CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 485
Thursday, March 5, 1987, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bradley	Chappelle	Gardner	Jackere, Legal Department
White, Acting Chairman	Quarles	Jones	Hubbard, Protective Inspections
Smith		Moore	Parnell, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, March 3, 1987, at 11:20 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Ms. White, Acting Chairman, called the meeting to order at 1:00 p.m.

MINUTES:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, Quarles, "absent") to **APPROVE** the Minutes of February 19, 1987.

UNFINISHED BUSINESS

Case No. 14394

Action Requested:

Special Exception - Section 410 - Principal Uses in Residential Districts - Use Unit 1205 - Request a special exception to allow for a church and related uses in an RM-1 zoned district, located west side of Lewis Avenue at 75th Street.

Presentation:

The applicant, Charles Norman, Suite 909, Kennedy Building, Tulsa, Oklahoma, stated that he represents Victory Christian Center and submitted a brochure (Exhibit A-1) and a revised site plan (Exhibit A-2) of the proposed construction. Mr. Norman informed that he was before the Board approximately 1 year ago (Case No. 13964) with a site plan for the Victory Christian Center church, school and related facilities, which was approved at that time. He informed that since that time, Victory Christian has acquired an additional 9.3 acres to the north of the property in the previous application. Mr. Norman stated that the proposed facility was to be within a 15-acre tract owned by his clients, who have an option to

Case No. 14394 (continued)

purchase a 6-acre tract from ORU. He informed that they now have an option to buy an additional 9.3 acres, the Albert tract, which is also owned by ORU. He pointed out that the main entrance for the center was not directly opposite the entrance to ORU, and asked the Board to allow his client to relocate the complex approximately 300' to the north, which would align the main tower with the entrance to the University. Mr. Norman informed that Victory Christian Center will be located on 30 acres, with an additional 10 acres if the ORU option is exercised on the property to the south. He advised that the first phase of the complex will contain a maximum floor area of 131,000 sq. ft., with setbacks of 300' from the centerline of South Lewis, 140' from the north boundary of the property, 140' from the south boundary and 300' from the west. He informed that the construction for Phase I will be in compliance with the maximum height requirement of 44', but a 7-story tower is proposed for a later phase which will require Board of Adjustment approval. Mr. Norman informed that the PUD which covered the 9.3 additional acreage has been abandoned after a public hearing before the Planning Commission and the City Commission. He pointed out that moving the buildings to the north will allow the construction of a channel to the creek on the front of the property, with the surface drainage being taken to the south into the old Joe Creek channel.

Comments and Questions:

Mr. Smith asked what church related uses will make up the activity center, and Mr. Norman informed that the first phase will be a large multi-use area for worship, school, and gymnasium activities. He stated that the first phase of development will be completed and open in 1988.

Protestants: None

On **MOTION** of **SMITH,** the Board voted 3-0-0 (Bradley, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, Quarles, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses in Residential Districts - Use Unit 1205) to allow for a church and related uses in an RM-1 zoned district; per site plan and development standards; subject to uses being auditorium, banquet hall, choir and orchestra rooms, drama department, dressing rooms, exercise and weight room, family recreation center, fellowship hall, indoor walking/running track, kitchen and dining room, large meeting rooms, pool, royal rangers and missionettes, and Victory Christian cinema, as listed in submitted brochure; finding that church and related uses are compatible with the area and that the granting of the special exception request will not be detrimental to the area, but will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

A tract of land, containing 30.4217 acres, that is part of the NE/4 of the SE/4 of Section 7, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma, said tract of land being described as

Case No. 14394 (continued)

follows, to-wit: Beginning at a point that is the NE/c, of the NE/4, of the SE/4 of said Section 7; thence S 00°10'03" W along the easterly line of the NE/4, of the SE/4 for 1004.36' to a point that is 308.30' northerly of the SE/c of the NE/4, of the SE/4; thence N 89°46'37" W for 1319.88' to a point on the westerly line of the NE/4 of the SE/4, said point being 305.91' northerly of the SW/c of the NE/4, of the SE/4; thence N 00°09'38" E along the westerly line of the NE/4 of the SE/4, for 1003.56' to the NW/c of the NE/4, of the SE/4; thence S 89°48'42" E along the northerly line of the NE/4, of the SE/4, for 1320.00' to the point of beginning of said tract of land, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14382

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Use Unit 1213 - Request a variance of setback from the centerline of East Admiral Place from 100' to 88' to allow for building expansion, located NW/c of Admiral Place and 165th East Avenue.

Presentation:

The applicant, David Grooms, 901 North Mingo, Tulsa, Oklahoma, who represented Quik Trip, submitted a plot plan (Exhibit B-1) and stated that he presented this case to the Board for consideration at the last scheduled meeting. At that time the Board suggested a revision of the plot plan to reduce the variance of setback from the centerline of Admiral Place. Mr. Grooms informed that the structure has been redesigned and asked that a variance of setback from 100' to 88' be approved.

Comments and Questions:

Mr. Smith remarked that the setback from Admiral Place has been reduced from 66' to 88', which is a substantial reduction.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Bradley, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, Quarles, "absent") to **APPROVE** a **Variance** (Section 730 - Bulk and Area Requirements in the Commercial Districts - Use Unit 1213) of setback from the centerline of East Admiral Place from 100' to 88' to allow for building expansion; per site plan submitted; finding a hardship imposed on the applicant by the irregular shape of the tract; on the following described property:

Case No. 14382 (continued)

South 120' of the east 150' of part of Lot 4, Section 2, T-19-N, R-14-E In Tulsa County, Oklahoma, being more particularly described as follows: Beginning at a point 501.50' east and 40' north of the SW/c of said Lot 4; thence N 0°03'30" E a distance of 313.89' to a point; thence S 71°05'00" E a distance of 162.85' to a point of curvature; thence along a curve to the left having a radius of 368.00' and a central angle of 19°00'00" a distance of 122.00' to a point; thence N 89°55'00" E a distance of 85.56' to a point; thence S 0°25'00" W a distance of 242.50' to a point; thence N 89°49'00" W a distance of 358.01' to the point of beginning, containing 2.18 acres more or less; City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 14400

Action Requested:

Variance - Section 730 - Bulk and Area Requirements In Commercial Districts - Use Unit 1212 - Request a variance of the frontage requirements from 150' to 100' in order to permit a lot split, located SW/c 48th Street and South Union Avenue.

Comments and Questions:

Mr. Jones informed that TMAPC has approved the lot split, subject to Board of Adjustment approval.

Presentation:

The applicant, Dennis Hall, 4724 South Union, Tulsa, Oklahoma, submitted a location map (Exhibit C-1) and informed that in order to acquire a lot split, one lot would have a 100' frontage.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, Quarles, "absent") to **APPROVE** a **Variance** (Section 730 - Bulk and Area Requirements In Commercial Districts - Use Unit 1212) of the frontage requirements from 150' to 100' in order to permit a lot split; finding that there are other lots in the surrounding area that are smaller than the lot in question; and that the granting of the variance request will not cause substantial detriment to the public good or impair the spirit, purposes and intent of the Code or the Comprehensive Plan; on the following described property:

Case No. 14400 (continued)
Lot 1, Block 2, Greenfield Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14401

Action Requested:

Special Exception - Section 440 - Special Exception Uses In Residential Districts - Use Unit 1213 - Request a special exception to allow for a home occupation (beauty shop) in an RS-3 zoned district, located at 1342 South 76th East Avenue.

Presentation:

The applicant, Kenneth Glick, 1342 South 76th East Avenue, Tulsa, Oklahoma, informed that his wife is proposing to install a beauty shop in an existing garage on their property. He stated that the interior will be remodeled and plumbing installed. Mr. Glick informed that the building in question is approximately 90' from the street.

Comments and Questions:

Ms. White asked the applicant if he is presently operating other businesses at the above stated location, and he replied that his is not.

Ms. White inquired if the 2 portable buildings are related in any way to the proposed business, and Mr. Glick informed that they are only used for storage and are not related to the business.

Mr. Smith asked the applicant to state the number of operators that will be employed in the beauty shop, and he replied that there will be no employees.

Ms. Bradley asked Mr. Glick if he has a copy of the Home Occupation Guidelines, and he answered in the affirmative.

Ms. Bradley inquired as to the number of customers visiting the shop in a day, and the applicant informed that his wife is not out of school yet and he does not know the number of customers she will be serving.

Ms. White asked the applicant to state the proposed days and hours of operation. Mr. Glick stated that appointments will probably be scheduled between 8 a.m. and 6 p.m., Monday through Saturday.

Protestants:

A letter of protest (Exhibit D-1) was received by the Board.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, Quarles, "absent") to **APPROVE** a **Special Exception** (Section 440 - Special Exception Uses In Residential Districts - Use Unit 1213) to allow for a home occupation (beauty shop) in an RS-3 zoned district; subject to 1

Case No. 14401 (continued)
chair only; subject to hours of operation being from 9 a.m. to 6 p.m., Monday through Saturday; finding that the beauty shop will be compatible with the residential neighborhood and in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 9 and 10, Block 10, Eastmoor Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14402

Action Requested:
Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 1221 - Request a variance from the centerline of 31st Street from 50' to 34' to allow for the placement of a business sign, located at 3223 East 31st Street.

Presentation:
The applicant, Ron Van Tuyl, was represented by Jack Franden, C and R Signs, 505 North Walnut, Broken Arrow, Oklahoma, who informed that the edge of the existing sign is 34' from the centerline of 31st Street. He asked permission to change the sign and retain the sign pole at it's present location, 36' from centerline. Photographs (Exhibit E-1) were submitted.

Comments and Questions:
Ms. White asked the applicant if there is a reason why a wall sign could not be installed, and he informed that the rock wall would make installing a sign very difficult. He pointed out that only the address is on the existing sign and his client would like to have the name of the tenants displayed.

Mr. Gardner informed that a sign is permitted in the OL zoned district, and the question before the Board is whether the pole can remain in its present location, or if it will be required to be placed 16' further back.

Mr. Franden pointed out that the sign will be in the center of the driveway if it is placed at the 50' required setback.

Protestants:
Ms. White informed that Staff has received a letter of protest (Exhibit E-2) from a resident in the area.

Additional Comments:
Mr. Smith asked Mr. Franden to state where the sign is located in relationship with the west boundary line, and he replied that the pole is centered in the 31st Street frontage.

Case No. 14402 (continued)

Ms. Bradley inquired as to the size of the proposed sign, and Mr. Franden informed that the 22 tenants will be listed on a 4' by 8' sign.

Ms. White asked how far the ground is from the bottom of the sign, and he replied that the sign is 10' from the ground.

Mr. Smith and Ms. White voiced a concern that the sign may block the visibility of motorists turning out on 31st Street, and Mr. Franden informed that the sign will not extend over the sidewalk.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, Quarles, "absent") to **CONTINUE** Case No. 14402 until March 19, 1987, to allow the applicant sufficient time to confer with the Traffic Engineer and the Building Inspector concerning ground clearance for the sign in question.

Case No. 14404

Action Requested:

Variance - Section 280 - Structure Setbacks from Abutting Streets - Use Unit 1221 - Request a variance of setback from the centerline of Harvard Avenue from 50' to 35' to allow for a business sign, located at 1746 South Harvard Avenue.

Presentation:

The applicant, Mike Moydell, 1221 West 3rd Street, Tulsa, Oklahoma, submitted photographs (Exhibit F-1) and explained that there is no other place to locate the sign on Harvard. He informed that the signs that are now in place on the property will be removed and replaced.

Comments and Questions:

Ms. White asked the applicant if 3 signs will be removed, and he answered in the affirmative. Mr. Moydell informed that the fascia of the building will be remodeled and the Diamond Jim's Pawn sign, now located at 33rd and Harvard, will be moved to the site where the business is relocating.

Mr. Bode informed that the lot has sufficient frontage to accommodate the proposed sign.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Bradley, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, Quarles, "absent") to **APPROVE** a **Variance** (Section 280 - Structure Setbacks from Abutting Streets - Use Unit 1221) of setback from the centerline of Harvard Avenue from 50' to 35' to allow for a business sign; subject to the execution of a Removal Contract; subject to the 3 signs that are

Case No. 14404 (continued)

currently in place being removed and replaced with a single pole bearing the business name; finding that there are other signs in the older area along Harvard that are as close to the street as the sign in question; on the following described property:

Lots 2, 3 and 4, Block 2, Florence Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14405

Action Requested:

Use Variance - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1208 - Request a use variance to allow a retirement complex in an AG zoned district.

Variance - Section 330 - Bulk and Area Requirements in Agriculture Districts - Use Unit 1208 - Request a variance of the land area per dwelling unit of 2.2 acres, located at 12000 East 31st Street.

Presentation:

The applicant, Cline Mansur, 1648 South Boston, Tulsa, Oklahoma, who submitted a plot plan (Exhibit G-1), stated that he is representing the Garnett Church of Christ. He informed that a retirement center is proposed on the 40-acre tract. Mr. Mansur stated that he represented the congregation approximately 10 years ago when the property at the above stated location was purchased and plans finalized for a new building. He informed that the auditorium and classrooms have now been completed. Mr. Mansur stated that the proposed facility is to be a retirement village made up of a community center and 5 structures, each containing 8 apartments. He pointed out that this is a HUD project, is subsidized by the government and will assist the elderly and those with low incomes. Mr. Mansur advised that in the initial application made approximately 10 years ago, it was noted that the church use would include worship, classrooms, nursery, aged and other customary uses in connection with church service to the community. He informed that 40 dwellings units are planned for a 5-acre portion of the 40-acre tract and asked the Board to approve the 2 variance requests and a waiver of the platting requirement.

Comments and Questions:

Mr. Smith pointed out that a waiver of plat was not a part of the Board of Adjustment application, but a Planning Commission matter.

Mr. Gardner explained that if a Use Unit 5 item is approved, a plat is required, unless waived by the Planning Commission. He explained that the ordinance did not require a plat when the application was before the Board 10 years ago, but the ordinance has been amended since that time.

Case No. 14405 (continued)

Mr. Mansur pointed out that the proposed facility is actually an extension of the initial application, although construction details had not been worked out.

Ms. Bradley asked Mr. Mansur to address the hardship for this case, and he replied that it is a matter of time.

Mr. Smith remarked that the hardship could be the fact that the first application made 10 years ago addressed the care of the aged.

Ms. Bradley pointed out that the motion for approval did not mention a retirement complex, and that the application in 1977 was for a special exception and not a use variance.

Mr. Jackere pointed out that regardless of the intention expressed 10 years ago, the standards for the approval of a variance is basically that a piece of property, because of its shape or other unusual characteristics, cannot be used for any permitted purpose other than the desired use. He suggested that Mr. Mansur could file an application for rezoning of the tract.

Mr. Mansur informed that HUD insists that the agreement with that agency be finalized by the 16th of March, 1987 and it would be impossible to complete the zoning process in that length of time.

Mr. Jackere noted that church applications are becoming very broad. He pointed out that related church use usually includes schools and child care centers, and now a retirement center for senior citizens is requested. He noted that customarily a retirement center is not a church use under land use planning.

Protestants:

Robert Code, 3116 South 121st East Avenue, Tulsa, Oklahoma, stated that Tulsa has sufficient housing for the elderly. Mr. Code pointed out that facilities are built for the elderly and in a few years when elderly tenants are not available, they are rented to anyone. He stated that the church should not be involved if the government is supplying funds for the project. He asked the Board to deny the application.

Fred Mathis, 3130 South 121st East Avenue, Tulsa, Oklahoma, stated that he is opposed to the application because of the additional traffic that would be generated in the area by construction of the complex. Mr. Mathis feels that the apartments in the neighborhood would devaluate the residential property.

Russell Garner, 3106 South 121st East Avenue, Tulsa, Oklahoma, stated that it is his understanding that there is a glut of retirement homes in the City and feels that the proposed retirement center will dump additional traffic into the residential area.

Case No. 14405 (continued)

Interested Parties:

Dick Robey, 11119 East 28th Place, Tulsa, Oklahoma, informed that he is speaking on behalf of the Garnett Church of Christ and the purpose for the church purchasing the 40 acres was to provide various services to the community. He explained that a facility for the aged is one of these services, and the project has been studied and approved by HUD as a need. Mr. Robey informed that only individuals that are 65 years old or older will be permitted to occupy an apartment in the proposed center.

Additional Comments:

Ms. White remarked that the main concern of the protestants seemed to be the fear that the center in question could be converted into something other than a retirement center, and asked if their objections would be satisfied if the application is approved for a retirement center only.

Mr. Code replied that he does not approve of the application and does not understand why the church needs an apartment complex.

Ms. Bradley commented that she is not against retirement homes, but feels that a hardship has not been demonstrated by the applicant.

Ms. White noted that she is concerned with the ever expanding use of the church.

Mr. Smith stated that 10 years ago the church started with a vacant piece of ground and a lot of construction has been completed in the ensuing years.

Mr. Jackere informed that if a portion of relief sought has not been utilized within a 3 year period, the approval is void.

Board Action:

Ms. Bradley's motion for denial of the application died for lack of a second.

On **MOTION** of **SMITH,** the Board voted 2-1-0 (Smith, White, "aye"; Bradley, "nay"; no "abstentions"; Chappelle, Quarles, "absent") to ***APPROVE** a **Use Variance** (Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1208) to allow a retirement complex in an AG zoned district; and to ***APPROVE** a **Variance** (Section 330 - Bulk and Area Requirements in Agriculture Districts - Use Unit 1208) of the land area per dwelling unit of 2.2 acres; on the following described property:

The NE/4 of the NW/4 of Section 20, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

*The application was denied for lack of three affirmative votes.

Case No. 14406

Action Requested:

Variance - Section 1221.3(1)(3) - General Use Conditions for Business Signs - Use Unit 1221 - Request a variance of spacing to allow for more than 1 sign per 200' of street frontage, located SW/c 21st Street and Yukon Avenue.

Presentation:

The applicant, Stan Spara, was represented by Tom Shelton, 320 South Boston, Tulsa, Oklahoma, who submitted sign specifications (Exhibit H-1). He stated that the Code will allow a total of 6 signs, which will be visible from 21st Street, to be placed on the property. He informed that 2 signs are in place at this time, and a total of 8 additional signs will be needed, with 4 signs being directional and 4 of them being stop signs. Mr. Shelton pointed out that 8 of the signs can be seen from 21st Street.

Comments and Questions:

Mr. Gardner asked how many of the signs were existing before the ordinance was changed.

Mr. Shelton replied that the facility was completed last spring and none of the signs exist now, but are proposed.

Mr. Gardner inquired as to the number of signs along 21st Street that are directional signs.

Mr. Shelton informed that there is 1 sign at the corner of 21st and Yukon which has the name of the facility, and all of the other signs are on the interior of the property and 150' or more from 21st Street.

Ms. Bradley asked if the signs are for the men that are driving the trash trucks on the property, and Mr. Shelton answered in the affirmative.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, Quarles, "absent") to **APPROVE** a **Variance** (Section 1221.3(1)(3) - General Use Conditions for Business Signs - Use Unit 1221) of spacing to allow for more than 1 sign per 200' of street frontage; per sign specifications submitted; finding that 1 sign displays the name of the facility and the remainder of the signs are directional in nature, being located on the interior of the property and barely visible from the street; on the following described property:

Case No. 14406 (continued)

The northerly 900' of the easterly 1,085' of the NW/4, of NE/4 of Section 15, T-19-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma, being approximately 22.4 acres.

Case No. 14413

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted In Agriculture Districts - Use Unit 1209 - Request a special exception to allow a mobile home in an AG zoned district.

Variance - Section 208 - One Single Family Dwelling Per Lot of Record - Use Unit 1209 - Request a variance to allow for 2 dwellings on 1 lot of record, located at 4523 North Mingo.

Comments and Questions:

Mr. Jones informed that mobile home use has been approved for a 5 year time period at a previous meeting. He informed that the old mobile home has been replaced by a new unit and the 5 year time limitation has expired.

Presentation:

The applicant, Tamara Thomason, 1328 East 38th Street, Tulsa, Oklahoma, stated that she is representing a client of Oak Creek Homes. She informed that the tract in question has mobile home parks on 2 sides.

Additional Comments:

Ms. White asked the applicant if the mobile home will be hooked up to City utilities, and she replied that the owner has a lagoon for sewage disposal, but has other City utilities.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, Quarles, "absent") to **APPROVE** a **Special Exception** (Section 310 - Principal Uses Permitted In Agriculture Districts - Use Unit 1209) to allow a mobile home in an AG zoned district; **APPROVE** a **Variance** (Section 208 - One Single Family Dwelling Per Lot of Record - Use Unit 1209) to allow for 2 dwellings on 1 lot of record; subject to Building Permit and Health Department approval; finding that there are other mobile homes in the area and that a mobile home has been located on the subject tract for a period of 5 years and has proved to be compatible with the surrounding area; on the following described property:

The S/2, NW/4, NW/4, NW/4, less the west 40' thereof for right-of-way, and less beginning at the SW/c, S/2, NW/4, NW/4, NW/4, thence east 150', north 70', west 150', south 70' to the POB, Section 18, T-20-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 14332

Action Requested:

Consider refund of fees for Board of Adjustment Case No. 14332.

Comments and Questions:

Mr. Jones stated that Staff received a letter (Exhibit J-1) from the applicant requesting a refund of filing fees.

Ms. Bradley asked Mr. Jones to state the Staff's recommendation for the refund, and he replied that all of the application fee was spent to process the case. He suggested that the burden of proof is on the applicant when cited by Code Enforcement.

Mr. Jackere informed that notice was issued to Ms. Rothrock, who was to prove that her beauty shop is not in violation of the Code.

Presentation:

Joe Hampton, 8704 South Yale, Tulsa, Oklahoma, who represented Violet Rothrock, stated that Ms. Rothrock has spent time and money on the case, which was determined by the Board to be a nonconforming use.

Ms. Hubbard pointed out that Code Enforcement could have ruled on the status of the beauty shop without coming to the Board if the applicant had given that agency the requested information.

Ms. Parnell informed that she sent Ms. Rothrock 3 notices, with no response.

Mr. Gardner noted that the case was very complicated because of the moving of the beauty shop from one building to another.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, Quarles, "absent") to **DENY** the **refund** of fees for Case No. 14332; finding that the case was fully processed and heard by the Board.

There being no further business, the meeting was adjourned at 2:18 p.m.

Date Approved 3.19.87

Chairman