CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 589
Tuesday, June 25, 1991, 1:00 p.m.
City Council Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bolzle, Chairman	Chappelle	Gardner	Jackere, Legal
Bradley		Jones	Department
Fuller		Moore	Hubbard, Protective
White			Inspections
			Parnell, Code
			Enforcement

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, June 24, 1991, at 11:57 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bolzle, Bradley, Fuller, "aye"; no "nays"; no "abstentions"; Chappelle, White, "absent") to **APPROVE** the Minutes of June 11, 1991.

Mr. Gardner informed that there is an error in the motion paragraph for Case No. 15680, heard on April 23, 1991. He stated that the Board voted to uphold the decision of the Building Inspector in determining the existing use to be a Use Unit 2 pre-release center, and not a residential treatment center, as reflected in the minutes.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Bolzle, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, White, "absent") to **AMEND** the minutes for Case No. 15680, to state that the Board voted to uphold the decision of the Building Inspector in determining the use to be a Use Unit 2 pre-release center.

UNFINISHED BUSINESS

Case No. 15731

Action Requested:

Variance of the required setback, as measured from the centerline of Utica Avenue, from 50' to 35', and a variance of the required setback, as measured from the centerline of 11th Street, from 50' to 35' - **Section 1221.C.6 General Use Conditions for Business Signs.**

Case No. 15731 (continued)
Variance of the required 30' separation between signs to 20' to allow for two pole signs - Section 1221.C.10. General Use Conditions for Business Signs - Use Unit 21, located 1659 East 11th Street.

Comments and Questions:
Mr. Jones informed that the applicant, **Claude Neon Federal**, 533 South Rockford, Tulsa, Oklahoma, has requested by letter (Exhibit A-1) that Case No. 15731 be withdrawn.

Board Action:
On **MOTION** of **FULLER**, the Board voted 3-0-0 (Bradley, Bolzle, Fuller, "aye"; no "nays"; no "abstentions"; Chappelle, White "absent") to **WITHDRAW** Case No. 15731, as requested by the applicant.

MINOR VARIANCES AND EXCEPTIONS

Case No. 15768

Action Requested:
Minor Variance of the required front yard, as measured from the property line, from 25' to 24', in order to allow existing dwelling and clear title to the property - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 10906 East 66th Street.

Presentation:
The applicant, **Michael Finerty**, 10906 East 66th Street, Tulsa, Oklahoma, submitted a plat of survey (Exhibit B-1), and stated that one portion of the existing garage extends 1' into the required front yard setback. Mr. Finerty explained that he has sold the home and the mortgage company has requested the variance to clear the title to the property.

Comments and Questions:
In response to Mr. Bolzle, the applicant stated that the house was constructed approximately 11 years ago.

Board Action:
On **MOTION** of **BRADLEY**, the Board voted 3-0-1 (Bradley, Bolzle, Fuller, "aye"; no "nays"; White, "abstaining"; Chappelle, "absent") to **APPROVE** a **Minor Variance** of the required front yard, as measured from the property line, from 25' to 24', in order to allow existing dwelling and clear title to the property - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; finding a hardship imposed on the applicant by the curvature of the street and the irregular shape of the lot; and finding that the existing house has been at this location for approximately 11 years, and the granting of the request will not injurious to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

Lot 15, Block 7, Wedgewood VI Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 15755

Action Requested:

Special Exception to allow a tent revival and carnival annually for a period of three consecutive years - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Units 2 and 5, located 725 East 36th Street North.

Presentation:

The applicant, **Charles F. Moore**, was represented by **Thomas Arnold**, 725 East 36th Street North, Tulsa, Oklahoma, who submitted a plot plan (Exhibit C-1), and requested permission to conduct a celebration festival of nations on the church parking lot. He informed that the festival has been held the past two years, and he was not aware that permission from the City was required.

Comments and Questions:

Ms. Bradley asked the applicant to explain the activities that are conducted at the festival, and he replied that it consists of carnival rides, games, food booths and various musical functions are held inside the tent. He added that the the event is geared to blend different cultures and nationalities, and bring economic resurgence to the area.

In response to Ms. Bradley, Mr. Arnold stated that the activities will be conducted Wednesday through Sunday, May 6 - 10, 1992. He informed that the event was held in May of this year.

Ms. Bradley asked if security and rest room facilities are provided, and the applicant answered in the affirmative.

Mr. Fuller inquired as to the hours of operation for the festival, and Mr. Arnold stated that that the activities will be conducted from 5:00 p.m. to 10:00 p.m. on Wednesday and Thursday, 5:00 p.m. to midnight on Friday, 10:00 a.m. to midnight on Saturday and from 1:00 p.m. to midnight on Sunday.

In response to Ms. White, the applicant stated that the church acquired all permits the City had requested, however, when they set up the operation an inspector informed them that they did not have a permit to conduct the festival. He informed that the church is eager to comply with all regulations.

Mr. Bolzle asked Mr. Arnold if the activities can be excluded from the east 100' of the tract, and he replied that this area is not used for the celebration. He informed that the carnival is set up on 36th Street North between the building and the street, with some activities between the building and Hartford Avenue.

Case No. 15755 (continued)

Interested Parties:

Wilbur Carmichael, 742 East 38th Street North, Tulsa, Oklahoma, stated that he is the president of C and A Land Development Corporation, which includes the subdivision to the north of the carnival location. He informed that he is not actually protesting the carnival, but there is a great deal of pedestrian traffic across his property during the activities. He stated that he has 26 lots that are undeveloped and requested that the Board limit the approval to one year.

Protestants:

Floyd Price, stated that he is the owner of Northwest Construction, and is a builder in the area. He stated that it will be difficult to develop the area with the carnival operating at this location.

Mr. Fuller asked Mr. Price if the carnival has caused any disturbances in the past, and he replied that he has a speculation home for sale across the street, which has been rejected by prospective buyers because of the carnival.

Applicant's Rebuttal:

Mr. Arnold stated that it is the desire of the church to help develop the community, and pointed out that numerous properties surrounding the church are zoned commercial. He stated that there are two bars, a child care facility and some abandoned buildings across 36th Street to the south.

Mr. Fuller asked how many people attend the festival each year, and Mr. Arnold replied that there are approximately 2000 in attendance, with no alcoholic beverages allowed.

Board Action:

On **MOTION** of **FULLER,** the Board voted 4-0-0 (Bradley, Bolzle, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to allow a tent revival and carnival from May 6 through May 10, 1992 - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Units 2 and 5; subject to hours of operation being 5:00 p.m. to 10:00 p.m. on Wednesday and Thursday, 5:00 p.m. to midnight on Friday, 10:00 a.m. to midnight on Saturday and from 1:00 p.m. to midnight on Sunday; subject to no festival activities being located to the north of the church, or on the east 100' of the tract, as reflected in the plot plan; subject to adequate security and rest room facilities being provided; finding that the temporary use, as described, will not be detrimental to the area; on the following described property::

TRACT I: All of Block 2, Northland Center Addition to the City and County of Tulsa, State of Oklahoma, according to the recorded Plat thereof, formerly Lots 1 through 9 inclusive, Block 1, Chandler-Frates Third Addition; and **TRACT II:** That part of the SW/4 of the SW/4 of the SE/4 of Section 13, T-20-N, R-12-E of the IBM, Tulsa County, Oklahoma, more particularly described as follows, to-wit:

Case No. 15755 (continued)

Beginning at the SE/c of said SW/4 SW/4 SE/4; thence west along the south boundary of said SW/4 SW/4 SE/4 a distance of 501.19'; thence north a distance of 50' to the SE/c of Block 2, Northland Center; thence north along the east boundary of said Block 2, Northland Center, a distance of 611.46'; thence east along the north boundary of said SW/4 SW/4 SE/4 a distance of 501.11' to the NE/c of said SW/4 SW/4 SE/4; thence south along the east boundary of said SW/4 SW/4 SE/4 a distance of 661.37' to POB.

Said tract being identical to and sometimes described as all that part of the W/2 W/2 W/2 SW/4 SE/4, Section 13, T-20-N, R-12-E, of the IBM, Tulsa County, Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows, to-wit: Beginning at the SE/c of said W/2 W/2 W/2 SW/4 SE/4; thence north 0°03'40" east along the east boundary of said W/2 W/2 W/2 SW/4 SE/4 a distance of 661.47'; thence due west 4.88' to a point in the east boundary of Block 2, Northland Center; thence south 0°03'19" west along the east boundary of said Block 2 a distance of 661.46' to a point in the south boundary of said W/2 W/2 W/2 SW/4 SE/4; thence north 89°50'30" east along said south boundary a distance of 4.81' to the POB; and the E/2 of the SW/4 SW/4 SE/4 and the E/2 of the W/2 of the SW/4 SW/4 SE/4, Section 13, T-20-N, R-12-E of the IBM, Tulsa County, Oklahoma, according to the U.S. Government Survey thereof, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15759

Action Requested:

Special Exception to allow a home occupation (book sales and storage) **- Section 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 534 South 106th East Avenue.

Comments and Questions:

Mr. Jones stated that Staff received a letter (Exhibit D-1) from **Sharon Phillips,** counsel for the applicant, which stated that Mr. Collins was investigated by Code Enforcement and found to be in compliance with the City Ordinances. She requested that Case No. 15759 be withdrawn.

Board Action:

On **MOTION** of **FULLER,** the Board voted 4-0-0 (Bradley, Bolzle, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **WITHDRAW** Case No. 15759, as requested.

Case No. 15760

Action Requested:

Variance of the number of signs permitted per lot frontage from one to three to allow three existing signs to remain - **Section 402.B.4.b SIGNS** - Use Unit 8, located 2186 South 99th East Avenue.

Presentation:

The applicant, **Case and Associates, Inc.,** 4200 East Skelly Drive, Suite 800, Tulsa, Oklahoma, was represented by **Clint Case,** who submitted a plot plan (Exhibit E-1) and photographs (Exhibit E-2). He stated that the signs in question are those on each side of the center entrance to the apartment complex. Mr. Case explained that his company purchased the Crystal Bay Apartments approximately six months ago, and a part of the renovation plan was to change the name of the property. He pointed out that the primary entrance was changed and, due to the limited frontage along 99th East Avenue, the signs were placed at an angle on each side of the entrance.

Comments and Questions:

Ms. Bradley asked the applicant if three signs were in place when the property was purchased, and Mr. Case answered in the affirmative.

Ms. Bradley stated that she has viewed the property, and inquired as to the purpose of the sign to the north. Mr. Case stated that it is a permitted sign on the other street frontage.

Mr. Gardner pointed out that the apartment complex is allowed to erect one sign on each street frontage. He stated that the complex has the permitted amount of sign faces, but they have been placed on four monument bases.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY,** the Board voted 4-0-0 (Bradley, Bolzle, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the number of signs permitted per lot frontage from one to three to allow three existing signs to remain - **Section 402.B.4.b SIGNS** - Use Unit 8; per plan submitted; finding that the actual number of sign faces will not be increased, but they will be placed on four triangular monument bases; and finding that the granting of the request will not have a detrimental impact on the area, or violate the spirit, purposes and intent of the Code; on the following described property:

Lot 1, Block 39, Longview Lake Estates Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15761

Action Requested:

Special Exception for approval of an amendment to the previously approved site plan to permit the construction, use and occupancy of the Justice Center, which will specialize in the examination, evaluation and prescription for treatment of abused children - **Sections 401, 601, and 901. PRINCIPAL USES PERMITTED IN RESIDENTIAL, OFFICE AND INDUSTRIAL DISTRICTS** - Use Unit 12, located SE/c East 28th Street and South Sheridan Road.

Presentation:

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma, submitted a site plan (Exhibit F-1), and explained that his client, Oklahoma College of Medicine, is requesting permission to amend the previously approved master plan to permit the construction of a justice center. He stated that the justice center will be a diagnostic facility for abused children, and will provide a team of individuals to evaluate the needed treatment for each child. Mr. Norman stated that the justice center will not provide treatment or housing for these individuals. He informed that the proposal has been presented to the Whitney Homeowners Association, and the school maintains a good working relationship with the residents of the neighborhood. The applicant stated that the existing metal storage building located at the proposed site for the justice center will be removed. Mr. Norman stated that a 100' by 150' storm water detention facility is proposed, with underground piping connecting to the storm sewer. He informed that the one story building will contain 8000 sq ft of floor space and will be constructed on the southeast corner of the campus. In regard to screening on the east and south, Mr. Norman stated that solid screening will be installed on portions of the east and south property lines abutting residential property (per landscape plan), and 19 holly trees (6' to 8') will be planted along the east boundary line.

Comments and Questions:

Ms. Bradley inquired as to access points for the facility, and the applicant replied that the justice center will have access to Sheridan Road and 28th Street. He informed that 33 parking spaces will be added, and the 276 spaces provided for the entire campus complies with Code requirements.

Ms. Bradley asked if an access will be provided on 66th East Avenue, and Mr. Norman replied that there is an existing gate which is open in the morning, at noon and late afternoon to accommodate employees that live in the neighborhood. He stated that this gate is opened by security during these periods, and can be permanently closed at any time.

Protestants:

Barbara Cross, 6541 East 28th Street, Tulsa, Oklahoma, stated that she is representing a portion of the neighborhood that is not affiliated with the homeowners association. Ms. Cross stated that she objects to any increase in the use across the street from her residence, because it will add to the existing parking problem along the street.

Case No. 15761 (continued)

Ms. White asked if parking is permitted on both sides of the residential street at this location, and Ms. Cross answered in the affirmative.

Mr. Norman pointed that the university is aware of the parking problem along the residential street, and the security patrol enforces the rule that employees park in the parking lot provided on the premises. He stated that they also encourage visitors to park on campus.

Ms. White asked if university employees are issued stickers for their cars, and Mr. Norman replied that they do have stickers, but the primary problem seems to be with visitors. He pointed out that the university has more than adequate parking.

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bradley, Bolzle, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** for approval of an amendment to the previously approved site plan to permit the construction, use and occupancy of the Justice Center, which will specialize in the examination, evaluation and prescription for treatment of abused children - **Sections 401, 601, and 901. PRINCIPAL USES PERMITTED IN RESIDENTIAL, OFFICE AND INDUSTRIAL DISTRICTS** - Use Unit 12; per amended site plan; subject to the access gate on 66th East Avenue being open only from 7:00 a.m. to 8:30 a.m., 11:30 a.m. to 1:30 p.m. and 4:30 p.m. to 5:30 p.m.; finding that the proposed center is compatible with existing uses on the campus; and the granting of the request will not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

Reserve "A" Boman Acres Third Addition to the City and County of Tulsa, Oklahoma, according to the recorded Plat thereof; and that part of the SW/4 SW/4, Section 14, T-19-N, R-13-E of the IBM, more particularly described as follows, to-wit: Beginning 648.30' east of the NW/c of said SW/4 SW/4 of said Section 14; thence south 89°-57.4138' east and along the north line of the said SW/4 SW/4 a distance of 2.23'; thence south -0°-1.2757' east a distance of 58'; thence south 89°-.4138' east a distance of 11.74'; thence south 235'; thence westerly and parallel to the north line of said SW/4 SW/4 a distance of 14.30'; thence northerly and parallel to the west line of said Section 14 a distance of 343' to the POB; **AND** the north 343' of the west 648.3' of the SW/4 SW/4 Section 14, T-19-N, R-13-E of the IBM, Tulsa County, Oklahoma, according to the U.S. Government Survey thereof, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15762

Action Requested:

Variance of the required front yard, as measured from the front property line, from 25' to 14', a variance of the required side yard, as measured from the north lot line from 5' to 0', and a variance of the livability space per dwelling unit requirement to permit less than 4000 sq ft of livability space - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located at 1502 South 125th East Avenue.

Presentation:

The applicant, **Bob Mathey,** 1502 South 125th East Avenue, Tulsa, Oklahoma, was represented by **Robert Nichols,** 111 West 5th Street, who submitted a plat of survey (Exhibit G-4), and explained that the lot in question is located in a cul-de-sac, with a 51' street frontage and, due to the irregular shape of the lot, his client constructed a fence over the lot line. Mr. Nichols stated that Mr. Mathey is in the process of removing the fence, but requested that the carport and the canopy be allowed to remain. Mr. Nichols pointed out that the Code permits a canopy to overhang 2', and requested that a variance to permit an additional 2' be approved. He submitted a petition of support (Exhibit G-2) for the application.

Comments and Questions:

Ms. Bradley asked Ms. Parnell if Code Enforcement has received complaints concerning the subject property, and she answered in the affirmative.

Mr. Fuller asked how far the fence encroached on the property of the abutting property owner, and Mr. Nichols replied that it was approximately 2' over the lot line.

Ms. Bradley asked how long the carport and canopy have been constructed, and Mr. Nichols stated that the construction was completed approximately 4 years ago without a building permit.

In response to Mr. Bolzle, Mr. Nichols informed that the fence is almost against the canopy since it has been moved from the abutting property.

Ms. Hubbard stated that she has visited the site and the canopy appears to be a building.

Ms. Parnell stated that she received a complaint from the owner of the property next door, and during inspection she found that a carport has been constructed on the front, and a patio cover on the side, which was attached to the privacy fence and extended to the rear of the property. Ms. Parnell stated that she did not find a structure on the property that could be described as a canopy.

Mr. Nichols asked that the application be amended to request a variance of the required side yard from 5' to 3', which could require removal of a portion of the canopy.

Case No. 15762 (continued)

Protestants:

Tom Bingham, 2431 East 61st Street, Tulsa, Oklahoma, informed that he is representing the property owner to the north, **Jerry Boysel,** and the mortgagee. He submitted a plat of survey (Exhibit G-3) and explained that the fence, which encroached on his clients property, has been removed, but the concrete driveway remains on the boundary line. Photographs (Exhibit G-1) were submitted. Mr. Bingham stated that there is a door in the fence that opens directly to his clients property. He further noted that Mr. Mathey's roof is so close to the property line that rain water drains into Mr. Boysel's yard.

Comments and Questions:

Jerry Boysel, 12501 East 15th Place, Tulsa, Oklahoma, stated that he is the abutting property owner to the north, and that a French drain has been installed on his property by his neighbor in order to drain water runoff from the roof. He explained that the drain ran into another neighbors yard and he closed it off, which resulted in water standing in his yard.

Applicant's Rebuttal:

Mr. Nichols stated that his client will not use the existing door to access the property next door, and any concrete which encroaches will be removed. He informed that all drainage will be diverted away from the abutting property. Mr. Nichols asked that the carport be allowed to remain, the canopy be permitted to encroach 4' into the side yard setback and the variance of the livability space be approved.

Mr. Bolzle asked why his client cannot comply with the livability space requirement, and he replied that there is concrete under the canopy and in the driveway.

In response to Ms. White, Mr. Jackere stated that the canopy would have to be removed if the application is denied; however, the concrete on the applicant's own property could remain if it is not used as a driveway, or access to a driveway.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Bolzle, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **DENY** a **Variance** of the required front yard, as measured from the front property line, from 25' to 14', a **Variance** of the required side yard, as measured from the north lot line from 5' to 0', and a **Variance** of the livability space per dwelling unit requirement to permit less than 4000 sq ft of livability space - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; finding that the applicant failed to demonstrate a hardship that would warrant the granting of the variance requests; on the following described property:

Lot 7, Block 2, Stacey Lynn Third Amended Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15763

Action Requested:

Variance of the required livability space per dwelling unit from 4000 sq ft to 2706 sq ft, per site plan submitted - **Section 403. BULK AND ARE REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 219 East 27th Street.

Presentation:

The applicant, **John MacDonald**, 114 East 35th Place, Tulsa, Oklahoma, stated that his client is proposing to construct a garage on the subject property. He informed that the new structure will replace a two car garage, with living quarters, which was removed by the previous owner. Mr. MacDonald stated that the garage will be placed on the existing 18' by 17' concrete slab. A plot plan (Exhibit H-1) was submitted.

Comments and Questions:

Following a discussion concerning livability space, it was determined that the variance of required livability will be from 4000 sq ft to 3400 sq ft. Mr. Gardner pointed out that the lot is nonconforming as to lot size (under 6900 sq ft) and, therefore, the ratio is approximately the same as for 4000 sq ft of livability for a 6900 sq ft lot.

Mr. Bolzle asked if the new garage will be a one-story structure on the existing slab, and the applicant answered in the affirmative.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Bolzle, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the required livability space per dwelling unit from 4000 sq ft to 3400 sq ft, per site plan submitted - **Section 403. BULK AND ARE REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; finding that the new one-story garage will be constructed on the existing slab of an old two-story garage that has been removed; finding that the 3400 sq ft of livability space will not be disproportionate, and that the granting of the variance request will not violate the spirit, purposes and intent of the Code, or be injurious to the neighborhood; on the following described property:

Lot 15, Block 14, Sunset Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15764

Action Requested:

Variance of the number of signs permitted per lot frontage from 1 to 3, and a variance of the total allowable display surface area from 32 sq ft to 266.3 sq ft in order to permit replacement signs - **Section 1221. BUSINESS SIGNS AND OUTDOOR ADVERTISING** - Use Unit 21, located 3209 South 79th East Avenue.

Case No. 15764 (continued)

Presentation:

The applicant, **Oklahoma Neon Company,** 6550 East Independence, Tulsa, Oklahoma, was represented by **Charles Hare,** who submitted a sign plan (Exhibit J-1). He explained that the hotel has been sold and the existing signs on the hotel building are being changed, and the new style of lettering requires more space than the existing block style.

Comments and Questions:

In response to Mr. Bolzle, Mr. Jones replied that there is no record of a variance for the existing signs.

Mr. Gardner informed that the unique aspect of this application is the fact that the property is surrounded by CS zoning on three sides and IL zoning on the remaining side, which permits 3 sq ft of signage per lineal foot of building wall on all four walls.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY,** the Board voted 4-0-0 (Bradley, Bolzle, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the number of signs permitted per lot frontage from 1 to 3, and a variance of the total allowable display surface area from 32 sq ft to 266.3 sq ft in order to permit replacement signs - **Section 1221. BUSINESS SIGNS AND OUTDOOR ADVERTISING** - Use Unit 21; per plan submitted; finding that the existing lettering is being replaced and, although the display area is larger, no more signs are being installed than presently exist (three); and finding a hardship imposed by the OMH zoning classification, and the fact that the property is surrounded on all sides by IL and CS zoning, which would permits much more signage than is being proposed; on the following described property:

All that part of Lot 3, Interchange Center Addition to the City and County of Oklahoma as recorded by Plat No. 2336, filed October 28, 1960 with the County Clerk of Tulsa County, Oklahoma, more particularly described as follows, to-wit: Beginning at a point in the south boundary of said Lot 3 (the north boundary of the N/2 SE/4 NE/4, Section 23, T-19-N, R-13-E); 710' from the SE/c thereof, (760' from the NE/c of the N/2, SE/4 NE/4, Section 23, T-19-N, R-13-E); thence north 0°-01'-30" east a distance of 340.39' to a point in the south R/W of South 79th East Avenue; thence south 89°-56'-27" east along the south R/W a distance of 19.76'; thence along the R/W on a curve to the left having a radius of 190' a distance of 136.18'; thence north 48°-59'-32" east a distance of 0.0'; thence south 60° east a distance of 80.92'; thence south 0°-01'-30" east a distance of 346.63' to a point in the south boundary of said Lot 3 (the north boundary of the N/2 SE/4 NE/4 of Section 23, T-19-N, R-13-E) 495' from the SE/c thereof; thence north 89°-58'-30" west along the common boundary of said Lot 3 and the N/2 SE/4 NE/4 of Section 23, T-19-N, R-13-E a distance of 215' to the POB, containing 76,820 sq ft or 1.763538 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15765

Action Requested:

Variance of the maximum allowable height of a ground sign from 25' to 35' to permit a 10' increase in height of existing sign - **Section 1103.B.2.b. USES PERMITTED IN A PLANNED UNIT DEVELOPMENT - Accessory Uses - Signs** - Use Unit 21, located 8514 East 71st Street.

Presentation:

The applicant, **Rowdy Montgomery**, 2001 East Terra Lane, O'Fallon, Missouri, was not present.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Bolzle, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **CONTINUE** Case No. 15765 to July 9, 1991.

Case No. 15766

Action Requested:

Variance of the 500' spacing requirement between a sexually oriented business and an R zoned district, from 500' to 460' from an RM-2 District and from 500' to 480' from an RS-3 District - **Section 705.B.b. LOCATION OF A SEXUALLY-ORIENTED BUSINESS** - Prohibition - 500' from areas zoned residential- Use Unit 12.

Variance of a required number of off-street parking spaces from 38 spaces to 11 spaces - **Section 1212.D. ENTERTAINMENT ESTABLISHMENTS AND EATING ESTABLISHMENTS OTHER THAN DRIVE-INS** - Use Unit 12, located 16415 East Admiral Place.

Presentation:

The applicant, **Marcus Wright**, 5109 South Wheeling, Suite B, Tulsa, Oklahoma, counsel for the proposed operator of the business in question, requested a withdrawal of the portion of the application concerning required parking, since the parking plan has been revised to come into compliance with the City Code. Mr. Wright submitted a location map and an aerial (Exhibit K-5) view of the site, along with photographs (Exhibit K-1) of the property and surrounding area. He stated that the peculiar shape and slope of the property present a hardship for the application. It was noted by the applicant that the drainage ditch prevents construction further north or west on the tract; however, the business could comply with the required setbacks and operate legally in a portion of the existing building. He informed that a QuikTrip store was previously in operation at this location and, according to the previous lease, cannot be utilized as a convenience store selling gas or oil related products. A site plan (Exhibit K-6) was submitted by the applicant.

Comments and Questions:

Mr. Jackere asked if the restrictions were placed on the property by the owner, and Mr. Wright answered in the affirmative.

Case No. 15766 (continued)

Mr. Wright stated that his client would be amenable to installing a screening fence to block the view from the residential neighborhood to the south. He pointed out that future development of the commercial property across the street would also prevent the residents from viewing the building. He reiterated that a portion of the building can be used for a sexually oriented business, and the slope of the property, with the deep drainage ditch, constitute a hardship in this case.

Protestants:

John Bellamy, 6 South 166th East Avenue, Tulsa, Oklahoma, stated that he is representing approximately 1300 people in the area that have signed a petition (Exhibit K-3) protesting the location of the sexually oriented business. He pointed out that there is heavy pedestrian traffic in the area, and many children walk to the QuikTrip store across the street from the proposed use. Mr. Bellamy stated that a business of this type would cause crime to escalate in the neighborhood, and would add to an existing traffic problem caused by road construction in the area. A list (Exhibit K-2) of uses in the area, and a letter of opposition (Exhibit K-4) were submitted.

John Benjamin, councilor for District 7, asked that the variance request be denied. He stated that he is not here to ask the Board to legislate morality, but to ask for a strict interpretation of the 500' restriction. Councilor Benjamin pointed out that the people of the City want a strict interpretation of the Code, and there is no hardship for this application. In regard to recent decisions, he stated that two Board members present at this time have not been reappointed since their terms expired in May, and requested that there should be some legal ruling as to the legality of the quorum. He pointed out that the City Council, by Charter, has an opportunity to approve appointments and reappointments to Boards and Commissions. He further remarked that they have not had that opportunity for three members of the Board, Ms. Bradley, Ms. White and Mr. Chappelle.

Comments and Questions:

Ms. Bradley stated that she finds this discussion to be irrelevant, and suggested to Councilor Benjamin that he present his protest to this case.

Ms. White requested that Mr. Jackere speak to the issue of whether or not she and Ms. Bradley are eligible to make Board decisions.

Mr. Jackere informed that every Councilor has an opportunity to ask for a legal opinion, and this is the proper time to make that request; however, no formal request has been made at this time. He stated that Board members that have served beyond the completion of an appointed term are defacto members, as is a City Judge, and their decisions are binding.

Mr. Fuller stated that the Board is covered by State law, and he is of the opinion that all members are qualified to vote on Board applications until replacements have been appointed. He suggested that the hearing continue.

Case No. 15766 (continued)

Bailey Thompson, 14108 East 18th Place, Tulsa, Oklahoma, stated that he is a minister for a church that is in the area, and requested that the application be denied.

Mr. Bolzle asked if the church is located south of Admiral Place, and Mr. Thompson answered in the affirmative.

Robert Tipps, 525 South Main, Tulsa, Oklahoma, informed that he is representing **B.D. and Dolores Jones,** who own commercial and residential property to the south. He pointed out that they have gone to the expense of installing a sewer line to service their property, and feel the proposed use will devaluate their property. Mr. Tipps stated that he is supportive of Mr. Jackere's statement that the Board has the jurisdiction to make a determination in this case. He pointed out that the parking area at this location will not provide sufficient space for the proposed business. Mr. Tipps stated that a sexually oriented business at this location would not be in harmony with the spirit and intent of the Code, and would be injurious to the neighborhood. He added that an economic hardship is not a sufficient basis for granting the variance request.

Kevin Easley stated that he is the State Senator for the district, and requested denial of the application, as this business would compound the problem for the trucking industry.

James Hogue, councilor for District 6, stated that the law is quite clear in respect to this situation. He pointed out that this group of citizens from the area are hear today to ask the Board to enforce the law.

Paul Brady, 17717 East 12th Street, Tulsa, Oklahoma, informed that he is pastor of Lynn Lane Baptist Church, and pointed out that this type of business will be highly involved with the truckers passing through Oklahoma, and will be an undue hardship on the City policemen.

Numerous area residents were present to protest the application.

Applicant's Rebuttal:

Mr. Wright pointed out the opposition has not presented statistics to substantiate the fact that sexually oriented businesses cause a higher crime rate in the area, or produce a traffic problem. He asked the Board to consider the unique drainage problem on the property and the fact that a portion of the building can be legally used for the business in question. Mr. Wright requested that the Board not succumb to undue pressure and consider only the factors that are relevant in this case.

Candy Parnell, Code Enforcement, asked Mr. Wright if his client is the owner of the Fox Hole Club, 6004 East Tecumseh, and he answered in the affirmative. She asked if the Fox Hole will be moved to this location, and Mr. Wright stated that he is not sure, but is under the impression that the Fox Hole Club will be closed.

Case No. 15766 (continued)

Additional Comments:

Ms. Bradley informed the audience that all Board decisions are made case by case, and every one is different. She pointed out that blanket decisions cannot be make on all sexually oriented businesses, since the Zoning Code must be followed in considering all applications.

Mr. Fuller stated that the Board has been criticized for some past decisions that have been made on sexually oriented businesses. He pointed out that the Board has the duty to uphold the Code, which includes the considering of variances when a hardship is demonstrated. He explained that some previous cases have had a buffer between the residences and the business, which was not the case in the application heard today. Mr. Fuller pointed out that there would be no need for a Board of Adjustment if the Code could be followed to the letter.

Ms. White stated that it is apparent that this Board has not bent to pressure in these matters, and the motion on today's case will be based on guidelines set forth in the Code, and the Board will continue to render decisions based on those guidelines.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Bolzle, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **DENY** a **Variance** of the 500' spacing requirement between a sexually oriented business and an R zoned district, from 500' to 460' from an RM-2 District and from 500' to 480' from an RS-3 District - **Section 705.B.b. LOCATION OF A SEXUALLY-ORIENTED BUSINESS** - Prohibition - 500' from areas zoned residential- Use Unit 12; and to **WITHDRAW** a **Variance** of a required number of off-street parking spaces from 38 spaces to 11 spaces - **Section 1212.D. ENTERTAINMENT ESTABLISHMENTS AND EATING ESTABLISHMENTS OTHER THAN DRIVE-INS** - Use Unit 12; due to the lack of a hardship; finding that there are no unique topographical, or other physical features of the tract, nor any man made barriers, such as buildings or expressways, that will provide the residents with adequate visual separation from the sexually oriented business; on the following described property:

Beginning 501.50' east and 40' north of the SW/c of Lot 4; thence north 313.89'; thence southeast 162.85'; thence along curve to the left 122'; thence east 85.56' to the west R/W line of 164th East Avenue; thence south 242.50' to the north R/W line of East Admiral Place; thence west 358.01' to the POB, less the south 10' for street, Section 2, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15767

Action Requested:

Variance of the required front yard, as measured from the property line, from 30' to 4.6', and a variance of the required rear yard, as measured from the property line, from 25' to 5.5' in order to clear title to an existing dwelling and property - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located northwest corner 24th Street and Zunis Avenue.

Presentation:

The applicant, **Stephen Schuller**, 525 South Main, Suite 1111, Tulsa, Oklahoma, was represented by **Larry Thomas** of the same address. He informed that a previous approval of setback requirements was acquired in 1982, however, it was discovered during the sale of the property that the house has been constructed over the approved setback. Mr. Thomas stated that the front portion of the lot is curved and the builder evidently overlooked that fact.

Mr. Gardner pointed out that contractors often lay out a house based on the wall of the structure, and the addition of brick often causes the house to be approximately 6" closer to the property line. (The Board approved previous waiver on one side to 6' - now requesting 5.5'.)

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Bolzle, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the required front yard, as measured from the property line, from 30' to 4.6', and a variance of the required rear yard, as measured from the property line, from 25' to 5.5' in order to clear title to an existing dwelling and property - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding a hardship demonstrated by the narrow shape of the lot and the curvature of the street; on the following described property:

Lot 22, Block 2, Wildwood Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15769

Action Requested:

Variance of the required setback, as measured from the centerline of 11th Street, from 50' to 40', to allow 2 ground signs - **Section 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 12, and **Section 215. STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 12, located at 3102 East 11th Street.

Case No. 15769 (continued)

Presentation:

The applicant, **Craig Neon Incorporated,** 1889 North 105th East Avenue, Tulsa, Oklahoma, was represented by **Doug Cochran,** who informed that this application is concerning signage for the Taco Bell Restaurant. Mr. Cochran informed that the existing Taco Bell sign near the curb will be removed, and a new pole sign will be constructed closer to the building. He stated that a new monument sign has already been installed, and pointed out that adjacent property owners have signs that are closer to the street than permitted by the Code. A sign plan (Exhibit M-2) and photographs (Exhibit M-1) were submitted.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY,** the Board voted 4-0-0 (Bradley, Bolzle, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to APPROVE a Variance of the required setback, as measured from the centerline of 11th Street, from 50' to 40', to allow 2 ground signs - **Section 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 12, and **Section 215. STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 12; per sign plans submitted; subject to the execution of a removal contract; finding that numerous signs along 11th Street were constructed prior to the adoption of the current Zoning Code and encroach into the required setback; and finding that the approval of the requests will not be detrimental to the area; on the following described property:

Lots 1, 2, 23 and 24, Block 2, Pilcher Summit Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15770

Action Requested:

Special Exception to allow the continued use of facilities at Ross Elementary School to provide support services to the school district - **Section 1202. AREA-WIDE SPECIAL EXCEPTION USES** - Use Unit 2, located southeast corner Latimer and 91st East Avenue.

Presentation:

The applicant, **Rosenstein, Fist and Ringold,** 525 South Main, Suite 300, Tulsa, Oklahoma, was represented by **Eric Nelson.** He requested permission to continue the operation of a school bakery, lawnmower repair shop, locksmith and a small business machine repair shop at this location. Mr. Nelson stated that continuing education classes for school district employees are also held in the building. He informed that the activities are conducted between the hours of 6:00 a.m. and 4:30 p.m. Mr. Nelson submitted photographs (Exhibit N-1) to substantiate the fact that the school is being properly maintained, which was a concern at the last hearing.

Case No. 15770 (continued)

Comments and Questions:

Ms. Bradley pointed out that the previous application was approved for one year only, and Mr. Nelson stated that, due to the fact that the school is a governmental entity, he did not feel it was necessary to return to the Board.

Mr. Gardner asked if all activities conducted at this location are school related, and Mr. Nelson answered in the affirmative. He remarked that the property is no longer used for sod cutting or training police dogs.

In response to Ms. Bradley, Mr. Nelson stated that 24 employees are assigned to work at the Ross Elementary School building.

Bobby Jones, a representative from Tulsa Public Schools, informed that the 24 employees report for work at approximately 7:00 a.m. He stated the individuals that repair business machines, the lawnmower repair technicians and locksmith repairmen are in and out of the building during the day. Mr. Jones informed that one custodian and 7 to 10 bakery workers are in the building for approximately 8 hours each day.

In response to Ms. Bradley, Mr. Jones stated that summer working hours are from 6:30 a.m. to 3:30 p.m.

Mr. Gardner asked if the building is designed to accommodate approximately 500 students, and Mr. Jones answered in the affirmative.

In answer to Ms. White, Mr. Jones informed that the earliest arrivals, which are the bakery employees, report to work at 6:00 a.m.

Ms. White asked if the lawnmowers are tested outside the building, and Mr. Jones replied that the building has an exhaust system, which permits indoor testing.

Protestants:

Dale Irwin, 9133 East Latimer Street, Tulsa, Oklahoma, stated that the overall appearance of the school is poor, and the grass mowing schedule needs to be revised. Mr. Irwin stated that he mows and bags a portion of the school lawn. He informed that the trash container is overflowing, and many of the windows are covered with plywood. He remarked that the flag pole was bent over to accommodate some newly installed electrical equipment, and was not repaired. Mr. Irwin pointed out that all trucks visiting the facility drive directly to the door, leaving deep tracks in the lawn.

Comments and Questions:

Ms. White asked Mr. Irwin if he has discussed school problems with Mr. Jones, and he replied that he wrote a letter to Mr. Powell concerning vehicles being parked on the porch of the school, which did result in improved parking conditions. Mr. Irwin stated that he made comments on the terrible condition of the school at the previous Board of Adjustment meeting.

Case No. 15770 (continued)

Ms. White pointed out that, due to a shortage of school funds, a lot of parent participation is required to maintain the buildings and grounds in a manner that everyone one prefers.

Applicant's Rebuttal:

Mr. Nelson stated that Ross Elementary School is on the same mowing schedule as all schools in Tulsa, and reports are pending on City building inspections.

Board Action:

On **MOTION** of **FULLER**, the Board voted 3-1-0 (Bolzle, Fuller, White, "aye"; Bradley, "nay"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to allow the continued use of facilities at Ross Elementary School to provide support services to the school district - **Section 1202. AREA-WIDE SPECIAL EXCEPTION USES** - Use Unit 2; subject to no outside storage of materials; subject to all parking of vehicles being limited to the parking lot only; and subject to adequate trash containers; finding that the school should be treated as an operating building, and not as surplus junk property; and finding that the uses, as presented, will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Blocks 1 and 2, a resubdivision of Lots 5, 6, 7 and 8, Block 1, Mingo Valley Subdivision No. 1, and the NE/4, NW/4, SE/4, Section 36, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15771

Action Requested:

Variance of the required front yard, as measured from the centerline of South 92nd East Avenue, from 55' to 45.3'; and a variance of the required rear yard, as measured from the property line, from 20' to 9' to permit existing dwelling and to clear title to the property - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 9203 East 97th Street South.

Presentation:

The applicant, **Robert E. Parker, Inc.**, PO Box 702705, Tulsa, Oklahoma, requested by letter (Exhibit P-1) that Case No. 15771 be withdrawn.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Bolzle, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **WITHDRAW** Case No. 15711, as requested by the applicant.

OTHER BUSINESS

Case No. 15714

Action Requested:

The applicant, **Robert Mathey,** requests refund of $150.00 filing fee.

Comments and Questions:

Mr. Jones informed that Mr. Mathey, requested a continuance of Case No. 15714, which was not found to be a timely request and was denied. He explained that Mr. Mathey then filed a second application, No. 15762, which was heard today and denied. Mr. Jones pointed out that processing was completed on Case No. 15714, and recommended that the refund be denied.

Board Action:

On **MOTION** of **FULLER,** the Board voted 4-0-0 (Bradley, Bolzle, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **DENY** a **Refund** of fees for Case No. 15714; finding that the application has been fully processed; and finding that the request for a continuance was not timely, and was denied by the Board.

Case No. 15770

Action Requested:

The applicant, **Rosenstein, Fist and Ringold,** request waiver of $150.00 filing fee.

Comments and Questions:

Mr. Jones stated that fees are typically waived for school related items, and suggested that the filing fees for Case No. 15770, Ross Elementary School, be waived.

Ms. Bradley asked if the Board waives the fees on all applications concerning schools, and Mr. Jones answered in the affirmative.

Ms. Bradley pointed out that schools are not a part of City government, but are independent school districts, and the waiver of their fees may not be a good practice.

Mr. Jackere advised that schools are called subdivisions of government.

Board Action:

On **MOTION** of **FULLER,** the Board voted 4-0-0 (Bradley, Bolzle, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **waiver** of filing fees for the Tulsa County Independent School District in the amount of $150.00.

Case No. 15772

Action Requested:

The applicant, **Robert E. Parker, Inc.,** requests withdrawal of application and refund of fees in the amount of $177.00.

Comments and Questions:

Mr. Jones informed that the applicant was not in need of the relief requested, and suggested that all filing fees be refunded.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Bolzle, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **refund** of the $177.00 filing fee.

Case No. 15749

Action Requested:

The applicant, **Doug Jones,** requests reconsideration for a tavern to be located at 3332 South Memorial Drive.

Presentation:

The applicant, **Doug Jones,** was represented by **Robert Todd,** 2727 East 21st Street, Tulsa, Oklahoma, who requested that Case No. 15749 be reconsidered, since two Board members voted to deny the application and two members were supportive.

Comments and Questions:

Mr. Jackere advised that, if the Board determines to reconsider the case, a future hearing date will be set.

Mr. Bolzle and Ms. White agreed that, in the past, the reason for rehearing a case is the fact that there is a substantial change in the application.

Mr. Jackere stated that he was informed that on one other occasion when the vote was two for and two against, the Board heard the case again when all members were present. He advised that the Board has the authority to approve or deny a rehearing.

Ms. White asked Mr. Todd if he is requesting that the application be continued until all Board members are present, and he answered in the affirmative. She pointed out that this procedure could take several months.

Mr. Todd stated that the zoning maps submitted to the Board did not depict the row of trees which block the view of the property from nearby residents. He pointed out that only a few roof tops are visible from the proposed site.

Mr. Fuller stated that three affirmative votes are required to approve an application.

Case No. 15749 (continued)

Mr. Jackere stated that, when the applicant previously requested a continuance after the Board had voted, he should have advised that the case could not be continued as it stands, but the Board could vote to reconsider and continued it to the next scheduled meeting.

Ms. White and Mr. Fuller agreed that occasionally an attorney will ask for a continuance when it appears a denial is imminent, but not after the Board has voted on the case.

Mr. Todd stated that the protestants painted a negative picture of the proposed operation; however, his client has a history of operating a clean business, and the complaints of the neighborhood were purely speculation.

Mr. Bolzle pointed out that the consequences of reconsidering this case, with no new evidence, could set a precedent for rehearing future applications that are denied.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Bolzle, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **DENY** a request for **reconsideration** of Case No. 15749; finding that the applicant had fair representation at the prior hearing and that no new evidence was submitted.

Amend the General Policies of the Tulsa Board of Adjustment

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Bolzle, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **AMEND** the **General Policies of the Tulsa Board of Adjustment** as follows:

The Board shall give notice of a public hearing to all residential property owners and all churches, parks and schools within 500' of a sexually oriented business if the variance of the 500' spacing between churches, parks and schools and/or residential zoned areas is requested.

There being no further business, the meeting was adjourned at 4:35 p.m.

Date Approved July 9, 1991

Chairman

06.25.91:589(23)