CITY BOARD OF ADJUSTMENT

Minutes of Meeting No. 423
Thursday, October 4, 1984, 1:00 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT

MEMBERS ABSENT

STAFF PRESENT

OTHERS

Chappelle Smith Victor Clugston Purser Gardner Jones 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, October 2, 1984, at 9:25 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 1:06 p.m.

MINUTES

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to <u>APPROVE</u> the Minutes of September 6, 1984 (No. 421).

UNFINISHED BUSINESS:

Case No. 13287

Action Requested:

Special Exception--Section 420--Accessory Uses in Residential Districts--Use Unit 1205--Request an exception for a home occupation (beauty shop) in an RS-3 zoned district under the provisions of Section 1680, located at 4743 East 6th Street.

Presentation:

The applicant, Linda Waller, 4743 East 6th Street, informed the Board that this case was continued from the September 6, 1984 meeting to allow her time to advertise for more relief. She submitted a plot plan (Exhibit A-1), an elevation plan (Exhibit A-2) and 8 pictures of her property (Exhibit A-3). She explained that she plans to build an addition to her existing home, which will be used as a beauty shop. The addition will be in keeping with the existing building, subject to the same siding, window treatments and trims. (See Minutes of September 6, 1984 meeting). A letter of approval from Mr. Alvin Burdick (4739 East 6th Street) was submitted (Exhibit A-4).

Case No. 13387 (continued)

Comments and Questions:

Mr. Victor informed that there were other violations on the property which were not advertised. He asked Ms. Waller if her driveway is paved with a dust-free surface. She replied that it was not paved when they bought the house, but they intend to pave it before the beauty shop opens. Mr. Victor then questioned her about the storage buildings in the front yard. She informed the Board that the house sits on the back of the lot, and there is no room in the back for any storage. Ms. Hubbard informed that Ms. Wailer was to have applied for relief for the storage units before she came back to the Board.

Mr. Jackere stated that Ms. Waller plans to build the addition in compliance with the setback requirements, therefore no relief is necessary on the setback requirement. He informed that for the addition to comply with home occupation restrictions, it must not alter the physical nor residential aspects of the existing home.

There was discussion about the location of the addition. Ms. Waller explained that the addition will be used only for the beauty shop.

Protestants:

Bailey Rice, 4747 East 6th Street, stated that he was present at the September 6, 1984 meeting and that his opposition was still the same. He informed that he has lived in his house for forty years and is opposed to spot zoning in a residential district. (Chairman Smith reminded Mr. Rice that this Board cannot zone.) He explained that Mr. Burdick (who was present at the September 6, 1984 meeting) had organized the protestants, but he wouldn't come today. Mr. Rice Informed the Board that Mr. Burdick recently reported a stack of in the applicant's yard to be examined by the Fire Department. They found that the stack of lumber posed no immediate danger of fire hazard. Mr. Burdick felt that he might be in danger of retaliation if he continued to pursue this protest, thus he would not attend today's meeting. Mr. Rice emphasized that Mr. Burdick suggested his house might be "burned down" if he came. Mr. Rice explained that, in his opinion, the Wallers were good neighbors and would not resort to violence. He further informed that his protest is nothing personal, but rather he considers home occupation the wrong use of this residential dwelling.

Additional Comments:

Mr. Jackere informed Mr. Victor that if he has a problem with the non-complying driveway, the motion could require the drive to be paved.

Mr. Victor questioned the applicant in regard to the construction of the addition. She responded that she was not sure what type of roofing materials will be used, but that the siding is vinyl and will match the existing structure.

Case No. 13287 (continued)

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 2-1-0 (Chappelle, Victor, "aye"; Smith, "nay"; no "abstentions"; Clugston, Purser, "absent") to APPROVE* a Special Exception (Section 421--Accessory Uses in Residential Districts--Under the Provisions of Use Unit 1205) for a home occupation (beauty shop) in an RS-3 zoned district under the provisions of Section 1680, subject to the drive being paved with an all-weather, dust-free surface; subject to the addition being constructed with the same siding, roofing, overhang and window treatment as the existing structure; conforming to the rules and regulations of home occupation; restricted to the completion of the improvements listed, the storage units on the front of the property being removed before home occupation can begin; and subject to the following hours of operation: Wednesday thru Saturday, 10:00 a.m. until 5:00 p.m. and one day a week, 10:00 a.m. until 7:00 p.m., on the following described property:

Lot 24, Block 5, Kendall View Addition to the City of Tulsa, Tulsa County, Oklahoma.

*This application was denied due to a lack of three affirmative votes.

Case No. 13273

Action Requested:

Special Exception--Section 710--Principal Uses Permitted in the Commercial Districts--Use Unit 1215--Request an exception to allow a dry cleaning facility in a CS zoned district under the provisions of Section 1680; and a

Variance--Section 1215--Use Unit 15--Other Trades and Services--Request a variance of the 1500 sq. ft. of floor area for a dry cleaners, located S. of SW/c of 81st & Sheridan.

Presentation:

A representative for the applicant, Royal Cleaners, P. O. Box 35949, Tulsa, 74135, was present and informed that he had called iNCOG and requested that the case be heard today. Mr. Jackere conferred with Mr. Gardner that legally the case cannot be heard at this meeting. The Chair Informed that this item was placed on the agenda in error and asked Mr. Gardner to explain the circumstance. Mr. Gardner informed that the item was continued from an earlier meeting to a "date certain," which is November 1, 1984. When an item is continued to a "date certain" it cannot be heard prior to that date.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to STRIKE Case No. 13273 from the Agenda.

Case No. 13302

Action Requested:

Variance--Section 420.2--Accessory Use Conditions--Use Unit 1206--Request a variance of the 3' setback to 1' to permit a detached accessory building (garage) in an RS-2 zoned district under the provisions of Section 1670, located at 223 East 25th Street.

Presentation:

The applicant, Duff Weddle, 223 East 25th Street, submitted a Plat of Survey (Exhibit B-1) and explained his plans to pour a new concrete slab and build an accessory building (garage) on the slab. He informed that the design of the building will be compatible with the existing buildings on the lot, including the wood, brick and the color of the shingles. He feels the addition of a two-car garage will increase the value of his home greatly. He submitted pictures for the Board's perusal (Exhibit B-2). In response to a question by the Board, Mr. Weddle informed that the redwood fence on the property line belongs to his neighbor.

Comments and Questions:

Mr. Smith asked the applicant how he plans to maintain the area between the neighbor's redwood fence and the new garage. Mr. Weddle responded by stating that the variance of the setback to 1' should allow adequate room for maintenance.

Mr. Victor asked the applicant why he needed a variance of the setback requirement, and Mr. Weddle explained that it gave him flexibility of design and construction.

Protestants:

Kenneth King, attorney, representing Leo and Dixie Oliver, 227 East 25th Street, submitted a written protest (Exhibit B-3) and informed that the protestant's property is immediately adjacent on the east of the subject tract. He highlighted reasons for the protest, stating that the Olivers have lived in their home for 17 years and are members of the Mapleridge Homeowners Association. The goal of this association is to preserve the houses and property in the area and to maintain their present property values. The original subdivision covenant limited the property use to a three foot setback from the property line and the homes and garages in the area are in compliance. Mr. King informed the Board that an existing building (now being used as a rental apartment) was formerly the It was converted into an apartment to accommodate an elderly grandparent some time ago and is now being rented to non-relatives. He stated that his clients would have no objection to the existing accessory building (apartment) being transformed back into a garage. It is, however, their assumption that adding another building onto an already crowded single-dwelling lot would infringe upon their privacy and would provide an avenue for yet another future rental project.

Case No. 13302 (continued)

Applicant's Rebuttal:

Mr. Weddle stated that in his opinion this garage will enhance the property value of those around him, not impede it. He informed that the garage apartment has been in existence, as such, since the early 1950's. He stated that Mr. Oliver was informed of this before he bought his home. Mr. Weddle explained to the Board that he does not intend to use this new garage as rental property in the future. There was no garage, as such, when he bought the home and he has planned to build one as soon as economics would allow.

Additional Comments:

Mr. Victor stated that in order for the Board to grant a variance, they need to be shown a hardship. In his opinion, the applicant has failed to show a hardship which would allow for such a variance.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to <u>DENY</u> a <u>Variance</u> (Section 420.2--Accessory Use Conditions--Under the Provisions of Use Unit 1206) of the 3' setback to 1' to permit a detached accessory building (garage) in an RS-2 zoned district under the provisions of Section 1670, on the following described property:

Lot 12, Block 5, Sunset Terrace Addition to the City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS:

Case No. 13320

Action Requested:

Special Exception--Section 440--Special Exception Uses In Residential Districts--Use Unit 1209--Request an exception to allow a mobile home in an RS-3 zoned district--Under the provisions of Section 1680; and a

Variance--Section 440.6--Special Exception Uses in Residential Districts--Use Unit 1209--Request a variance of the time limitation from one-year to permanent, located at 2657 North Peoria.

Presentation:

The applicant, Mrs. Alva Alexander, 2657 North Peoria, was not present, but requested by letter that the application be withdrawn and that the fee be refunded (Exhibit C-1). The staff recommended a full refund, as the case has not been advertised.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to WITHDRAW Case No. 13320 and REFUND all filing fees.

Case No. 13322

Action Requested:

Variance—Section 930—Bulk and Area Requirements in the Industrial Districts—Request a variance of the required 50' of frontage to 0' in an IM zoned district under the provisions of Section 1670, located E. of SE/c of Utica and 7th Street.

Presentation:

Attorney, Jim Williamson, 1736 South Carson, represented property owner Hurley Smith, et al., and informed that a building has been located on the subject property for more than forty years (it was destroyed by fire in May, 1984). This variance request is to allow the owners to rebuild the building with the original setback, which is a variance of 50' from the setback under the existing code. The owners of the building have been in business on the subject property for twelve years.

Comments and Questions:

Mr. Victor asked the applicant how his client has access to his property. Mr. Williamson responded that the access is through an easement on the west side of the lot which was settled in District Court in 1945.

Mr. Gardner explained that when the building burned there was some degree of difficulty fighting the fire due to a lack of adequate access to the back of the property. He informed that he had received a phone call from Fire Marshal, D. M. Kimbrell, requesting that the building not crowd the north property line in order to allow access for the Fire Department, and that the drive be widened. (The present driveway is only 12' wide).

Protestants:

Dave Sanders, Jr., representing Sigler Sales and Service, 1724 East 7th Street, submitted an architectural rendering and described it (Exhibit D-1). He explained that during the May 26th fire, the Fire Department used the Sigler Sales and Service driveway to get the trucks closer to the building. He informed that Sigler Sales and Service will be expanding their present facility and the drive will be blocked to thru-traffic by a gate. They will be storing trucks on the lot outside the building and will need the fence and gate for security reasons. He submitted a picture of the Sigler Sales and Service, as well as two pictures of the subject property (Exhibit D-2). In response to a question by Mr. Jackere, Mr. Sanders informed the Board that fire trucks can service his client's property through a gate in the security fence, but that it will no longer be used as a public access to the rear of the property.

Additional Comments:

Mr. Jackere informed that this is a legal lot of record due to a lot split which occurred before the present Comprehensive Plan was in effect, and no use can be granted for this property unless a

Case No. 13322 (continued)

variance is granted. He stated that the easement does not affect the zoning.

Mr. Smith asked Mr. Sanders what is to the west of the subject property. He replied that a vacant lot is to the west of the subject property, and that at the time of the fire it was cluttered with vacant cars. He explained that indigents had taken the seats out of the cars and were using them to sleep in, which added to the difficulty of fighting the fire.

Mr. Sanders informed that when he spoke to Fire Marshal Kimbrell, they went out to look at the property. At that time, Mr. Kimbrell implied that he would recommend a 30' building setback line be established from the north property line of the subject property. He submitted a letter from the Fire Marshal (Exhibit D-3). Mr. Jackere informed that this recommendation would not provide access for Emergency vehicles, but that it would protect the adjacent properties. Mr. Jackere also informed that the previous building met this request and the owner has no intention of building in dimensions other than those used for that building.

Mr. Smith suggested that the applicant needs to discuss the application with the Fire Marshal and come to some agreement about the proposals he has made.

Applicant's Rebuttal:

Mr. Williamson explained that the easement granted by court action in 1945 is shown on the abstract as a 15' easement. He also stated that neither he nor his client had any indication that the Fire Marshal had a problem with this application.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to CONTINUE Case No. 13322 until October 18, 1984 to allow the applicant time to prepare a site plan to be approved by the Fire Marshal and returned to the Board for review.

Case No. 13323

Action Requested:

Variance--Section 440.7--Special Exception Uses in Residential Districts, Requirements--Use Unit 1205--Request a variance of the 25' setback from abutting R district to 7' to permit an addition to an existing church in an RS-3 zoned district under the provisions of Section 1670; and a

Variance--Section 1205.3--Use Conditions--Request a variance to allow parking in the front yard; and a

Variance--Section 1205.4--Off-street Parking and Loading Requirements--Request a variance of the 27 required parking spaces to 22 spaces, located E of NE/c of Lewis & 29th Place North.

Case No. 13323 (continued)

Presentation:

The applicant, Dee Anna Taylor, 1356 East 54th Street North, represented the Penecostal Deliverance Church in their request to allow an addition to the existing church. She presented a plot plan and explained that the addition will be a kitchen (Exhibit E-1). She informed that the addition will displace four of the required parking spaces.

Interested Parties:

James Taylor, 1356 East 51st Street North, in answer to a question by Mr. Victor, informed that there are approximately 50 additional parking spaces available to the congregation on the lots to the east and west of the subject property. He stated that they share parking with a church down the street.

Wilson Brewer, 727 East 33rd Street North, informed the Board that the Penecostal Deliverance Church could use the parking lot of his church for special services as long as there is no building on the lot. That lot is on the west side of the subject property. He informed the Board that a dozen or more cars can be parked there.

Protestants: None

Comments and Questions:

Mr. Gardner asked the applicant if their parking lot is filled during normal church services. Mr. Taylor informed that during normal services parking is confined to their lot only. He stated that they use the additional space available only during special programs.

Mr. Victor pointed out that a kitchen increases space, but does not increase the number of people in attendance. This will be an advantage in light of the variance request. He clarified the fact that the dining area will not be used during regular church services, and that off-street parking is based on sanctuary area.

Mr. Victor asked if the existing building has a kitchen. The applicant informed that it does not.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; "absent") to APPROVE a Variance (Section Clugston, Purser, Residential Districts. Exception Uses in 440.7--Special Requirements--Under the Provisions of Use Unit 1205) of the 25' setback from abutting R district to 7' to permit an addition to an existing church in an RS-3 zoned district under the provisions of Section 1670; and a Variance (Section 1205.3--Use Conditions) to allow parking in the front yard; and a Variance (Section 1205.4--Off-street Parking and Loading Requirements) of the 27 required parking spaces to 22 spaces; subject to the plot plan submitted; on the basis that the existing church is surrounded by

Case No. 13323 (continued)

the parking area and the addition of a normal kitchen accessory use will require some type of relief; on the following described property:

Lots 14 and 15, Block 6, Amos T. Hall Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13324

Action Requested:

Special Exception--Section 910--Principal Uses Permitted in the Industrial Districts--Use Unit 1212--Request an exception to allow eating places in an IL zoned district under the provisions of Section 1680, located E. of SE/c of 122nd E. Ave. & 51st St.

Presentation:

The applicant, Stanley Hall, 12210 East 52nd Street, Tulsa, 74146, was not present.

Protestants: None

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to CONTINUE Case No. 13324 until October 18, 1984.

Case No. 13325

Action Requested:

Special Exception--Section 710--Principal Uses Permitted in the Commercial Districts--Use Unit 1213--Request to sell Christmas trees during the 1984 Christmas season under the provisions of Section 1680, located on the SE/c of 41st & Harvard Avenue.

Presentation:

The applicant, Southwest Nursery, was represented by J. D. Spitzer, 7032 South Richmond. He requested that Southwest Nursery be allowed to sell Christmas trees during the 1984 Christmas season, as they have done for the past several years. In answer to a question by the Board, he stated that they would like to sell the trees from November 24 until December 24 from 8:00 a.m. until 10:30 p.m., seven days a week.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to APPROVE a Special Exception (Section 710--Principal Uses Permitted in the Commercial Districts--Under the Provisions of Use Unit 1213) to sell Christmas trees during the 1984 Christmas season under the provisions of Section 1680, on the following described property:

Case No. 13325 (continued)

Lot 1, Block 1, Villa Grove Heights No. 1 Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13326

Action Requested:

Variance--Section 240.2 (e)--Permitted Yard Obstructions--Use Unit 1206--Request a variance of the 750 sq. ft. maximum for an accessory building to 1,320 sq. ft. to permit enclosure of a swimming pool in an RS-1 zoned district under the provisions of Section 1670; and a

Variance--Section 430.1--Bulk and Area Requirements in the RS, RD and RM Districts--Request a variance of the 35' building line to 10' to permit an enclosed swimming pool, located on the NE/c of 71st Street and Evanston Avenue.

Presentation:

The applicant, Mike Chambers, of Custom Building Products, made application on behalf of Dr. and Mrs. L. L. Basta, 7011 South Evanston. He submitted a plot plan (Exhibit F-1) and an elevation plan (Exhibit F-2), informing the Board that the Bastas have employed his company to build an enclosure for their swimming pool. He submitted a "specifications brochure" (Exhibit F-3) and described the materials to be used. He informed that this "accessory building" will exceed 20 percent of the rear yard area. In answer to a question by Mr. Victor, Mr. Chambers informed that the ridgeline of the existing house will be higher than the ridgeline of the accessory building. He also informed that the Bastas have had no negative response from any of the adjacent neighbors.

Protestants: None

Comments and Questions:

In response to a question by Chairman Smith, Mr. Chambers explained that the accessory building will have a motorized roof system, but the sides remain stationary.

Chairman Smith asked what the siding would be made of. Mr. Chambers informed that it is an untinted polycarbonate that is glazed. The panels are approximately 3/4 of an inch thick. Mr. Chambers added that his company has been building these structures for ten years with no problems.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to APPROVE a Variance (Section 240.2 (e)—Permitted Yard Obstructions—Under the Provisions of Use Unit 1206) of the 750 sq. ft. maximum for an accessory building to 1,320 sq. ft., under the provisions of Section 1670; and a Variance

Case No. 13326 (continued)

(Section 430.1--Bulk and Area Requirements in the RS, RD and RM Districts) of the 35' building line to 10' to permit enclosure of a swimming pool in an RS-1 zoned district; subject to the plot plan submitted and subject to the accessory building not encroaching the easements of record; with the hardship being based on the shape of the lot, and the type of use; on the following described property:

Lot 5 of Rhodes Subdivision of Lot 7, Block 1, Braniff Hills, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13327

Action Requested:

Special Exception--Section 910--Principal Uses Permitted in the Industrial District--Use Unit 1202--Request an exception to permit a post office in an IL zoned district under the provisions of Section 1680, located W. of the NW/c of 46th Street and 91st East Avenue.

Presentation:

Ted Bailey, 7413 East 77th Court, (architect representing the United States Postal Service), submitted a site plan and described it to the Board (Exhibit G-1). He explained that the subject property is surrounded by industrial and commercial zoned districts and informed that any post office must be approved by Special Exception. In answer to a question by the Board, Mr. Bailey stated that a Manufacturing Plant is on the property to the west of the subject tract.

Protestants: None

Comments and Questions:

Chairman Smith asked Mr. Bailey who this Post Office will serve. Mr. Bailey responded that it will replace the present Post Office at 41st Street.

A letter from the United States Postal Service Field Real Estate and Buildings Office, P. O. Drawer 239, Dallas, Texas, 75221-0239, was submitted to the file (Exhibit G-2). It informed the City of the construction contract which was granted for the subject property.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to APPROVE a Special Exception (Section 910--Principal Uses Permitted in the Industrial District--Under the Provisions of Use Unit 1202) to permit a post office in an IL zoned district under the provisions of Section 1680; per plot plan submitted; on the following described property:

A tract of land containing 3.21 acres, that is part of ALEXANDER TRUST ADDITION, a subdivision in the Northeast Quarter (NE/4) of Section Twenty-Five (25), Township Nineteen

Case No. 13327 (continued)

(19) North, Range Thirteen (13) East, City of Tulsa, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, said tract described as follows, to-wit: Starting at the Southwest Corner of the Northeast Quarter (NE/4) of said Section Twenty-Five (25), thence North O degrees 05'40" West along the Westerly line of the Northeast Quarter (NE/4) for 260.26 feet; thence North 89 degrees 57'41" East for 41.00 feet to the point of beginning of said tract of land, thence North 89 degrees 02'07" West for 300.0 feet to a point, thence North 89 degrees 57'41" East for 466.03 feet to a point on the East line of said tract of land: thence South O degrees 02'19" East for 300.0 feet to a point; thence South 89 degrees 57'41" West for a distance of 466.05 feet to the Point of Beginning of said tract of land.

Case No. 13328

Action Requested:

Special Exception--Section 910--Principal Uses Permitted In Industrial Districts--Use Unit 1202--Request an exception to permit Christmas tree sales for the 1984 season in an IL zoned district under the provisions of Section 1680, located S. of SE/c of East 41st Street and Memorial Drive.

Presentation:

The applicant, Jan Pierce, Wisconsin, requested by letter that the application be approved (Exhibit H-1). The letter stated their request to sell Christmas trees from November 25, 1984 until December 25, 1984. The staff explained to the applicant that the case could be continued due to their absence, but they chose not to be present since they live out-of-state. They requested the same restrictions that were imposed last year (with respect to the time).

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to APPROVE a Special Exception (Section 910--Principal Uses Permitted in Industrial Districts--Under the Provisions of Use Unit 1202) to permit Christmas tree sales for the 1984 season in an IL zoned district under the provisions of Section 1680, from November 25 until December 25; on the following described property:

A part of the NW/4 of the NW/4, Section 25, T-19-N, R-13-E, I.B.M. Tulsa County, Oklahoma according to the U. S. Government survey thereof and were particularly described as follows: Beginning at a point on the Southerly Right-of-way line of the M. K. & T. Railway, said point being 50.00 feet Southwesterly of, as measured perpendicular to the center of said Right-of-way and 33.00 feet East of, as measured perpendicular to, the West line of said Section 25, thence South 71 32'12" East along said Right-of-way line 100 feet to a point; thence

Case No. 13328 (continued)

due South 68 feet; thence due West to a point, 33 feet East of the West line, as measured perpendicular, of Section 25; thence due North a distance of 83 feet to the point of beginning.

Case No. 13329

Action Requested:

Special Exception--Section 710--Principal Uses Permitted in he Commercial Districts--Use Unit 1215--Request an exception to allow a wholesale bakery in a CS zoned district under the provisions of Section 1680, located E. of NE/c of Harvard and 51st Street.

Presentation:

A representative for the applicant, Brooklyn Bagel Company, 6710 South Peoria, requested a continuance until the October 18, 1984 meeting.

Protestants: None

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to <u>CONTINUE</u> Case No. 13329 until October 18. 1984.

Case No. 13330

Action Requested:

Special Exception--Section 910-Principal Uses Permitted in the Industrial Districts--Use Unit 1219--Request an exception to allow a military crew quarters (motel) in an IL zoned district, located at the Tulsa Airport.

Presentation:

The applicant was not represented.

Randy Pickard, representing the Tulsa Airport Authority, informed the Board that he had been notified by the applicant that a continuance had been requested. The staff informed the Board that that no request has been made, as yet.

Comments and Questions:

Chairman Smith asked Mr. Pickard if he felt certain the applicant intends for the case to be continued. Mr. Pickard stated that it was his understanding that such a request had already been made and that since it has not been received, it is probably in the mail.

Board Action: On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to CONTINUE Case No. 13330 until October 18, 1984.

Case No. 13331

Action Requested:

Request an appeal of the building inspector's office denial to permit an outdoor advertising structure within 750' of another sign.

Presentation:

The applicant, Donrey Outdoor Advertising, 7777 East 38th Street, was not represented, but requested by letter (Exhibit 1-1) that the case be continued.

Protestants: None

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to CONTINUE Case No. 13331 until October 18, 1984.

Case No. 13332

Action Requested:

Variance--Section 430.1--Bulk and Area Requirements in the RS, RD and RM Districts--Use Unit 1206--Request a variance of the side yard setback from 5' to 6" to permit construction of an attached garage in an RS-3 zoned district, located on the NW/c of 28th Street and 117th East Avenue.

Presentation:

The applicant, Oscar Ward, 2778 South 117th East Avenue, informed the Board that he represented his family in their request for permission to construct an attached garage to the end of their home. He informed that the neighbors have no objections. A plot plan was submitted (Exhibit J-1).

Comments and Questions:

Mr. Victor asked the applicant why the garage could not be constructed in the back yard of the residence. Mr. Ward responded that his family felt it would be more convenient to have this garage at the end of the house next to their other garages.

He informed, in response to a question from the Chair, that it would be used for their vehicles, since the existing garage is full of his grandmother's furniture.

Ms. Hubbard informed that the proposed addition would be built over an existing easement.

Chairman Smith indicated that since the home is mortgaged, the mortgage company might not approve an addition that encroaches an existing easement.

Case No. 13332 (continued)

Mr. Victor explained to the applicant that the variance request to six inches would not allow for any maintenance to the side of the addition.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelie, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to DENY a Variance (Section 430.1-Bulk and Area Requirements in the RS, RD and RM District--Under the Provisions of Use Unit 1206) of the side yard setback from 5' to 6" to permit construction of an attached garage in an RS-3 zoned district; on the following described property:

Lot 27, Block 6, Shannon Park V Addition to the City of Tulsa, Tulsa County, Okiahoma.

Case No. 13333

Action Requested:

Special Exception--Section 410--Principal Uses Permitted in the Residential Districts--Use Unit 1205--Request an exception to allow a day care center in an RS-3 zoned district, located S. of SW/c of 46th Street and Lewis.

Presentation:

The applicant, Lloyd Teague, 4402 North Lewis, was represented by his wife, Leona Teague (same address), who informed the Board that they want to buy the property adjacent to theirs in order to establish a day care center. She explained that the first 300' of the property which was advertised is residential. They wish to care for approximately 25 children, but that will be determined by the square footage of the house. She submitted a petition of approval (Exhibit K-1) from eight area property owners.

Protestants: None

Comments and Questions:

Mr. Gardner informed that any Board action should be limited to the East 300' of the subject property.

Mr. Smith inquired about the requirements for opening a day care center and Mrs. Teague explained that she would have to be approved by the Fire Marshal, the Building Inspector, the Health Department and the State of Oklahoma Liscensing Board in order to acquire an Occupancy Certificate.

Mr. Victor asked Mrs. Teague about a sign. She informed him that she had to acquire an Occupancy Certificate before she could request a sign.

Case No. 13333 (continued)

Mr. Smith asked what is on either side of the subject tract. She informed that her home is on the south side of the property, and the owner of the subject property lives on the north side.

Mr. Victor inquired about the hours of operation and Mr. Teague informed that she plans to be open from 6 a.m. until 6 p.m. Monday through Friday.

Board Action:

On MOTION of VICTOR and CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to APPROVE a Special Exception (Section 410--Principal Uses Permitted in the Residential Districts--Under the Provisions of Use Unit 1205) to allow a day care center in an RS-3 zoned district, restricted to the east 300' of the property described, subject to the following hours of operation--6:00 a.m. until 6:00 p.m. Monday through Friday, and subject to the use being for the existing structure only; on the following described property:

The east 300° of the North 2 acres of S/2, S/2, N/2, NE/4, NE/4, of Section 18, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13334

Action Requested:

Variance--Section 730--Bulk and Area Requirements in the Commercial Districts--Use Unit 1216--Variance of the 110; setback from the centerline of East 31st Stret to 90' all to permit construction of a gasoline station in a CS zoned district; and a

Variance—Section 280—Structure setback from abutting streets—Request a variance of the 60' structure setback from the centerline of Yale to 53' to allow an underground fuel storage tank, located on the SW/c of 31st Street and Yale.

Presentation:

The applicant, Phillips Petroleum Company, was represented by Arlen Allison, 101 West Robinson, Oklahoma City, who announced their plans to rebuild the station located at 31st and Yale.

Protestants: None

Comments and Questions:

Chairman Smith informed that he has a "conflict of Interest" in this case and he will be abstaining. Since this abstention will leave only two Board members present, there will not be a quorum to hear this case. Chairman Smith apologized for this unfortunate situation.

Case No. 13334 (continued)

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to <u>CONTINUE</u> Case No. 13334 until October 18, 1984.

Case No. 13335

Action Requested:

Variance--Section 240.2--Permitted Yard Obstructions--Use Unit 1206--Variance to allow a 1500 sq. ft. detached accessory building for the storage of R.V., boat, pick-up, and personal items in an RS-2 zoned district, located at 5145 East 36th Street.

Presentation:

Sam VanMeter, 5145 East 36th Street, submitted a plot plan (Exhibit L-1) and described his plans to build an accessory building to store his various hardware and equipment. He informed the Board that storing his boat outside had caused serious injury to his small son and he is trying to prevent any further accidents. He informed that a 750 sq. ft. building would not accommodate all his vehicles and other items. He submitted pictures (Exhibit L-2) and explained to the Board that he places a lot of value on the asthetics of his property and feels that the larger building will be in line with the existing structure.

Protestants: None

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to APPROVE a Variance (Section 240.2-Permitted Yard Obstructions--Under the Provisions of Use Unit 1206) to allow a 1500 sq. ft. detached accessory building for the storage of R.V., boat, pick-up, and personal items in an RS-2 zoned district, per plot plan submitted and subject to a restrictive covenant being filed with the County Cierk's office limiting the use to non-commercial; on the basis that the proposed building is in keeping with the large size of the lot; on the following described property:

Lot 8, Block 10, of the Resub. on Yorkshire Estates Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13336

Action Requested:

Special Exception--Section 910--Principal Uses Permitted in the Industrial Districts--Use Unit 1219--Request a special exception to allow a private club (tavern) in an IL zoned district, located on the SE/c of Sheridan and Independence.

Case No. 13336 (continued)

Presentation:

The applicant, John Laizure, 7602 Glenwood Circle, Broken Arrow, informed the Board that he operates the private club at this location, and that it has been in business for approximately 3 1/2 years under the present ownership. Prior to that, it has operated under various names and owners since the sixties. He stated that the property is surrounded by IL zoning.

Protestants: None

Comments and Questions:

Mr. Victor questioned Mr. Laizure about the capacity of the club and he responded that this club could accompodate 50 people. Mr. Victor also asked about the parking and Mr. Laizure explained that the club has adequate parking, and in the evenings, (due to the business hours of the surrounding industries), he has excess parking.

in response to a question by Chairman Smith, Mr. Laizure assured the Board that the club has no live entertainment and is merely a "beer joint."

Mr. Laizure informed the Board that the reason this is before the Board is due to a change of ownership, not a change of use.

Mr. Victor inquired about the days and hours of operation. Mr. Laizure informed that the club is open from 11:00 a.m. until 2:00 a.m. seven days a week.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to APPROVE a Special Exception (Section 910--Principal Uses Permitted in the Industrial Districts--Under the Provisions of Use Unit 1219) to allow a private club (tavern) in an IL zoned district, for operation seven days a week from 11:00 a.m. until 2 a.m.; subject to no live entertainment; on the following described property:

Lots 1 and 2, Walter Square Addition, a Resub of Northeast Center, a Resub of Polston 2nd Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13337

Action Requested:

Use Variance--Section 710--Principal Uses Permitted in the Commercial Districts--Use Unit 1209--Request a use variance to allow 4 mobile homes on 4 separate, but abutting lots in a CH zoned districts, located on the NW/c of Southwest Boulevard and Xenophon.

Presentation:

The applicant, Howard Mefford, 718 Mayo Building, represented Cliff Pitchford, who owns the property. Mr. Mefford informed that his

Case No. 13337 (continued)

cilent wants to place four mobile homes on separate lots and that the land was previously used as a mobile home park. There are exisiting sewer hook-ups on each lot. A small shopping center is on the front of the property. He presented a plot plan and explained it to the Board.

Protestants: None

Comments and Questions:

Mr. Smith asked Mr. Gardner's advise about imposing a time limit. Mr. Gardner informed that the land use is mixed, but that it is zoned CH, which is the highest intensity commercial. He advised that it may redevelop in the future, but at this time, this would be an appropriate use. Mr. Victor clarified that Mr. Gardner's statement could mean that commercial demand would restrict the time.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to APPROVE a Use Variance (Section 710--Principal Uses Permitted in the Commercial Districts--Under the Provisions of Use Unit 1209) to allow 4 mobile homes on 4 separate, but abutting lots in a CH zoned district, subject to Health Department approval and a Building Permit; on the following described property:

A part of lots 4, 5, 6, and 7, Block 9, INTERURBAN ADDITION to the City of Tulsa, described as follows: Beginning at a point on the East line of Lot 4, 284.3 feet South of the NE/c, thence North to the said NE/c, thence Southwesterly a distance to 297.34 feet to a point on the West line of Lot 7, a distance 76.21 feet South of the NW/c of said Lot 7, thence South 134.6 feet; thence Southeasterly 65 feet to a point; thence Northeasterly and parallel to Southwest Boulevard a distance of 158.8 feet to a point; thence Southeasterly a distance to 83.4 feet to a point of beginning.

Case No. 13338

Action Requested:

Special Exception--Section 710--Principal Uses Permitted in the Commercial Districts--Use Unit 1217--Request an exception to permit a muffler shop in a CS zoned district, located on the NW/c of 61st Street and Peoria.

Presentation:

The applicant, Turner and Sons, Inc., was represented by Nash Lamb, attorney. Mr. Lamb explained that his clients are interested in an abandoned Texaco station on the corner of 61st Street and Peoria, which is owned by Ms. Fredericks of Oklahoma City. The station was leased to Texaco and they have elected to move their operations. Turner and Sons, Inc. is a purchaser under a contract with the

Case No. 13338 (continued)

Fredericks to buy the property subject to the approval of this application. The applicant intends to convert the station to a This exception is for automobile and Mikey Muffler franchise. allied activities, as opposed to service station activities. This will eventually require the addition of another "bay" to the present facility. He submitted a plot plan (Exhibit M-1) and a copy of four An architectural pictures (Exhibit M-2) and described them. rendering was submitted (Exhibit M-3). At the current time the changes will be minimum. He stated that Mikey Muffler is a national corporation with strict restrictions and added that it will be a positive addition to this intersection. Mr. Lamb informed that the adjacent property owners have been contacted and letters of approval were submitted from Silver Dairy Queen (Exhibit M-4); Peorla Plaza Moving and Storage (Exhibit M-5); Jack's DX (Exhibit M-6); and La Petite Academy (Exhibit M-7).

Comments:

Mr. Gardner expressed concern that this type of use can sometimes look cluttered (i.e. oil drums, trash, old mufflers, etc.) and he stressed that adequate safeguards be imposed in the motion.

Protestants:

C. S. Lewis, Suite 1500, Bank of Oklahoma Tower, informed that he represents the Willowick Apartments. It is their opinion that the area is in transition and they would like to see the use continue as it is. They feel it would be detrimental to the neighborhood. He asked, in the event that the Board is inclined to approve the use, that restrictions be placed on the use that would protect the surrounding property owners.

Applicant's Rebuttal:

Mr. Lamb stated that the property is properly zoned commercial and that the traffic will be less than that generated by a gas station. He reiterated the fact that none of the occupants within 300' protested this use.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "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 muffler shop in a CS zoned district, subject to the appearance adhering to the drawing submitted, subject to no outside work or storage of materials, and subject to the dumpster being screened from view; on the following described property:

South 20' of Lot 9, all of Lots 10-12, the East 20' of Lots 13-15, and the South 20' of the East 20' of Lot 16, Block 8, Broadview Heights Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13339

Action Requested:

Variance--Section 280--Structure Setback from Abutting Streets--Use Unit 1211--Request a variance of the 40' setback from the centerline of Boston to 30' to permit construction of an office in a CH zoned district; and a

Variance--Section 1211.4--Off-street Parking and Loading Requirements--Request a variance of the required off-street parking for an office building, located on the SW/c of 14th and Boston Avenue.

Presentation:

Attorney, Roy Johnsen, 324 Main Mall, represented Sunwestern Properties, inc. He advised that his clients acquired the property at the SW/c of 14th and Boston Avenue. The lot has been zoned CH for twenty years or more, and until this year no off-street parking was required. It was under this zoning that his client's company acquired the subject property in December of 1983. all offices in suburban locations (in all zoning districts except CH) were required to provide one parking space per 400 sq. ft. of office space. After the "Brookside controversy", a new zoning district was established called CBD (which is the same as the former CH zoning). In March, his clients attended the hearings concerning the update of the Comprehensive Planning of District 7, and in the early stages of that hearing, the subject property was shown by the plan as an extension of the CBD zoning. (This designation would not In subsequent meetings, the require any off-street parking). planning team of District 7 amended the plan to show the central core area would be everything inside the Inner Dispersal Loop. As a consequence, the CBD zoning line stopped approximately 2001 north of the subject property. North of that zoning line, no parking is required; while south of the line, 1 parking space per 300 sq. ft. Mr. Johnsen advised that his of office space is now required. clients had already designed their building. A site plan was submitted (Exhibit N-1) and Mr. Johnsen pointed out that there is a four-story attached parking garage and an additional surface parking area across the street to the north. These parking areas will provide 1 parking space per 372 sq. ft. of gross office space area. Mr. Johnsen explained that he began making inquiries to determine if his clients would be providing adequate parking. He spoke to persons in the City Engineers' office, the Planning Commission office, the Architects who designed the project, as well as other Planning Commissions. No one could tell him what he needed to know. From a 1983 study of the Urban Land Institute, Mr. Johnsen read that, based on examination of peak demands in offices, they found that an average parking ratio was 2.5 parking spaces per 1,000 sq. ft. of occupied floor area. The study suggested that 3 parking spaces per 1,000 sq. ft. of <u>useable</u> floor area would be more desirable. (The first figure of 2.5 per 1,000 sq. ft. of occupied floor area is the same as 1 parking space per 400 sq. ft. of office

Case No. 13339 (continued)

space). His clients' plan exceeds the desired ratio of 3 parking spaces per 1,000 sq. ft. of <u>useable</u> floor area. He submitted a study done by a firm that specializes in parking matters (Exhibit N-2), and explained that they suggested that a predictable demand would be 354 parking spaces, and the parking garage and lot combined Mr. Johnsen submitted pictures of the subject will provide 364. property (Exhibit N-3) for the Board's perusal and explained that the existing buildings will be razed to allow the construction of the proposed building and attached garage. He addressed the setback variance request, stating that the code requires that a building be set back one-half the distance of the right-of-way shown on the Major Street Plan. The proposed building is outside the existing right-of-way, but is inside the theoretical, planned right-of-way. Mr. Johnsen submitted a letter from Mr. Miller (City Engineer) stating that he has no objection to the proposed variance of the setback from the centerline (Exhibit N-4). He submitted an exhibit showing various buildings which encroach the right-of-way to the north and south of the subject site (Exhibit N-5). A picture of the model of the proposed building and garage was submitted (Exhibit N-6), as well as an artist's rendering of the proposed building (Exhibit N-8).

Protestants:

Hopson, 1424 South Baltimore, requested denial of the Thomas exemption of the parking requirements. He informed that the area is plaqued with parking problems. He stated that although Texaco Oil (formerly Getty) provides a parking lot for their employees; however, they charge them to park on the lot. Therefore, many of the Texaco employees park along the streets in this area to avoid Mr. Hopson informed that the only access to his paid parking. property is by an easement which runs along the side of the Tulsa There is no off-street parking provided for that Photo Lab. establishment and he has frequently been inconvenienced by cars parked in front of the alley. He informed that the west side of Baltimore between 14th and 15th Streets is now posted as no parking Monday-Friday from 6 a.m. until 6 p.m. He stated that these signs are frequently ignored by people who have business in the area. The east side of Baltimore is not restricted from parking and by 7:20 a.m. that side of the street is consumed by employees of the area who will be parked there for a full day. Mr. Hopson feels that any relief granted for parking requirements in the area will magnify the problem, which is already serious. He stated that Mr. Johnsen's request was adequately prepared, but that he did not feel approval of this request would be in the best interest of the area residents.

Applicant's Rebuttal:

Mr. Johnsen Informed the Board that Mr. Hopson's property is on the west side of Baltimore, which is one street west of Boston, and in the middle of the block. There are parking areas on both sides of Mr. Hopson's property, and the buildings shown on the map on the south of the block are no longer there. The entire area is parking, with the exception of Mr. Hopson's home. Mr. Johnsen informed that

Case No. 13339 (continued)

his client's proposal would not aggravate Mr. Hopson's personal problem.

Comments and Questions:

Mr. Gardner explained that a portion of the property was detached from the main portion of the property. He asked Mr. Johnsen if the 364 parking spaces included that detached piece of property, and informed him that if it does, then a tie-contract will be necessary. Mr. Johnsen informed that he could not provide a tie-contract for that property because a portion of it belongs to the State of Oklahoma and is used on a lease basis. He informed that his client would not object to tying their portion of the property to the subject tract; nor with tying their lease-hold rights to the subject tract. (This portion of property owned by the State of Oklahoma is the excess right-of-way used for parking).

Mr. Johnsen informed, in answer to a question by Chairman Smith, that the lease is a three-year option with the first right of refusal or renewal.

Mr. Victor asked the staff's opinion of the parking adequacies. Mr. Gardner informed that there is a distinction between high-rise and low-rise buildings in relation to required parking. Once you begin to "go up," there is less parking demand because you relinquish the "drive-up" convenience of a "low-rise" building. He informed that there is no "formula" to determine the degree of variance on the requirements, rather each situation must be determined on its own merits. The reason for increasing off-street parking in office districts came about due to a lack of sufficient parking in one-story and two-story office buildings, not high-rise buildings.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to APPROVE a Variance (Section 280--Structure Setback from Abutting Streets--Under the Provisions of Use Unit 1211) of the 40' setback from the centerline of Boston to 30' to permit construction of an office in a CH zoned district; and a Variance (Section 1211.4--Off-street Parking and Loading Requirements) of the required off-street parking for an office building; per plot plan submitted, subject to the 364 parking spaces being provided, and subject to the lease-hold agreement on the separate lot being conveyed with the property; on the following described property:

Lots 1 through 5, and 19 through 24, Block 8, Oakgrove Addition to the City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS:

[3057] Case No. 13507

Action Requested:

Review of plans for a church building.

Presentation:

Fred Millender, 12805 East 13th Street, submitted an elevation plan (Exhibit 0-1), and the staff explained that the application was approved by the Board in April of 1984, subject to the approval of plans to be submitted. Mr. Millender described their plans to build a gymnasium and school on the subject tract.

Comments and Questions:

Mr. Smith informed that there is presently a large, brown stone building on the subject property and that these two buildings will be additions to that facility.

Mr. Victor expressed concern over the height of the gymnasium. Mr. Millender explained that the ceiling will be high enough to accommodate a gymnasium.

Mr. Millender informed the Board, in response to a question by Mr. Victor, that the addition will be saddle brown, with cocoa brown eaves and will match the existing building. The canopy is made of stone.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to APPROVE the elevations submitted to the file on Case No. 13507, subject to the colors noted on the plans.

There being no further business, the meeting was adjourned at 4:31 p.m.

Date Approved_

Chairman

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