

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 651
Tuesday, February 22, 1994, 1:00 p.m.
Francis F. Campbell, City Council Room
Plaza Level of City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bolzle Doverspike, Chairman S. White T. White	Chappelle	Gardner Moore Russell	Jackere, Legal

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, February 18, 1994, at 3:55 p.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** the Minutes of February 8, 1994 (No. 650).

UNFINISHED BUSINESS

Case No. 16534

Action Requested:

Special Exception to permit a community based correctional center and private jail facility - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 2, located 300 West Archer.

Presentation:

The applicant, **Robert Traband**, 5550 South Lewis, Suite 308, was represented by **John Moody**, 6846 South Canton. Mr. Moody advised that his client, Avalon Community Services, Inc., is not requesting the operation of a private jail, and asked that this portion of the application be withdrawn. He informed that approval of a community based adult correctional facility (Exhibit A-1) is requested. Mr. Moody stated that his client purchased the property several years ago, anticipating that the land could be redeveloped in the future; however, the location of the Salvation Army facility and the day center for the homeless have made the property less desirable for the proposed redevelopment. He pointed out that the District 1 Plan designates this area as being the most appropriate part of the CBD for this type of use. Mr. Moody stated that his client has met with the neighborhood, and the interested parties were invited to tour a similar facility currently operating in Oklahoma City. He noted that the old building will be replaced with a new metal structure, with brick panels on the portion of the building along street frontages, and landscaping will be installed. Mr. Moody informed that the proposed 280-bed facility will contain 39,000 sq ft of floor space, with 64 parking spaces provided. He noted that the residents will not be permitted to have private vehicles, and the 64 spaces will adequately serve visitors and staff. A packet (Exhibit A-2) containing an area map, information sheet, petition and

Case No. 16534 (continued)

letters of support and photographs was submitted. Mr. Moody stated that his client is amenable to installing additional trees along Denver Avenue.

Jerry Sunderland, 529 Northwest 141st Street, Edmond, Oklahoma, stated that he is vice-president of Avalon, and explained that the company contracts with the Oklahoma Department of Corrections for housing work center and half-way house inmates.

Comments and Questions:

Mr. Doverspike inquired as to the qualifications of prospective residents of the facility, and Mr. Sunderland replied that the history of each inmate is reviewed and they reserve the right to reject an individual.

In reply to Mr. Doverspike, Mr. Sunderland stated that the facility will house state and federal inmates.

Walt Deboe, 616 West Forest Drive, Mustang, Oklahoma, advised that the inmates customarily sent to a community level half-way house are those individuals that have not been convicted of sex crimes or dealing in drugs. He pointed out that community level security is the lowest level of security before an inmate is released, and these individuals work in the community and are not a threat to the public. Mr. Deboe stated that similar facilities in other locations have been a positive part of the neighborhood.

Mr. Bolzle asked if Avalon is purchasing the property in question, and Mr. Deboe answered in the affirmative.

Mr. Doverspike asked if the inmates will have the liberty to leave the facility, and Mr. Deboe stated that they will work in the community. He stated that they are permitted to have visitors, and visitation is determined by the Oklahoma Department of Corrections. Mr. Deboe stated that visiting hours are customarily in the day time or early evening.

In reply to Mr. Doverspike, Mr. Deboe stated that the center will have approximately 45 employees.

Mr. Bolzle inquired as to the type of security proposed, and Mr. Deboe stated that the premises will be patrolled.

Mr. White asked if the inmates are permitted to jog in the neighborhood around the complex, and Mr. Deboe stated that the activities of the inmates are closely monitored and they would not be permitted to go into the residential neighborhood.

In regard to transportation, Mr. Deboe advised Mr. Doverspike that some inmates are delivered to their jobs in the company van, and others carpool or use public transportation.

Additional Comments:

Mr. Doverspike asked Mr. Moody if he would be amenable to submitting a new site plan outlining the landscaping and exterior material proposed for the new building, and he answered in the affirmative.

Interested Parties:

Bonnie Hutchinson, 206 North Frisco, stated that she toured the Avalon facility in Oklahoma City and is supportive of the application. She noted that the residents living near the center were complimentary of the operation.

NEW APPLICATIONS

Case No. 16471

Action Requested:

Variance of the required front yard from 30' to 25' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2205 South Troost.

Presentation:

The applicant, **Vern Seuss**, 7020 South Yale Avenue, Suite 270, submitted a revised site plan (Exhibit B-1) and explained that he has had previous approval on the lot, per plan submitted, but was not aware that a variance of the front yard setback was also required. He asked the Board to approve the 5' variance.

Comments and Questions:

In response to Mr. Doverspike, the applicant stated that the plat reflected a 25' setback.

Mr. Bolzle asked if houses in the development were constructed with a 25' setback, and he answered in the affirmative.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the required front yard from 30' to 25' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per revised plan submitted; finding that the all dwellings in the development were constructed prior to the current 30' setback requirement; and finding that approval of the request will not be detrimental to the neighborhood, or violate the spirit, purpose and intent of the Code; on the following described property:

Lot 2, Block 7, Terwilliger Heights, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16581

Action Requested:

Special Exception to permit a church and accessory uses in an OL District - **SECTION 601 PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 5, located east of SE/c of 129th East Avenue and 21st Street.

Presentation:

The applicant, **Sharon Hatfield**, was represented by **William Keith Hatfield**, 5315 East 26th Place, who submitted a plot plan (Exhibit C-1) for a proposed church building. He explained that the three structures that appear on the plan will be constructed as necessitated by church growth. He informed that an attempt is being made to close the street that divides the property.

Comments and Questions:

Mr. Doverspike inquired as to the total footage of all proposed buildings, and Mr. Hatfield stated that he does not know that figure.

Case No. 16534 (continued)

Sylvia Tuers, 216 North Quannah, represented the Tulsa Metropolitan Ministries, and stated that this organization is supportive of the project.

Dave King, 245 West 12th Street, executive director of Freedom Ranch, advised that changes are proposed for the Zoning Code, and that he has requested that an area of Tulsa be designated for this type of use by right. Mr. King pointed out that the Board has always been concerned with clustering, and noted that the intended use will be across the street from the Salvation Army facility, which currently operates a convict pre-release center for the U. S. Bureau of Prisons.

Jim Norton, Downtown Tulsa Unlimited, 201 West 5th Street, and chairman for Planning District 1, stated that the point of the issue concerning the proposed Zoning Code changes previously mentioned by Mr. King, is to bring the uses before the Board and not have them a use by right throughout the City. He stated that the withdrawal of the jail portion of the application is positive, and noted that additional landscaping along Denver is important to the area. Mr. Norton asked that the Board approve the application.

Applicant's Rebuttal:

Mr. Deboe advised that murderers, sex offenders or drug dealers will not be housed at the facility, if these offenses are mentioned in the criminal history of the individual.

Mr. Doverspike asked if the same type of restrictions will apply to state and federal prisoners, and Mr. Deboe answered in the affirmative.

Ms. White inquired as to visiting hours for the inmates, and Mr. Deboe stated that the inmates are divided into groups for visiting. He informed that visitors are permitted five evenings during the week and two sessions on Saturday and Sunday during the day. He added that many inmates go home for the weekend, and the 64 provided parking spaces will be sufficient for visitors and staff.

Mr. Doverspike asked Mr. Deboe if he would be amenable to limiting the total number of inmates receiving visitors at any given time to 50, and he replied that this requirement would not pose a problem.

Mr. Doverspike noted that clustering is a factor that is considered in each case of this nature; however, this use at the proposed location will not be injurious to the neighborhood.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit an adult community based correctional center; and to **WITHDRAW** a request for a private jail facility; and to **CONTINUE** the balance of the application to March 8, 1994 - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 2; subject to a maximum of 285 beds; subject to no more than 50 inmates receiving visitors at any given time; subject to no murderers, sex offenders or drug dealers being housed on the premises; subject to the applicant returning with a revised detail site plan and landscape plan for Board review; finding the use to be compatible with the surrounding area, and in harmony with the spirit and intent of the Code; on the following described property:

All of Block 63, Original Townsite of Tulsa, Tulsa County, Oklahoma.

Case No. 16581 (continued)

In response to Mr. Doverspike, Mr. Hatfield stated that the church currently has 125 members, and the 23 parking spaces were calculated on the size of the sanctuary.

Mr. Gardner suggested that a tie contract be required if the special exception is approved.

Protestants:

John Seal, 9044 East 95th Street, stated that he is representing the owners of Lot 5, who will be adversely affected if the application is approved. He pointed out that approval of a church at this location will make it very difficult to acquire commercial zoning for Lot 5. Mr. Seal noted that a liquor store is one use that would not be permitted if the church is approved. He stated that access would also be cut off to the properties to the south.

Mr. Gardner stated that the church would not prevent commercial zoning on nearby tracts, but would prevent the location of a package liquor store or a bar within 300'.

Applicant's Rebuttal:

Mr. Hatfield stated that the Berean Church is directly to the east of the subject property, and another church is located across the street. He pointed out that the use is compatible with the neighborhood.

Ms. White asked the applicant if the proposed church will have a school or day care, and he replied that they will not have either of those uses, and none are contemplated in the future.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit a church and accessory uses in an OL District - **SECTION 601 PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 5; subject to no school or day care being operated on the property; and subject to the execution of a tie contract if the street dividing the property (135th East Avenue) is not vacated; finding the use to be compatible with the neighborhood; on the following described property:

Lots 3 and 4, Smittle Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16582

Action Requested:

Variance of the required rear yard from 40' to 13'6" to permit an accessory building - **SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT** - Use Unit 6, located 5626 East 91st Street.

Presentation:

The applicant, **Dee Lindsay**, 5625 East 91st Street, informed that a City official advised him that there were no requirements for a portable accessory building in an AG zoned district; however, it was later determined that the building did not comply with the required setback. Photographs (Exhibit D-1) were submitted.

Case No. 16582 (continued)

Comments and Questions:

Mr. Doverspike asked if the building is located in the northwest corner of the property, and the applicant answered in the affirmative.

In response to Mr. Doverspike, the applicant stated that the accessory building is 12' by 24' and is used for personal storage.

Protestants:

Ed Schermerhorn, 2217 East Skelly Drive, stated that he is the owner and developer of Southern Pointe III, which is located to the north, east and west of the applicant's property. He pointed out that the accessory building is located closer to the street than the dwellings in the subdivision and could block visibility for anyone backing out of the driveway on the abutting lot. Mr. Schermerhorn stated that builders in the area are concerned with the location of the accessory building.

Paul Reed, 9520 South 193rd East Avenue, stated that he is a builder and owns the lot to the west of the subject property. He stated that the current location of the accessory building will devalue his lot and make the lot undesirable for a residence.

Applicant's Rebuttal:

Mr. Lindsay stated that trees and shrubs surround the accessory building, and that he does not believe the building blocks the view of residents backing out of their driveways. He pointed out that, if zoned residential, the accessory building could be placed at the current location by right.

Comments and Questions:

Mr. Bolzle asked if plumbing has been installed in the building, and the applicant stated that it does not have plumbing or electricity.

In reply to Mr. Bolzle, Mr. Lindsay stated that the accessory building is on skids.

Mr. Bolzle stated that a hardship has not been presented that would warrant the granting of the variance request.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **DENY** a **Variance** of the required rear yard from 40' to 13'6" to permit an accessory building - **SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT** - Use Unit 6; finding that the applicant failed to demonstrate a hardship for the variance request; on the following described property:

A parcel of land lying in the S/2 of the SW/4 of Section 15, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, described as follows: beginning at the South Quarter corner of Section 15; thence North 0°2' West, 208.75' to a point on the North and South quarter line; thence South 89°49' West parallel to the South line of Section 15, a distance of 208.75' to a point; thence South 0°2' East parallel to the West line of Section 15, a distance of 208.75' to a point on the South boundary of Section 15; thence North 89°49' East along the South boundary of Section 15, a distance of 208.75' to the point of beginning, containing one acre, more or less LESS the South 15' thereof and the East 40' thereof heretofore dedicated

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for public use, AND beginning at a point 208.75' North of the Southeast Corner of the SW/4, Section 15; thence West 208.75'; thence North 14'; thence East 208.75'; thence South 14' to the point of beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16583

Action Requested:

Variance of the required lot width, lot area and land area and a variance of the required 30' frontage on a public street - Use Unit 6, located south of the SW/c of East 81st Street and South Elwood.

Presentation:

The applicant, **Professional Surveying, Inc.**, 1523 South Harvard, was not represented.

Comments and Questions:

Ms. Russell informed that the applicant is not in need of the relief requested, and has withdrawn the application.

Case No. 16584

Action Requested:

Variance to permit parking on a gravel lot, and variance of required setback from the centerline of Pine Street from 100' to 95' - **SECTION 1303.D DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 10, located 7735 East Pine Street.

Presentation:

The applicant, **Roger Ogg**, 2805 East Kansas, Broken Arrow, Oklahoma, submitted a plot plan (Exhibit E-1) and stated that he has a rent-a-car business on the subject property. He requested that temporary approval of gravel parking be permitted on a portion of the lot.

Comments and Questions:

Ms. White inquired as to the length of time the gravel parking will be used, and the applicant requested that the approval be for one year.

Mr. Bolzle asked if the requested setback variance is for the existing building, and Mr. Ogg answered in the affirmative.

In response to Mr. Bolzle, the applicant stated that the gravel area is behind the existing structure.

Protestants:

None.

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Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** to permit parking on a gravel lot for **one year only**, and a variance of the required setback from the centerline of Pine Street from 100' to 95' - **SECTION 1303.D DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 10'; finding that the lot has previously been used for rent-a-car use, and temporary approval of gravel parking on a portion of the property will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Beginning at a point 630' west of the SE/4, SE/4, Section 26, thence north 340', west 130', south 340', east 130' to the Point of Beginning, Section 36, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16585

Action Requested:

Variance to permit a family day care home within 300' of another family day care home - **SECTION 402.B.5. Family Day Care Homes** - Use Unit 6, located 1136 North Boston Place.

Presentation:

The applicant, **Erma Ryder**, 1136 North Boston Place, stated that she currently operates a day care home, and that she moved to this location from Owasso and was not aware of the day care home next door. The applicant stated that she picks up and delivers the children.

Comments and Questions:

Mr. Doverspike inquired as to the number of children in the day care home, and the applicant stated that she cares for seven children.

In reply to Mr. Doverspike, Ms. Ryder stated that she has a 24-hour-a-day business, Monday through Friday.

Mr. Gardner informed that, if located on opposite ends of the block, the two day care homes could probably comply with spacing requirements.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** to permit a family day care home within 300' of another family day care home - **SECTION 402.B.5. Family Day Care Homes** - Use Unit 6; finding that the applicant picks up and delivers the children; and finding that approval of the request will not be detrimental to the neighborhood; on the following described property:

Lot 10, Block 2, Poudier and Pomeroy 2nd, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16586

Action Requested:

Special Exception to permit a drive-in bank in an OL District - Use Unit 11, located 3709 East 31st Street.

Presentation:

The applicant, **Tulsa Teachers Credit Union**, 3720 East 31st Street, was represented by **David Scott**, 3720 East 31st Street, who submitted a plot plan (Exhibit F-1) for the proposed project. He informed that the subject property has previously been used as a drive-in banking facility, and was recently purchased by his client for this use. Mr. Scott explained that it was recently discovered that the property has never been approved for drive-in banking, and asked that the use be approved.

Martin Brown, 3904 South Sandusky, architect for the project, stated that the drive-in equipment is all in place; however, more stacking space will be added to prevent a traffic problem. He informed that the Credit Union has purchased the lot to the east in order to accommodate the additional automobiles. Mr. Brown pointed out that all existing ingress and egress points will remain, except for a potentially hazardous driveway on 31st Street. He noted that there will not be a drive-up ATM machine or depository at this location. Mr. Brown stated that days and hours of operation will be Monday through Friday, 8 a.m. to 6 p.m., and Saturday, 8 a.m. to noon. He noted that the drive-in facility will have five tellers.

Comments and Questions:

Mr. Doverspike asked if ingress and egress is proposed on Louisville, and Mr. Brown answered in the affirmative.

In response to Mr. Doverspike, Mr. Brown stated that a sign could be installed on the bank property that would request that automobiles not make right turns into the residential neighborhood.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit a drive-in bank in an OL District - Use Unit 11; per plan submitted; subject to days and hours of operation being Monday through Friday, 8 a.m. to 6 p.m., and Saturday, 8 a.m. to noon; subject to no ATM or depository being provided on the subject property; finding that a drive-in banking facility has previously operated at this location, and additional stacking space will be provided; and finding the use to be compatible with the area and in harmony with the spirit and intent of the Code; on the following described property:

Lots 9 and 10, Block 4, Loma Linda Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16588

Action Requested:

Variance of the number of required parking spaces - **SECTION 1214.C. Off-Street Parking and Loading Requirements** - Use Unit 14, located 2111 South 130th East Avenue.

Presentation:

The applicant, **William Robison**, 4808 South Elwood, stated that the owner of Candlelight Dining Accessories has been advised by Stormwater Management to relocate his business. He pointed out that a new site has been acquired, however, it was discovered that it does not comply with parking requirements for the use. Mr. Robison stated that only four parking spaces were provided at the previous location. He pointed out that the plot plan designated that 21 spaces will be provided, however, only 16 spaces will be available. A plot plan (Exhibit G-1) was submitted.

Comments and Questions:

In response to Mr. Doverspike, the applicant stated that the use is a retail outlet for dinnerware.

Mr. Gardner advised that the use could be limited to the retail sale of dinnerware.

Ms. White noted that this type of business is not an intense use and does not require a large parking area.

Protestants:

None.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the number of required parking spaces from 21 to 16 - **SECTION 1214.C. Off-Street Parking and Loading Requirements** - Use Unit 14; per plan submitted; subject to the use being limited to retail sale of dinnerware only; finding the use to be low intensity; and finding that approval of the request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lot 1, Block 1, Garrett Place, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 16569

Action Requested:

Reconsideration of previous action.

Comments and Questions:

Mr. Gardner explained that the Board previously heard an application for a carport, which was continued to permit the applicant to research the possibility of constructing the carport at another location. He stated that the applicant then failed to appear at the next scheduled meeting and the application was denied without prejudice. Mr. Gardner advised that the applicant submitted a plan to the building inspector and, after review, a letter was mailed to the applicant, which advised that the plan failed to comply with

Case No. 16569 (continued)

Code requirements. He stated that the applicant received the letter on the same day of the last scheduled Board of Adjustment meeting, and Mr. Arney failed to appear at that meeting. Mr. Gardner stated that the applicant is now requesting that the previous denial be reconsidered, and the case be rescheduled for hearing. He informed that the neighborhood voiced concerns with the size and height of the structure.

Mr. Jackere advised that the issue before the Board today is a consideration of rehearing.

There was discussion concerning whether or not the case is the same or different from the previous application, and Mr. Jackere stated that the request could be regarded as a new application or reconsidered at a later date. He added that the public must be notified of the hearing.

Presentation:

The applicant, **Donald Arney**, 4148 East 35th Street, was represented by **Dorothy Arney**, who submitted a new plot plan (Exhibit H-1) and requested that she be permitted to construct a carport over the existing driveway.

Mr. Bolzle explained to the applicant that the Board will not hear the case at this time, but will only determine if the case will be heard at another time under the same application, or if a new application must be filed.

Ms. Arney stated that there are numerous carports in the neighborhood, and the height of the proposed carport has been lowered to approximately 8' in order to conform to the height of these other structures. She stated that large trees prevent the construction of a carport on the Richmond Avenue frontage.

Protestants:

Matt Cole, 3405 South Richmond, submitted photographs (Exhibit H-2) and stated that he is opposed to the rehearing, because it is inconvenient for him to leave his job.

Brian Giboney, 4150 East 34th Street, stated that the carport is not appropriate for the neighborhood, and that the case has already been heard, and a rehearing presents a hardship for those residents that have to take off work to appear.

Applicant's Rebuttal:

Ms. Arney stated that she did not appear at the previous meeting because it was her understanding that she could build a carport on the side or back of the house by right. She stated that new plans were submitted to the building inspector immediately after the last meeting.

Additional Comments:

In response to Mr. Bolzle, the applicant stated that the Board insinuated at the initial hearing that Board relief would not be required to build a carport on the side or back of the house. She stated that it appears that this is not true. Ms. Arney stated that the carport will be lowered and the RV will be moved if the application is approved.

Mr. Bolzle stated that it appears that there have been substantial changes to the plot plan that was previously submitted.

Case No. 16569 (continued)

Mr. Bolzle advised the applicant that, if the Board votes to rehear the application, there is a possibility that the case could be denied at that hearing.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Doverspike, T. White "aye"; no "nays"; no "abstentions"; Chappelle, S. White, "absent") to hear Case No. 16569 on March 22, 1994; subject to the applicant being responsible for notification and publication fees, with the application fee being waived.

There being no other business, the meeting was adjourned at 3:21 p.m.

Date Approved 3/8/94


Chairman