrictive covenants of the area call for no outside storage, and they had not intended to have any outside storage. Everything would be done inside.

Mr. Jackere asked how she happened to come to the Board, and Mrs. Dewitt told of the things that occurred to bring them here.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to approve a Variance (Section 710 - Principal Uses Permitted in the Commercial Districts - under the provisions of Use Unit 17) to permit Use Unit 1225 (automotive painting) to permit antique automobile restoration in a CS District under the provisions of Section 1670, with the conditions that there be no outside storage of vehicles, that it be for this owner only, and that the painting not become the principal use of the property, on the following described property:

The North 75 feet of Lot 16, Block 2, Wagon Wheel Trade Center, an Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13054

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Use Unit 1206 - Request for a variance of the 50' setback requirement from the centerline of Owasso to 42' to permit a front porch on an existing dwelling in an RS-3 District under the provisions of Section 1670, located south of the SW corner of East 41st Street and Owasso Avenue.

Presentation:

Dona K. Brogles, 1606 First National Bank Building, was represented by Dulcie Owens, 2701 1/2 East 23rd Street, who informed she would like this variance which is for an existing structure to obtain clear title. The porch is already on the building. She submitted a plat (Exhibit "K-1") and 7 pictures (Exhibit "K-2").

Protestant:

Margaret Hargett, 4104 South Owasso Avenue, informed they do not protest this if it is to clear the title. The houses on the street are all lined up. If there is going to be no additional construction, they have no protest.

Applicant's Rebuttal:

Ms. Owens informed they do not plan to add on anything.

Comments and Questions:

There was discussion about the actual setback in the area and about what is required.

Mr. Gardner informed zoning would only require a 50' setback. The plot plan does not show anything coming within 42' of the centerline.

Mr. Gardner informed this could be approved per plat of survey and that would satisfy the mortgage company.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - under the provisions of Use Unit 1206) of the 50' setback requirement from the centerline of Owasso to 42' to permit an existing front porch on a dwelling in an RS-3 District under the provisions of Section 1670, per plat of survey submitted, on the following described property:

Lot 19, Block 3, Alta Dena Place, an addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13055

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1227 - Request for an exception to permit a salvage yard in an IM District under the provisions of Section 1680, located at the NW corner of 27th Place and North Norfolk Avenue.

Presentation:

Charles F. Drouillard, R. R. 8, Box 696, informed the property has been used as an auto salvage. He described the history of the property and how it came to be a salvage yard. The area is low-lying and somewhat isolated from the other streets. There are trees on the south end of the property that screen it from Mohawk Blvd. He described the uses of the surrounding property. When he bought his property, he was under the impression that it was zoned for heavy industrial uses. A salvage yard would be allowed in a heavy industrial area. The previous use for the property was as a landfill operation.

Protestants:

There was a letter of protest from Mrs. Dorothy L. Washington (Exhibit "L-1").

James Beard, Jr., 1020 East 27th Street North, informed they are already surrounded by junk and he would hate to have another salvage yard in the area. There is already one in the area. He does not object to the salvage yard that is already in the area because it is a distance away from him.

Applicant's Rebuttal:

Mr. Drouillard informed he does not believe that Mr. Beard's property adjoins the subject property. The requested salvage yard is already in the area--there is not a new one coming in.

Protestant's Comments:

After finding out that this salvage yard is the existing salvage yard in the area, Mr. Beard withdrew his protest.

Comments and Questions:

Mr. Gardner informed that what appears to be platted land on the map to the south is vacant. The houses start on 27th Street North, which is just below that. He showed where Mr. Beard lives.

Mr. Gardner asked if the applicant had any screening on the south of the property. There was discussion about what kind of fence would be required.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to approve a Special Exception (Section 910 - Principal Uses Permitted in Industrial Districts - under the provisions of Use Unit 1227) to permit a salvage yard in an IM District under the provisions of Section 1680, subject to the erection of a screening fence to the south, on the following described property:

Beginning at the NE corner of the NW/4 of the SE/4 of the SE/4; thence West 280'; thence South 556'; thence East 280'; thence North to the point of beginning, LESS the South 60' and LESS the North 100' all in Section 24, Township 20 North, Range 12 East, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13055 (continued)

Amended Motion:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to amend the motion of approval to require that a 6-foot solid screening fence be erected along the south boundary of the property.

Case No. 13056

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request for an exception to permit automobile sales in a CS District under the provisions of Section 1680, located at the NE corner of East 14th Street and South Memorial Drive.

Presentation:

J. T. Dunn, Jr., 1201 West 43rd Street, submitted 9 photographs of the subject property and the property surrounding it (Exhibit "M-1") and described them and told what is in the surrounding area. He informed this site was a service station. He feels that having the car sales on the property rather than a service station would help the flow of traffic in the area. He described his present location. He does not plan to close his existing lot, but he would like to open a second lot. Mr. Dunn informed that the case the Board approved for car sales earlier in this meeting is within about 600 feet of the subject property. The lot has 22,000 sq. ft. and he would like to have about 35 cars. He pointed out that he will be setting back further than other businesses in the area. He feels this will improve the looks of the area.

Protestants:

Rodney James, 8126 East 14th Street, informed he lives one lot east of the subject property. He described the other homes that are in the area. He was wondering if the applicant was planning to put up a fence and if he was planning to have cars on the pavement only. He described some problems they have had with other car lots in the area. He informed that his property is zoned residential.

Comments:

Mr. Gardner described the area surrounding the subject property and showed on the map where Mr. James' property is.

Mr. Chappelle asked if the day-care center to the north is still in business, and Mr. Gardner informed that he thinks it is.

There was a question as to whether or not there is a screening fence on the lot, and Mr. Dunn informed there is not a screening fence immediately behind the lot; however, the lot immediately behind the subject tract is also zoned CS. He was told there would not be a screening requirement because of that fact.

Mr. Smith informed that commercial is not usually required to fence from adjoining commercial, but the Board could require him to screen the property.



Case No. 13056 (continued)

Protestants:

Scott Sanditen, 3314 East 51st Street, Suite A, represented the ownership of the restaurant at 14th and Memorial. He wants to be sure that the use that Mr. Dunn wants to put the lot to is going to be compatible with the area and an improvement. He told of a used car lot to the south of the lot that is not in compliance with what the Board approved. He does not want this to make the situation worse.

Comments:

Mr. Gardner informed the Building Inspector should look into the case Mr. Sanditen was referring to as well as the tire business that was approved to the north.

Applicant's Rebuttal:

Mr. Dunn informed he is in agreement with Mr. Sanditen in that he would like to see the whole area cleaned up. He has no objection to parking cars on only paved areas.

Comments and Questions:

Mr. Chappelle asked if the applicant had a layout or a plan as to how he plans to use the property. Mr. Dunn informed he did not bring any plans. He described the property and how the cars will be spaced.

Mr. Gardner informed that Mr. Dunn's other lot is well-run and well-kept.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts - under the provisions of Use Unit 1217) to permit automobile sales in a CS District under the provisions of Section 1680, for a maximum of 35 cars to be parked on a paved surface, for this owner only, on the following described property:

Additional Comments:

Mr. Jackere informed that in a home occupation a condition for the permission being for this owner only may be appropriate because home occupations are personal to the occupant of that residence. The Courts have said that ownership is not a concern of zoning and land use decisions.

Amended Motion:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to remove from the approval granted the condition that this be for this owner only.

The West 137.5 feet of Lot 8, Block 3, Forest Acres an addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request for an exception to permit a church school to be added to an existing church in an RS-3 District under the provisions of Section 1680, located at the NW corner of East 12th Street and South 129th East Avenue.

Presentation:

Rev. Fred Millender, 12805 East 13th Street, informed they would like to build a building in connection with their church to house a primary school which will probably be through the 6th grade initially. He presented some plans and described them. They own 15.9 acres, and the proposed building will be almost in the center of the tract. The proposed building will be a two-story metal building. The existing structure on the lot is built of concrete block covered with sandstone rock. Eventually the new building will be covered with sandstone rock to match the existing building. Their money situation will determine when they will put the sandstone on the new building. The building does not have any kind of overhang on the roofline. It will have a .16 gable roof. The proposed building will be 90' by 150' and will be brown and tan. There will be windows in the structure as per the City Ordinance. This building will be 114' from the residential area abutting the subject tract.

Protestants: None.

Comments and Questions:

There was discussion about the surrounding area.

There was concern expressed by the Board members about the building being metal. Mr. Millender informed a school down the street from this location has the same type of metal building that they are proposing to put up.

Mr. Smith informed some metal buildings are very attractive. Those that have an eave overhang are generally more attractive. He informed that the Board members are concerned about approving this without some sort of picture of what it will look like.

Mr. Chappelle suggested that this be continued until the April 5, 1984, meeting to allow the applicant to bring back pictures of buildings similar to what they are proposing to build. He informed he does not have a problem with the use, but he does have a problem with the building.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to continue Case No. 13057 to the April 5, 1984, meeting to allow the applicant to bring back some pictures of the proposed building.

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request for an exception to permit a mobile home in an RS-3 District under the provisions of Section 1680.

Variance - Section 440.6 - Special Exception Uses in Residential Districts, Requirements - Use Unit 1209 - Request for a variance of the one year time limitation for a mobile home to an indefinite period in an RS-3 District under the provisions of Section 1670, located at the NE corner of West 39th Street and South 27th West Avenue.

Presentation:

William E. Wright, 147 South 34th West Avenue, informed he would like to put a mobile home on the subject tract. He submitted a plot plan (Exhibit "N-1"). There is an existing house on the subject tract that is in a run-down condition. He intended to remodel the house, but found he could not feasibly do so because of the extreme dilapidated condition. The mobile home is 14' x 70' and is two years old. He would like to put it on a permanent foundation, and in a few years, he plans to brick the mobile home. He does plan to remove the existing structure, but the mortgage holder is requiring that he first put another structure on the lot.

Comments:

Ms. Hubbard informed the applicant will not be able to get a permit to place the mobile home on the property until the existing structure is removed unless he applies for additional relief from the Board to allow for two dwellings on one lot. This would have to be continued to readvertise.

Mr. Wait asked who will be living in the mobile home, and Mr. Wright informed he and his wife will live in it in a couple of years. Before that time, he will be fixing the property up.

Interested Party:

Clarence Feltnor, 3816 South 27th West Avenue, informed he lives just across the street from the subject tract. He stated that the house is a disgrace and something has to be done. The neighbors have no objection to the mobile home being moved on the tract. He submitted signed comments from all the residences on the block (Exhibit "N-2"). He feels that it is very important healthwise for something to be done about the property. The neighbors are concerned about the rats and the fact that this is a fire hazard.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to continue Case No. 13058 to the April 5, 1984, meeting, to allow the applicant time to readvertise for the relief that he needs.

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request for an exception to permit a day care center in an RM-2 District under the provisions of Section 1680, located north of the NW corner of East 15th Street and St. Louis Avenue.

Presentation:

Sharon Greene was represented by Ken Hunter, 1008 South 5th, McAllister. Ms. Greene would like to operate a licensed day care center for 50 children. He submitted a drawing that showed the parking and traffic flow (Exhibit "0-1") and informed that they plan to do extensive landscaping to the property in order to permit a playground, etc. There are two dwellings currently on the property--one is a duplex and one is a single-family residence. These buildings will be converted to be used for the day care center. They will operate from Monday through Friday from 6 a.m. until 6 p.m. He informed that Ms. Greene is currently in the process of purchasing the property to the north of her property in order to make it her own residence. Across the street to the east are single-family residences. The house contains approximately 1,200 sq. ft. and the duplex has about twice that. He submitted 2 pictures of the property (Exhibit "0-2").

Comments:

There was discussion as to what lots were applied for.

Mr. Smith asked how much off-street parking they would have for the children to load and unload. Mr. Hunter informed they plan to make a drive-through and have four parking slots at the front for parents to come and go. They will have four parking spaces at the back for employees. The drive-through will be one-way.

Interested Party:

Lee Price, 1719 South Peoria, informed he is the president of the Swan Lake Neighborhood Association. They have no problems with what is proposed. They were concerned that the operation of this be daytime only. He feels this is a good use for this land. He informed they would like for this to look like it looks on the drawings with the parking spaces being like they have shown.

Comments:

Mr. Smith asked if there is day-care center in the church across the street from the subject property, and Mr. Hunter informed he believes there is one on 15th Street, but that is out of the 300-foot radius of the property.

Mr. Smith asked how wide the house is, and Mr. Hunter informed it is about 20 feet wide. The parking spaces will be 10 feet wide. Mr. Hunter informed his understanding is that the drawing may exaggerate the parking area. He is sure they can get four parking spaces. Mr. Hunter informed the purpose of the drawing was to show an attractive home-like structure.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to approve a Special Exception (Section 410 -

Case No. 13059 (continued)

Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1205) to permit a day care center in an RM-2 District under the provisions of Section 1680, for a maximum of 50 children, with the hours of operation being Monday through Friday from 6 a.m. until 6 p.m., subject to the applicant coming back to the Board with a plot plan and dimension site plan showing the parking on the following described property:

Lots 23, 24 and 25, Block 11, Forest Park Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13060

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Use Unit 1206 - Request for a variance of the setback requirements from the centerline of East 38th Street from 60' to 40' and a variance of the required east side yard from 10' to 7'. All to permit an addition to an existing dwelling in an RS-2 District under the provisions of section 1670, located at the NE corner of East 38th Street and Atlanta Avenue.

Presentation:

J. J. Rothbaum, 2505 East 38th Street, was represented by Casper Jones, 1302 South Fulton. He wants a variance to go within 7 feet of the east property line, but he is not sure that his application is worded correctly. There was discussion about whether or not it is correct.

Mr. Gardner informed he thinks the relief is proper whether it is a side yard or rear yard.

Mr. Jones informed the setback lines are platted and he will be within those. He submitted a letter from the property owner to the east stating that they do not object to this (Exhibit "P-1"). There is about a six-foot drop between the subject property and the property to the east. There is a concrete drainage area that is about 3 or 3 1/2 feet wide that goes along the property line. They have gone through Hydrology on working out the drainage plans. He submitted some plans (Exhibit "P-2").

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - under the provisions of Use Unit 1206) of the setback requirements from the centerline of East 38th Street from 60' to 40' and a variance of the required east side yard from 10' to 7', all to permit an addition to an existing dwelling in an RS-2 District under the provisions of Section 1670, per site plan submitted, on the following described property:

All of Lot 7 and part of Lot 6, described as beginning at the SE corner of Lot 6' thence West 151.54'; thence Northerly 5'; thence Northeast 56'; thence Northeast 95.47'; to the east line of Lot 6; South 12' to the point of beginning, Block 1, Oakview Estates, Resub. of Lots 8 thru 10, Block 3, to the City of Tulsa, Oklahoma.

Case No. 13061

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Use Unit 1208 - Request for a variance of the required lot area from 10,000 sq. ft. to 8,321.2 sq. ft. to permit construction of a multifamily dwelling in an RM-1 District under the provisions of Section 1670, located south of the SW corner of Archer Street and College Avenue.

Presentation:

Monica Yates, 1423 South Peoria Avenue, informed she would like to construct a four-plex on the subject property. She had the property rezoned in 1977 for RM-1 zoning. At that time, the property was in the 100-year floodplain. It was given a waiver and was taken out of the floodplain. She is not sure that the 10,000 sq. ft. minimum was in effect when she had the property rezoned. She has spoken to several of the property owners on the street of the subject property about her request. One of the property owners had a concern that this not be a two-story dwelling and that they have adequate off-street parking. This property owner was glad that the vacant lot would be put to good use. She has not heard of any protests to this application. She submitted a site plan (Exhibit "Q-1").

Protestants: None.

Comments:

Mr. Gardner informed when the property was zoned in 1977, the Ordinance required a 10,000 sq. ft. minimum. The City went ahead and zoned it and, in effect, made the lot nonconforming. He informed that the applicant would need anywhere from 6 to 8 parking spaces depending upon the size of the units. Her plans show six parking spaces.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - under the provisions of Use Unit 1208) of the required lot area from 10,000 sq. ft. to 8,321.2 sq. ft. to permit construction of a multifamily dwelling in an RM-1 District under the provisions of Section 1670, per plot plan submitted, on the following described property:

Lot 2, and the North 32' of Lot 3, Power's Resub. of Lots 9 and 12, Block 2, Pomeroy Heights Addition to the City of Tulsa, Okla.

Case No. 13062

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1214 - Request for a variance of the required frontage from 150' to 30.48' to permit platting in a CS District under the provisions of Section 1670, located west of the NW corner of East 41st Street and Garnett Road.

Presentation:

The Traband Corp., 1716 South Phoenix, Suite 101, was represented by Jerry Ledford, 8209 East 63rd Place South, the engineer for the

Case No. 13062 (continued)

applicant. They have a subdivision plat currently working. This has been before the T.A.C. and has preliminary plat approval by the Planning Commission. He submitted a copy of the preliminary plat (Exhibit "R-1").

Protestants: None.

Board Action:

On MOTION of CHAPPELLE, and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to approve a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - under the provisions of Use Unit 1214) of the required frontage from 150' to 30.48' to permit platting in a CS District under the provisions of Section 1670, per the plat submitted and subject to City Hydrology approval, on the following described property:

Lot 3, Block 1, Ravenwood Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13063

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Use Unit 1206 - Request for a variance of the setback from the centerline of Archer from 50' to 35' and a variance of the rear yard setback from 20' to 15' in an RS-3 District under the provisions of Section 1670, located at the NW corner of West Archer Street and 46th West Avenue.

Presentation:

James H. Mantz, 3187 1/2 South 59th West Avenue, informed there are several houses in the area that are not even set this far back from the property line. The house will be in line with the house next door to the east of it. The property is pie-shaped, and at the east end, he will be setting back the required 50 feet. The house he is proposing will be new construction and will enhance the area. The two neighbors that adjoin the property are in agreement with this. He submitted a plan (Exhibit "S-1"). The west side of the property only has 54 feet of depth.

Protestants: None.

Comments:

Mr. Smith informed the hardship is the irregular shape of the lot.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - under the provisions of Use Unit 1206) of the setback from the centerline of Archer from 50' to 35' and a variance of the rear yard setback from 20' to 15' in an RS-3 District under the provisions of Section 1670, per plot plan, on the following described property:

Case No. 13063 (continued)

The West 100' of Lot 53, Block "E", Vern Heights Subdivision, an addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13064

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request for an exception to permit a childrens-youth care home in an RM-2 District under the provisions of Section 1680, located at the NW corner of 7th Street and Delaware Avenue.

Presentation:

Roy D. Johnsen, 324 Main Mall, represented the Christopher Youth Center. This property has been under application twice before. The two previous applications for this same exception were approved for a period of one year each. At the second hearing there was an objection from the adjoining property owner, Mr. Kuske, who owns an apartment building to immediate west of the subject property. At the last meeting, the Board concluded that this was a facility that was an appropriate one for the community and it was essentially well-run. At that time, they submitted to the Board seven written conditions that outline the operation of the facility. He read a few of the key conditions. Mr. Johnsen has been advised that all of the conditions that were previously submitted have been adhered to consistently. He submitted a copy of the conditions (Exhibit "T-1"). Mr. Johnsen informed that a screening fence has been constructed along the common boundary line of the protestant from the last meeting. When the Board approved this a year ago, they counseled Mr. Kuske and any other interested parties that if there should be some problem, they should contact the supervisor or director of the center as well as any appropriate public officials. To his knowledge, they have not been contacted by anyone as to any incident. They are hopeful that the fence removed some of the problem if there was a problem. They do not feel that they are a neighborhood problem. He submitted 3 letters from people in the area (Exhibit "T-2") which are supportive of the Christopher Youth Center. They would like to make this a permanent use on the property. They have been leasing the property, and now they would like to buy it. Mr. Johnsen informed that an active resident in the area, Mr. Eugene Colleoni, told them that he felt the facility had been properly run and he was supportive of it. Mr. Johnsen informed that Mr. Gardner of the Staff toured the facility. They feel that they have a good use that is a credit to the community and that is run properly.

Protestants:

Merril G. Kuske, 5804 South Atlanta Avenue, informed he is the general partner of a small partnership that owns the apartments immediately to the west of the subject property. They protested this application last year and they are here to protest it again on the same grounds--that in the past there has been vandalism, hooliganism, propositions to the woman who manages the apartments and who lives there, rocks being thrown into the parking lot, tormenting of dogs, boys being loose on the street until late at night, and general problems. In the last year he has not complained because when he did complain, his complaints were met with a suggestion that he should receive psychiatric care or something. The futility of complaining was the reason why they have only complained twice. They received a rebuff and were told that they were in the wrong and the boys causing the problems were not from the Christopher Youth Center. He wants some assurances for the tenants that live in the



Case No. 13064 (continued)

apartments that they won't have a reoccurrence of the same problems that have occurred in the past if some kind of permanent zoning variance is granted. They feel if this is granted they will have no way to do anything.

Applicant's Rebuttal:

Mr. Johnsen informed they felt the fence was meaningful in that the children in the yard would not be in a position to taunt, if in fact that ever happened, to the people in the apartment complex. He informed that if they breach conditions that the Board imposes on them, they are subject to some form of conjunctive proceeding. There are enforcement proceedings that are available.

Comments:

Ms. Hubbard informed there have been no complaints against this filed in their office.

Mr. Wait asked Mr. Jackere if he had an objection to granting this for this owner only and Mr. Jackere informed he has a continuous objection to any granting of variances or exceptions that run with the owner, with the exception of a home occupation. He has his reservations about that also. They are not appropriate land-use conditions.

The ownership of the property has nothing to do with whether or not the use of that property is appropriate considering the surrounding circumstances and physical things. The courts have not upheld these kinds of conditions.

Interested Party:

Jack Fields, 3334 South Darlington Avenue, owns the subject property. He informed that the Christopher Youth Center was in place before the apartments were built. He feels the center has done an excellent job with the children.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1205) to permit a childrens youth care home in an RM-2 District under the provisions of Section 1680, subject to the use standards and conditions submitted by the applicant, which are:

- (1) The purposes and activities of the facility shall be the provision of housing, supervision, and counseling of children-youths;
- (2) The child/youth care home shall maintain current any required licensing by the State of Oklahoma;
- (3) The number of children residing on the premises shall not exceed ten (10);
- (4) No resident child shall exceed the age of sixteen (16);
- (5) The staff shall consist of not less than one (1) director, a psychotherapist, a consulting psychiatrist, and eight (8)

Case No. 13064 (continued)

full-time guidance counselors;

- (6) No exterior structural alterations of the existing building will be made;
- (7) No sign other than customary street address signage shall be permitted, on the following described property:

The South 75' of Lot 6, Block 16, Highlands Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13065

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1214 - Request for a variance of the required frontage from 150' to 144.06' in a CS and OL District under the provisions of Section 1670, located southwest of 119th East Avenue and Skelly Dr.

Presentation:

D. Leon Ragsdale, 1615 North 24th West Avenue, informed the plat has been approved by the T.A.C. and has received preliminary approval from the Planning Commission. The variance is needed to achieve a 1-acre/2 acre split of the property. He presented a plot plan (Exhibit "U-1") and a plat (Exhibit "U-2") and explained his proposal. The Board, in a previous action, approved a variance of the frontage on a piece that is adjacent to the subject property on the west. There is a private drive to serve the lots in the subdivision. They will have access to Skelly Drive. They have an access agreement being filed with the City. They have no frontage on a dedicated street--it is a private street. This property is not going to be used for residential purposes.

Protestants: None.

Comments and Questions:

Chairman Smith asked if the Board would need to waive the entire street frontage requirement since he does not have any frontage on a dedicated street.

There was discussion about whether this was advertised correctly since the applicant does not have any frontage on a dedicated street. Mr. Jackere informed this is not properly before the Board to grant the applicant what he needs. His request should be for a variance from 150' to 0'.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to continue Case No. 13065 to the April 5, 1984, meeting to allow time for this case to be readvertised.

Case No. 13066

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record-  
Use Unit 1206 - Request for a variance to permit two dwelling units

Case No. 13066 (continued)

per lot of record in an RS-2 District under the provisions of Section 1670, located south of the SW corner of East 52nd Street and South Columbia Place.

Presentation:

Delma L. Horn, 5226 South Columbia Place, informed she would like to build a one-bedroom apartment for herself on the subject tract. Her daughter and her daughter's family will live in the existing house on the subject property. She informed there are not any other garage apartments in the area. One block to the north of the subject property townhouses are being built. This lot is almost an acre in size. She submitted a drawing (Exhibit "V-1") and two photographs (Exhibit "V-2"). She informed there is a 6-foot fence on the property, and the apartment will be behind the fence.

Protestants: None.

Comments:

Mr. Chappelle made a motion for approval of this application per plot plan submitted.

Mr. Jackere informed that absent the showing of a hardship (something unusual about this lot), then this Board is rezoning the property. He feels perhaps a lot split might be in order.

Mr. Chappelle asked if an unusually large lot can be considered a hardship, and Mr. Jackere informed that it cannot be if there are other unusually large lots in the immediate area. All these lots seem to be the same size.

Mr. Gardner informed it would be possible for the applicant to split the lot and deed it from herself to herself so that she still owns both pieces of property. If she did this, she would not need any variances. He informed if they split the lot and put a flag lot on her south boundary and one on the north boundary to the adjoining property, the two lots could be developed with four houses under the zoning and it would function like a cul-de-sac street.

Mr. Gardner informed if she split the lot and had a 30-foot handle out to the street on the south side of the house, this would meet the zoning and she could put another house on the rear lot. She informed she wanted the apartment to be on the front of the property. She would have joined it to the house except for the fact that there is a little greenhouse there.

Mr. Chappelle's motion for approval died for the lack of a second.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to DENY a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record - under the provisions of Use Unit 1206) to permit two dwelling units per lot of record in an RS-3 District under the provisions of Section 1670, on the following described property:

Lot 12, Bethel Union Heights, an addition to the City of Tulsa,  
Tulsa County, Oklahoma.

Case No. 13067

Action Requested:

Variance - Section 430.2 - Bulk and Area Requirements in the RMH District - Use Unit 1209 - Request for a variance of the livability space in an RMH District under the provisions of Section 1670, located at the SW corner of Crosstown Expressway and 129th East Avenue.

Presentation:

The applicant, Warren S. Morris, P. O. Box 45551, was not present.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to continue Case No. 13067 to the April 5, 1984, meeting.

Case No. 13069

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Use Unit 1206 - Request for a variance of the rear yard setback from 20' to 10' to permit enclosing of an existing swimming pool in an RS-3 District under the provisions of Section 1670, located at the SE corner of East 37th Street and South Canton Avenue.

Presentation:

Mike Chambers of Custom Building Products, 9801 East 21st Street, represented the owners of the subject property. They would like to enclose their swimming pool so that they will be able to use it year around and will have a more secure area. He submitted a photograph (Exhibit "W-1") and a plot plan (Exhibit "W-2"). The neighbors have had no objections to this. He described what the structure will look like from the outside. He informed there are no utility lines within the pool area that they intend to enclose. There is no problem with any utilities.

Richard Carpenter, 3707 South Canton Avenue, informed they have a privacy fence around the property. The only part of the structure that would show would be the gable and that will be clear plexiglass and will not be unsightly. The utility lines are in the yard--they are about 7 feet from the back fence in the next yard over.

Comments:

Ms. Hubbard informed the applicant would exceed the livability space requirements even with the enclosure.

Mr. Chappelle asked what the hardship would be, and the applicant informed this is his only form of exercise.

Mr. Gardner informed he thinks the proposal is much like a detached accessory building which could come within three feet of the property line. An unenclosed swimming pool is counted as livability area.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser,

Case No. 13069 (continued)

Victor, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - under the provisions of Use Unit 1206) of the rear yard setback from 20' to 10' to permit enclosing of an existing swimming pool in an RS-3 District under the provisions of Section 1670, on the following described property:

Lot 14, Block 5, Max Campbell 6th Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No 13070

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Use Unit 1208 - Request for a variance of the rear yard setback from 20' to 10' in an RM-T District under the provisions of Section 1670.

Variance - Section 1800 - Townhouse Development - Use Unit 1208 - Request for a variance of the party wall requirements in an RM-T District under the provisions of Section 1670, located at the NE corner of East 61st Street and 89th East Avenue.

Presentation:

The applicant, Roy D. Johnsen, 324 Main Mall, was present.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to continue Case No. 13070 to the April 5, 1984, meeting, due to the loss of an official quorum.

Case No. 13071

Action Requested:

Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211 - Request for a variance to permit office use in an RS-2 District under the provisions of Section 1670.

Special Exception - Section 1680.1 (g) - Off-Street Parking Use of Property Within a Residential District, when the property is abutting an Office, Commercial, or Industrial District - Use Unit 1210 - Request for an exception to permit off-street parking in an RS-2 District under the provisions of Section 1680.

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1211 - Request for a variance of the bulk and area requirements to permit computation of permitted floor area in a CS District under the provisions of Section 1670.

Variance - Section 1211.4 - Off-Street Parking and Loading Requirements - Use Unit 1210 - Request for a variance of the parking requirements in a CS District under the provisions of Section 1670, located south of the SW corner of 61st Street and South Lewis Avenue.

Presentation:

Roy D. Johnsen, 324 Main Mall, informed the subject property is abutted on its west boundary by residential property. There are no homes to the west of the subject property, just a creek that happens to be zoned residential. There is no reason for this commercial use to be set back from the residential property line. The property is composed of several lots. It is hard to tell where the boundaries are for the lots. The tract is comprised of parts of four lots. Phase I and Phase II of this project presently exist. They are proposing to construct another building on the site. There will be additional parking to the north on Lot 17, but the building will be in Lot 16. They have common control of the property with slightly different ownership. They want to tie all the property together effectively so that no one ends up buying a piece of property they cannot use. He proposed a document with conditions that they are suggesting that the Board impose. He submitted a copy of this document (Exh. "X-1"). This plan would meet the requirements of the overall floor area and overall parking requirements. The question is where on the lots these uses will be located. He described the conditions given in the submitted document. He submitted a plot plan (Exh. "X-2").

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to approve a Variance (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1211) to permit office use in an RS-2 district under the provisions of Section 1670, a Special Exception (Section 1680.1 (g) - Off-Street Parking Use of Property Within a Residential District, When the Property is abutting an Office, Commercial, Or Industrial District- under the provisions of Use Unit 1210) to permit off-street parking in an RS-2 district under the provisions of Section 1680, a Variance (Section 730 - Bulk & Area Requirements in Commercial Districts - under the provisions of Use Unit 1211) of the bulk and area requirements to permit computation of permitted floor area in a CS district under the provisions of Section 1670, and a Variance (Section 1211.4 - Off-Street Parking and Loading Requirements - under the provisions of Use Unit 1210) of the parking requirements in a CS district under the provisions of Section 1670, per plot plan submitted, and subject to the conditions of approval of variances and special exception submitted by Mr. Johnsen, which are:

- (1) That development of the property shall be in accordance with the Site Plan entitled "Bridgeport III", dated February 3, 1984;
- (2) That no building permit shall be issued for Phase III (3-story office building) until an instrument executed by all of the owners of property under application shall be recorded which:
  - (a) establishes a permanent perpetual easement permitting the construction and use of at least 160 parking spaces benefiting the Phase III office building; and
  - (b) acknowledges that no additional floor area may be constructed within Lot 17, Pecan Acres, and reciting the

Case No. 13071 (continued)

existing floor area within Lot 17 as totaling 26,400 square feet;

- (c) provides that no amendment to the instrument shall be valid unless approved by the Board of Adjustment of the City of Tulsa; and
- (d) provides that termination of the instrument or any of its terms shall occur only upon: the replatting of the property into a single lot; or if computation on the entirety is unnecessary for compliance with the Zoning Code then in force; or upon determination by the Board of Adjustment of the City of Tulsa that the easement and conditions are no longer necessary; on the following described property:

Lot 17, a part of Lot 16, a part of Lot 11, and a part of Lot 10, all in PECAN ACRES, an addition to the City of Tulsa Tulsa County, State of Oklahoma, being more particularly described by metes and bounds as follows, to wit:

BEGINNING at the Northeast corner of Lot 17; thence South along the East line of Lot 17 a distance of 200.00' to a point being the Southeast corner of Lot 17 and the Northeast corner of Lot 16; thence South along the East line of Lot 16 a distance of 40.00' to a point; thence North  $89^{\circ}-50'-33''$  West a distance of 316.00' to a point; thence South a distance of 160.00' to a point on the South line of Lot 16 being a distance of 316.00' North  $89^{\circ}-50'-33''$  West of the Southeast corner of Lot 16; thence North  $89^{\circ}-50'-33''$  West along the South line of Lot 16 a distance of 344.50' to a point being a distance of 92.79' South  $89^{\circ}-50'-33''$  East of the Southwest corner of Lot 16 and the Southeast corner of Lot 11; thence North  $16^{\circ}-51'-51''$  East a distance of 208.81' to a point on the north line of Lot 11 being a distance of 35.22' North  $89^{\circ}-50'-33''$  West of the Northeast corner of Lot 11, a common corner for Lot 11, Lot 16, Lot 10, and Lot 17; thence North  $16^{\circ}-51'-51''$  East a distance of 208.81' to a point on the North line of Lot 10 being a distance of 33.54' North  $89^{\circ}-50'-32''$  West of the Northeast corner of Lot 10 and the Northwest corner of Lot 17; thence South  $89^{\circ}-50'-32''$  East along the North line of Lot 10 a distance of 33.54' to a point being the Northeast corner of Lot 10 and the Northwest corner of Lot 17; thence South  $89^{\circ}-50'-32''$  East along the North line of Lot 17 a distance of 505.80 feet to the Northeast corner of Lot 17 being the POINT OF BEGINNING, and containing 4.348 acres, more or less.

Case No. 13072

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Units 1206 & 1209 - Request for an exception to allow a mobile home in an RS-3 District under the provisions of Section 1680.

Variance - Section 440.6 - Special Exception Uses in Residential Districts, Requirements - Use Unit 1209 - Request for a variance of the 1 year time limitation for a mobile home to an indefinite period in an RS-3 District under the provisions of Section 1670.

3.22.84:409(31)

Case No. 13072 (continued)

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Use Unit 1209 - Request for a variance to permit two dwelling units (1 house, 1 mobile home) per lot of record in an RS-3 District under the provisions of Section 1670.

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Use Unit 1209 - Request for a variance of the 20' rear yard setback to 10' to allow a mobile home in an RS-3 District under the provisions of Section 1670, located north of the NW corner of Easton Street and Oxford Avenue.

Presentation:

Elaine Ohnsman, 510 North Oxford Avenue, informed she would like to put a mobile home in her back yard for her daughter and her new husband to live in. She has arthritis and she needs someone close by to help care for her. The people in the area do not object to her request. The mobile home is new and she does not think it will detract at all from the neighborhood.

Protestants: None.

Comments:

Mr. Gardner informed the Staff has a problem with the indefinite period of time request. He thinks the Board should set it for a specific period of time.

Mr. Gardner described the surrounding property. Ms. Ohnsman informed the houses in the area are small. Her lot is 185' by about 100'.

Mr. Gardner informed that this will be for a family member to take care of her because of her health.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Units 1206/1209) to allow a mobile home in an RS-2 district under the provisions of Section 1680, a Variance (Section 440.6 - Special Exception Uses in Residential Districts, Requirements - Under the provisions of Use Unit 1209) of the 1-year time limitation for a mobile home to 5 years in an RS-3 District under the provisions of Section 1670, a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record - under the provisions of Use Unit 1209) to permit two dwelling units (1 house, 1 mobile home) per lot of record in an RS-3 District under the provisions of Section 1670, and a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - under the provisions of Use Unit 1209) of the 20' rear yard setback to 10' to allow a mobile home in an RS-3 District under the provisions of Section 1670, with the understanding that the Board finds that, for health reasons, that they are approving it to meet her needs and there will be a relative utilizing the mobile home, on the following described property:

The North 94.2' of Lot 4, Block 13, Fairland Addition to the City of Tulsa, Tulsa County, Oklahoma.



Action Requested:

Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1208 - Request for a variance to allow an existing 4-plex in an RS-3 District under the provisions of Section 1670, located north of the NW corner of Newport Avenue and East 15th Street South.

Presentation:

Aloah B. Kincaid, 1346 East 26th Street, was represented by Larry Pinkerton.

Protestants: There were several protestants present.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to continue case No. 13074 to the April 5, 1984, meeting, due to the loss of an official quorum.

Discussion:

Mr. Pinkerton informed he is going to be out of town on April 5, 1984, and he would like it to be continued to the April 19, 1984, meeting. The protestants did not want it to be continued that long. There was discussion about what a continuance would mean to both parties. Mr. Jackere informed that the use on the property will be continued until the entire matter is resolved by the Board to everybody's satisfaction or by the Courts. He did not think that four weeks would make a difference as far as bringing them any closer to an ultimate decision.

Amended Motion:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to amend the previous motion for this to be continued to the April 19, 1984, meeting.

OTHER BUSINESS:

Action Requested:

Consider approval of substitute plot plan for Case Number 12859.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to continue this item to the April 5, 1984, meeting, due to the loss of an official quorum.

Action Requested:

Consider approval of Minutes for Case #13023 and Case #13025 heard March 8, 1984, and Case #13031 heard March 8, 1984.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to continue this item to the April 5, 1984, meeting, due to the loss of an official quorum.

There being no further business, the Chair adjourned the meeting at 4:48 p.m.

Date Approved APRIL 19, 1984

Gayon Victor  
Chairman