

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 607  
Tuesday, April 14, 1992, 1:00 p.m.  
City Council Room, Plaza Level  
Tulsa Civic Center

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Bolzle, Chairman Chappelle Fuller White	Doverspike	Gardner Moore Jones	Jackere, Legal Department Hubbard, Protective, Insp. Parnell, Code Enforcement

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, April 10, 1992, at 1:43 p.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 **FULLER**, the Board voted 4-0-0 (Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** the Minutes of March 24, 1992.

**MINOR VARIANCES AND EXCEPTIONS**

**Case No. 15986**

**Action Requested:**

Minor Special Exception to permit a recreational vehicle within the front yard and within 12' of the curb, located 2429 South Irvington Avenue.

**Presentation:**

The applicant, **W. H. Tuck**, 2429 South Irvington Avenue, Tulsa, Oklahoma, was represented by **Steve Tuck**, 4503 Iola, Muskogee, Oklahoma, who submitted a petition of support (Exhibit A-5), and explained that his parents reside at the above stated location and park their recreational vehicle in the driveway of their home. He stated that there are no sidewalks in front of the residence, and there is sufficient space for motorists backing out of the driveways on the north and south to see oncoming traffic. Mr. Tuck pointed out that some type of RV has been parked on the driveway for approximately 10 years, and it is not possible to move this particular unit to the rear of the house. A plot plan (Exhibit A-1) was submitted.

Case No. 15986 (continued)

**Comments and Questions:**

Mr. Chappelle asked Mr. Tuck if the RV has been parked in the driveway for 10 years, and he replied that his parents have had three different RV's parked in the driveway over a 10-year period.

**Protestants:**

**Paul Klein**, 2425 South Irvington, Tulsa, Oklahoma, stated that his property abuts the property in question and, although he feels the applicant is a great neighbor, is not supportive of the application. He submitted photographs (Exhibit A-2) and pointed out that the mobile home blocks his view of the street when backing out of the driveway. He submitted a copy of the City ordinance which states that it is unlawful to place a permanent or temporary obstruction within 8' of a fire hydrant. He pointed out that the RV is parked within 14" of the fire hydrant serving the immediate area.

**Terry Wilson**, planning chairman for District 5, advised by letter (Exhibit A-4) that he feels everyone that can view the violation should be notified of any action to be taken, and not just the abutting property owners.

**Additional Comments:**

Ms. White asked Mr. Klein if he lives to the north of the property in question, and he answered in the affirmative.

Ms. White advised that she site checked the area, and found that the RV does block the view of motorists backing out of the driveways on either side of the subject property. She added that this seems to be a classic example of the reason the ordinance was changed to address the parking location of recreational vehicles.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **DENY** a **Minor Special Exception** to permit a recreational vehicle in the front yard within 12' of the curb; finding that the unit blocks the view of motorists backing out from properties to the north and south, overhangs the City right-of-way and obstructs the use of the fire hydrant serving the area; on the following described property:

Lot 25, Block 7, Mary Frances Addition, City of Tulsa, Tulsa County, Oklahoma.

## NEW APPLICATIONS

Case No. 15976

### Action Requested:

Special Exception to permit church use in an OL zoned district - **Section 601. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICT - Use Unit 5.**

Variance to permit required parking on a lot other than the lot containing the principal use - **Section 1301.D. GENERAL REQUIREMENTS - Use Unit 5, located 7906 East 55th Street.**

### Presentation:

The applicant, **Fair Havens Church**, was represented by **Brant Moorey**, 1530 South 79th East Avenue, Tulsa, Oklahoma, who informed that the church has been located at the current location for approximately four years and is proposing to expand the sanctuary. He submitted a plot plan (Exhibit B-2) and requested permission to lease space for the additional required parking. Mr. Moorey submitted a letter (Exhibit B-1) which stated that 12 parking spaces can be leased for church use.

### Comments and Questions:

Mr. Bolzle asked the applicant if he can provide a lease agreement stating that the additional required parking will be available as long as the church is located at the present location, and he answered in the affirmative.

### Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Special Exception** to permit church use in an OL zoned district - **Section 601. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICT - Use Unit 5; and to APPROVE a Variance** to permit required parking on a lot other than the lot containing the principal use - **Section 1301.D. GENERAL REQUIREMENTS - Use Unit 5; subject to the execution of a continuous lease, running concurrently with that of the church, to provide parking on a lot other than the lot containing the principal use; finding that the church has proved to be compatible with the surrounding uses and the additional parking will not be injurious to the area, or violate the spirit and intent of the Code; on the following described property:**

Case No. 15976 (continued)

A part of Lots 10 and 11, Block 1 of Memorial Drive Office Park, an Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the official recorded plat thereof, said part of Lots 10 and 11, Block 1 being more particularly described as follows: to wit: Beginning at the Northwest corner of said Lot 11, Block 1 of Memorial Drive Office Park; thence N 81°43'46" E along the North line thereof a distance of 11.42' to a point of curve to the right thence along said curve to the right having a radius of 1670.00', a central angle of 2°45'45", an initial tangent bearing of N 81°43'46" E a distance of 80.52'; thence S 3°45'29" E a distance of 161.75'; thence N 86°14'31" E a distance of 41.00'; thence S 3°45'29" E a distance of 35.01' to a point on the South line of said Lot 10; thence S 59°32'22" W along the South line of said Lot 10 and 11 a distance of 126.69' to the Southwest corner of said Lot 11; thence N 8°16'14" along the West line of said Lot 11 a distance of 249.16' to the point of beginning, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15977**

**Action Requested:**

Special Exception to permit automobile sales in a CS zoned district - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17, located northwest corner East 31st Street and South Memorial Drive.

**Comments and Questions:**

Mr. Jones informed that an interested party has requested that this case be continued to the next scheduled meeting.

**Interested Parties:**

**Dick Gable**, legal representative for Swinson Chevrolet, stated that his client operates a car sales business across the street to the east and did not receive notice of this hearing. Mr. Gable asked that Case No. 15977 be continued to April 28, 1992 to allow sufficient time to prepare his presentation.

**Presentation:**

**Clay Edwards** stated that he is representing the Board of County Commissioners and, although the County is anxious to sell the subject property, he feels the Commissioners would be in agreement with Mr. Gable's request for a two-week continuance.

Case No. 15977 (continued)

**Board Action:**

On **MOTION** of **CHAPPELLE**, the Board voted 3-0-1 (Bolzle, Chappelle, White, "aye"; no "nays"; Fuller "abstaining"; Doverspike, "absent") to **CONTINUE** Case No. 15977 to April 28, 1992.

**Case No. 15978**

**Action Requested:**

Special Exception to permit school use in an RM-1 zoned district and to permit four mobile homes to be used as classrooms for a period of one year, beginning August 15, 1992 - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located 1116 West 22nd Street South.

**Presentation:**

The applicant, **Tulsa Public Schools**, was represented by **Bobby Jones**, who informed that House Bill 1017 requires that class sizes be reduced. He stated that the school, at the above stated location, will be a 10-month school and additional classes will be added. Mr. Jones informed that the interior of the existing building will be modified, and four mobile homes will be installed to meet the immediate needs of the school. Photographs (Exhibit C-1) and a plot plan (Exhibit C-2) were submitted.

**Comments and Questions:**

Mr. Jackere advised that the City Council recently amended the Building Code, and nonresidential use of a mobile home no longer requires Board of Adjustment approval. He advised the applicant that he is before the Board at this time because the existing school had not received Board of Adjustment approval prior to construction. Mr. Jackere advised that the school system and the Council discussed the school's need for temporary mobile classrooms for several months, and the Council determined that annual permits, without a time limitation, could be approved by the Building Inspection Department. He pointed out that this conclusion was reached to prevent the schools from being forced into an immediate expansion program, which would be expensive and put a strain on the entire school system.

In response to Mr. Bolzle, Mr. Bobby Jones stated that he has not be advised as to the school's compliance with parking requirements.

Ms. Hubbard advised that she has received a letter from Jim Choate regarding school parking, and the facility meets all parking requirements.

Case No 15978 (continued)

**Protestants:**

**Anthony Coleman**, 2419 South Phoenix, Tulsa, Oklahoma, stated that he is representing neighborhood property owners, and they are opposed to the installation of mobile homes at the school site. He noted that there is additional space for classrooms inside the school, as well as other vacant buildings that could be rented for this use.

Mr. Bolzle pointed out that the mobiles are temporary, and Mr. Coleman stated that the mobile units will be detrimental to the area, and is opposed to the temporary installation of mobile homes at this location.

**Board Action:**

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Special Exception** to permit school use in an RM-1 zoned district and to permit four mobile units to be used as classrooms for a period of one year, beginning August 15, 1992 - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; per plot plan submitted; finding that the existing school, and the temporary use of mobile units for classrooms, to be compatible with the residential neighborhood and in harmony with the spirit and intent of the Code; on the following described property:

All of Block 37, West Tulsa Addition Amended, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15980**

**Action Requested:**

Variance of the required 45' setback from the centerline of East 16th Street - **Section 403. BULK AND AREA REQUIREMENTS FOR THE RESIDENTIAL AREAS** - Use Unit 6.

Variance of the permitted 20% rear yard coverage - **Section 210.B.5. YARDS** - Use Unit 6.

Variance of the permitted 750 sq ft for a detached accessory building to 880 sq ft - **Section 402.B.d. ACCESSORY USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 1603 South Troost.

Case No. 15980 (continued)

**Presentation:**

The applicant, **Caroline Brune**, 1603 South Troost, Tulsa, Oklahoma, submitted a plot plan (Exhibit D-2) and explained that she has lived at this location for approximately 10 years and has experienced three incidents of damage to her vehicle because of street parking. Ms. Brune requested permission to construct a carport on the rear portion of her property, which would protect her car and serve as screening from abutting apartments. She stated that the proposed carport will be 39' from the centerline of the street and align with the apartment building to the east. Photographs (Exhibit D-1) were submitted.

**Comments and Questions:**

Ms. Hubbard explained that she averaged the setback because of the encroachment of the apartment building to the east, and the setback should be 39' instead of 45', as listed on the case report.

Ms. White noted that there are mixed uses and irregular setbacks in the area.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Variance** of the required 39' setback from the centerline of East 16th Street to 34' - **Section 403. BULK AND AREA REQUIREMENTS FOR THE RESIDENTIAL AREAS** - Use Unit 6; to **APPROVE** a **Variance** of the permitted 20% rear yard coverage - **Section 210.B.5. YARDS** - Use Unit 6; and to **APPROVE** a **Variance** of the permitted 750 sq ft for a detached accessory building to 880 sq ft - **Section 402.B.d. ACCESSORY USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan submitted; finding that there are mixed uses and irregular setbacks in the area, and the proposed construction will align with the existing apartment building to the east; on the following described property:

Lot 16, Block 15, Orcutt Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15981**

**Action Requested:**

Appeal of the administrative official's decision that the use is a convict pre-release center - **Section 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL** - Use Unit 5, or in the alternative, Special Exception to permit a convict pre-release center in a CBD zoned district - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 2, located 12 East 12th Street and 1214 South Baltimore.

**Comments and Questions:**

Mr. Jones informed that the applicant, **John Moody**, has requested by letter (Exhibit E-1) that Case No. 15981 be continued to April 28, 1992, to allow additional time for preparation of the case.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **CONTINUE** Case No. 15981 to April 28, 1992, as requested by the applicant.

**Case No. 15982**

**Action Requested:**

Variance of the required off-street parking spaces from 11 to 0 - **Section 1214.C. - SHOPPING GOODS AND SERVICES** - Use Unit 14.

Special Exception to allow Use Unit 14 (woodwork/furniture repair shop) in an IL zoned district - **Section 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICT** - Use Unit 14, located 113 South Elwood.

**Presentation:**

The applicant, **Bailey-Foristell, Inc.**, 4425 East 31st Street, Suite N, Tulsa, Oklahoma, was represented by **Jim Thomas**, property manager, who stated that his client has owned the property for many years. He informed that the previous occupants operated a print shop in the building; however, the current lessee is proposing to operate a cabinet woodworking shop. Mr. Thomas stated that there will be one part-time employee inside the shop and one



Case No. 15982 (continued)

outside salesman. He pointed out that there will be no display of merchandise, and very few customers visit the shop. He noted that the building covers the entire lot and has never had a parking area, except for one space in the driveway.

**Comments and Questions:**

Ms. Hubbard stated that she inadvertently classified the use under Use Unit 14. She advised that the use should have been classified under Use Unit 15, and allowed by right at this location. Ms. Hubbard stated that eight parking spaces are required for the business.

In response to Mr. Fuller, **Ross Felice**, 113 South Elwood, Tulsa, Oklahoma, operator of the business, stated that his merchandise is sold by an outside salesman, and very rarely does anyone visit the shop. He stated that there will be two cars parked in front of the business, and an occasional visitor.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Variance** of the required off-street parking spaces from 11 to 0 - **Section 1214.C. - SHOPPING GOODS AND SERVICES - Use Unit 14**; and to **STRIKE** a **Special Exception** to allow Use Unit 14 (woodwork/furniture repair shop) in an IL zoned district - **Section 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICT - Use Unit 14**; subject to a variance of the parking for this use only; finding that the woodwork shop is actually classified under Use Unit 15, and is permitted by right at this location; and finding that the shop does not have a display of merchandise and a very limited amount of customers; on the following described property:

W 45' of Lot 5 and W 45' S 50' of Lot 6, Block 93, Original Town of Tulsa, Tulsa County, Oklahoma.

**Case No. 15984**

**Action Requested:**

Variance of the required rear yard setback from 40' to 10' to construct a building - **Section 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT** - Use Unit 5

Special Exception to permit church use (Use Unit 5) in an AG zoned district - **Section 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** - Use Unit 5, located 840 West 81st Street.

**Presentation:**

The applicant, **William Robison**, 4808 South Elwood, Tulsa, Oklahoma, contractor for the project, submitted a plot plan (Exhibit F-1), and informed that the church is proposing to build a 75' by 111' building to the south of the existing building.

**David Winn**, 837 West 91st Street, Tulsa, Oklahoma, informed that the church has been at the current location since 1976, and the new construction will be utilized as an educational building. He stated that the surrounding property owners are aware of the proposed construction and are supportive of the project. Mr. Winn stated that the building wall will be approximately 16' from the rear property line.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Variance** of the required rear yard setback from 40' to 10' to construct a building - **Section 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT** - Use Unit 5; and to **APPROVE** a **Special Exception** to permit church use (Use Unit 5) in an AG zoned district - **Section 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** - Use Unit 5; per plot plan submitted; finding that the church is abutted by agricultural property to the south, and the 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:

Beginning 1822.25' West of the NE corner of the NE/4; thence S 436, W 269.75, N 436, E 269.75 to POB, Section 14, T-18-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15985**

**Action Requested:**

Special Exception to amend a previously approved plot plan - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 2, located 101 South Lewis.

**Presentation:**

The applicant, **Sam Daniel III**, 1924 South Utica, Suite 700, Tulsa, Oklahoma, stated that the post office was previously approved at this location in July 1991, and the minutes reflect that the Board eliminated the access point on 2nd Street. He submitted an amended plot plan (Exhibit G-1), and requested that the 2nd Street access be permitted as shown on the plan.

**Comments and Questions:**

Mr. Bolzle asked Mr. Daniel if the original plan depicted the access points on Lewis, as well as on 1st Street and 2nd Street, and he answered in the affirmative. Mr. Bolzle asked Mr. Daniel if he is stating that the intent of the Board at the meeting in July 1991 was to eliminate the 1st Street access, but the 2nd Street access was not addressed, and Mr. Daniel stated that this is correct. Mr. Bolzle asked the applicant if he is before the Board at this time to request that the 2nd Street access remain on the plan, and he answered in the affirmative.

Mr. Fuller asked if the 2nd Street access was an issue at the time of the first hearing, and Mr. Jones informed that this access was an issue.

Mr. Daniel stated that 1st Street will be vacated at this location, and there will be no access to the neighborhood to the east from that street.

Mr. Daniel stated that the original site plan depicts one access on Lewis, but at all times 2nd Street appeared as an access point. He added that the back entrance on 1st Street was moved to Lewis, which made two points of access on that street.

Mr. Bolzle and Ms. White agreed that there was a concern about any access on the residential streets.

Mr. Gardner stated that all nearby properties on the east side of Lewis have access points on the north, south and west. He pointed out that, if access is limited to Lewis, residents in the neighborhood to the east would be forced to pull out on Lewis to enter the post office parking lot.

Case No. 15985 (continued)

Mr. Jones informed that the Traffic Engineering Department was contacted, and their representative stated that their department did not make a recommendation on the project.

Mr. Fuller asked if 1st Street will be made a cul-de-sac at this location, and the applicant answered in the affirmative. He voiced a concern that the motion in the minutes from the last meeting states that there will be access on Lewis only.

Mr. Daniel stated that he may not have made the request clear at the previous meeting.

Mr. Bolzle asked if surrounding property owners received notice of this request, and Mr. Jones answered in the affirmative.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Special Exception** to amend a previously approved plot plan to permit ingress and egress on 2nd Street - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 2; per amended site plan submitted; on the following described property:

Lots 9 through 12 and west 25' of Lot 8 and the north 50' of Lots 13 and 16 and the north 50' of the west 25' of Lot 17, Less part of Lots 8 through 13 beginning 6' north of the northwest corner of Lot 14; thence on a curve to the right to a point; thence east 225'; thence south 12', west 169' to a point; thence on a curve to the left to a point; thence south 162' to the POB; and Lots 14, 15 and the south 6' of Lot 13 and the south 106' of Lot 16 and the south 106' of the west 25' of Lot 17, Less part of Lots 13 through 17, beginning 6' north of the northwest corner of Lot 14; thence east 20', south 84'; thence on a curve to the left to a point; thence east 178', south 12' west 220' north 118' to the POB, all in Block 2 in R. T. Daniel Addition to the City and County of Tulsa, Oklahoma, according to the recorded Plat thereof, containing 1.51 acres or 65,850 sq. ft., City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15987**

**Action Requested:**

Special Exception to permit Use Unit 2 activities, which include fruit, vegetable, firewood and Christmas tree sales in an AG zoned district - **Section 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** - Use Unit 2.

Variance of the 30 day time limitation to permit sales from May 1 through October 31 and November 15 through Christmas - **Section 1202.C.1. Use Conditions** - Use Unit 2, located 9220 South Delaware.

**Presentation:**

The applicant, **Eddie McLearn**, Route 2, Box 59M, Skiatook Oklahoma, was represented by **Roy Johnsen**, 201 West 5th Street, Tulsa, Oklahoma, who submitted photographs (Exhibit H-1) of the area surrounding the subject property. He explained that his client raises and sells produce on the 10-acre tract, and is requesting permission to continue the operation of M & M Produce at the current location. Mr. Johnsen stated that the Board previously approved the use temporarily. Affidavits (Exhibit H-2) were submitted which verified the fact that there have been numerous vegetable sales operations conducted on the property during the past 30 years. Mr. Johnsen pointed out that Riverside Drive will be extended in the future and other types of development will occur in this area; however, the requested business is an appropriate interim use for the property. He requested that his client be permitted to sell fruit, vegetables and Christmas trees during the months of May, June, July, August, October and November 15 to December 23, for 1992 only. Mr. Johnsen stated that firewood will no longer be sold at this location.

**Comments and Questions:**

In response to Ms. White, Mr. Jackere stated that he does not find the variance of the time limit to be a problem in this case.

Ms. Parnell stated that the complaint was filed by a person that was contemplating a similar business at this location.

**Protestants:**

None.

Case No. 15987 (continued)

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Special Exception** to permit Use Unit 2 activities, limited to fruit, vegetable, and Christmas tree sales, during **1992 only**, in an AG zoned district - **Section 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** - Use Unit 2; and to **APPROVE** a **Variance** of the 30 day time limitation to permit temporary sales - **Section 1202.C.1. Use Conditions** - Use Unit 2; subject to the business being operated during May, June, July, August, October and November 15 to December 23, for **1992 only**; finding that the property is surrounded by agricultural uses; and finding the produce business to be an appropriate interim use until Riverside Drive is extended to this area; on the following described property:

S/2 of East 20 acres of Government Lot 1, less the east 50' and north 290' thereof, Section 20, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15988**

**Action Requested:**

Special Exception to permit a residential care facility which will provide short and long term accommodations for 14 elderly residents - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located 17102 East 11th Street South.

**Presentation:**

The applicant, **Charlesetta Chapman**, 2215 North Quannah, Tulsa, Oklahoma, requested permission to begin operation of a residential care facility on the subject property. She explained that the existing facility will accommodate approximately 14 elderly individuals, all of which are at least sixty five years old. Ms. Chapman stated that the residents of the home will be comprised of those individuals that do not have the ability to live alone, but are not yet candidates for a nursing home.

**Comments and Questions:**

Mr. Bolzle asked how the residents will be transported to various activities, and Ms. Chapman stated that she will purchase a van before beginning operation.

In response to Ms. White, the applicant stated that the existing church will be converted to a residential care facility.

Case No. 15988 (continued)

Mr. Chappelle inquired as to the number of employees, and Ms. Chapman stated that the facility will have three eight-hour shifts, with a maximum of two employees per shift.

**Protestants:**

**Cheryl Jones**, 16909 East 11th Street, Tulsa, Oklahoma, stated that she lives across the street and to the west of the church building, and submitted a petition of opposition (Exhibit J-2) to the request. She voiced a concern with mentally impaired individuals being housed at this location, and pointed out that the cattle could injure the older residents. Ms. Jones stated that a sewage disposal problem could be created by the facility. She asked the Board to deny the application and preserve the residential character of the neighborhood.

**Trisha Beach**, 1204 South 173rd East Avenue, Tulsa, Oklahoma, stated that there is poor percolation of the soil in the area, and one septic system will not support more than one family. She pointed out that there is flooding in the area, which would be hazardous to the occupants of the residential care facility.

Mr. Bolzle pointed out that the sewage disposal question will be addressed by the Health Department.

**Richard Johnson**, 17006 East 11th Street, Tulsa, Oklahoma, stated that a residential care facility at this location will be detrimental to the area. He noted that flooding and sewage disposal are existing problems in the area.

**Applicant's Rebuttal:**

Ms. Chapman advised that the residents of the home will be protected, and there will be a staff person on the premises at all times. She pointed out that a screening fence will be constructed around the back yard to assure maximum privacy for the residence, as well as other property owners.

Mr. Bolzle asked Ms. Chapman if she plans to have livestock on the tract, and she replied that there will be no livestock on the property.

Ms. White stated that she would like to have a chance to review a detail site plan, which depicted the parking lot, fencing location, exercise area, etc., and the remaining Board members were supportive of the suggestion.

Case No. 15988 (continued)

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **CONTINUE** Case No. 15988 to April 28, 1992.

**Case No. 15989**

**Action Requested:**

Variance of the required setback from the centerline of East Easton Street from 55' to 47', a variance of the required side yard from 5' to 0' to permit a carport and a variance of the required side yard from 5' to 4.5' to permit an existing dwelling - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located 3516 East Easton Street.

**Presentation:**

The applicant, **Doug Roberts**, PO Box 54202, Tulsa, Oklahoma, submitted a plat of survey (Exhibit K-1), and stated that he is representing the owner of the property. Mr. Roberts informed that his client is proposing to construct a 14' by 39' carport, which will tie in with the roof of their existing dwelling. He pointed out that the house was built in 1939 and there is limited access to the small garage in the back yard (Exhibit K-2). A construction brochure (Exhibit K-3) was submitted.

**Comments and Questions:**

In response to Mr. Bolzle, the applicant stated that his client is requesting a 14' wide carport in order to have sufficient space to open both doors.

Mr. Gardner asked if the driveway extends to the garage in the rear, and Mr. Roberts stated that the driveway does extend into the back yard; however, it is narrow, and the garage is not large enough to park his clients automobile. He added that the garage is used for storage purposes only.

Mr. Bolzle inquired as to the number of posts supporting the carport, and the applicant stated that there will be four posts on the east side and two on the west side.

Ms. White voiced a concern with the size of the proposed structure, and the applicant noted that the posts will be in the driveway if the width of the carport is reduced.

Mr. Fuller pointed out that all water runoff will drain to the abutting property if the carport is constructed on the lot line.



Case No. 15989 (continued)

**David Sharp**, 3516 East Easton Street, Tulsa, Oklahoma, owner of the subject property, stated that he is requesting the variances in order to provide protection for his vehicles.

Mr. Bolzle informed that a hardship must be demonstrated that would justify the approval of a variance, and the applicant stated that the width of the driveway constitutes a hardship. Mr. Sharp stated that he will not be able to store his boat in the back yard if the width of the original driveway is reduced.

After discussion with the applicant, all Board members were amenable to a continuance in order to site check the property.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **CONTINUE** Case No. 15989 to April 28, 1992.

**Case No. 15990**

**Action Requested:**

Variance of the maximum permitted one ground sign to permit two ground signs, and a variance of the maximum permitted 103.6 sq ft of total signage - **Section 602.B.4. Accessory Use Conditions - Signs** - Use Unit 11, located 6660 South Sheridan.

**Presentation:**

Mr. Jones informed that, due to an advertising error, Case No. 15990 will be continued to April 28, 1992.

**Protestants:**

Staff received one letter of opposition (Exhibit L-1) to the variance request.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **CONTINUE** Case No. 15990 to April 28, 1992.

**Case No. 15991**

**Action Requested:**

Special Exception to permit an alteration (changing copy) to an existing roof sign - **Section 1221.C.11. General Use Conditions for Business Signs** - Use Unit 19, located 4956 South Peoria.

**Presentation:**

Mr. Jones informed that, due to an advertising error, Case No. 15991 will be continued to April 28, 1992.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **CONTINUE** Case No. 15991 to April 28, 1992.

**Case No. 15992**

**Action Requested:**

Special Exception to permit a Use Unit 15 (vending machine business) in a CS zoned district - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 15, located 3227 East Woodrow.

**Presentation:**

Mr. Jones informed that, due to an advertising error, Case No. 15992 will be continued to April 28, 1992.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **CONTINUE** Case No. 15992 to April 28, 1992.

**Case No. 15994**

**Action Requested:**

Variance of the required setback from an expressway right-of-way from 10' to 2' to permit a sign - **Section 1221.C.1. - General Use Conditions for Business Signs** - Use Unit 17.

Variance of the required setback from the centerline of Southwest Boulevard from 50' to 42' - **Section 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 17, located 2749 Southwest Boulevard.

Case No. 15994 (continued)

**Presentation:**

Mr. Jones informed that, due to an advertising error, Case No. 15994 will be continued to April 28, 1992.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **CONTINUE** Case No. 15994 to April 28, 1992.

**Case No. 15995**

**Action Requested:**

Variance of the maximum permitted 3 sq ft of wall signage to permit a back-lit awning - **Section 1221.D.2. - Use Conditions** - Use Unit 21, located 3547 South Peoria.

**Presentation:**

The applicant, **Duane Gooding**, 6550 East Independence, Tulsa, Oklahoma, was represented by **Terry Howard**, 1423 South 128th East Avenue, Tulsa, Oklahoma, who submitted a plot plan (Exhibit M-1) and explained that the Code permits 3' letters to extend the total length of the wall, and the letters on the 4' awning will be 2'. Photographs (Exhibit M-2) were submitted.

**Comments and Questions:**

Mr. Jackere inquires as to the brightness of the sign, and Mr. Howard stated that he is not sure of the candlepower, but it is no brighter than the awnings previously approved for Texaco and Kentucky Fried Chicken.

Mr. Jones calculated the proposed sign as having 427 sq ft of display surface area on the west elevation of the building, with 297 sq ft being permitted by the Code. He informed that 180 sq ft of signage is permitted on the south elevation and 248 sq ft is requested.

Mr. Howard pointed out that the blue back-lit area, as well as the lettering, has been calculated as signage.

Mr. Gardner advised that the sign, as requested, will be permitted by right if the revised sign ordinance, which the City Council has been reviewing for some time, is adopted. He stated that an awning which does not exceed an illumination of 25 footcandles will be permitted by right.

Case No. 15995 (continued)

Mr. Bolzle asked Mr. Howard if the back-lit portion of the sign will exceed 25 footcandles, and he replied that the builder of the sign stated that the lighting will be less than 25.

Mr. Bolzle asked Mr. Howard if he is contending that the sign will meet the conditions of the new ordinance, and he answered in the affirmative.

Mr. Fuller voiced a concern with the length of time being required to review and adopt the revised sign ordinance. He pointed out that numerous back-lit awning signs have been approved according to the specifications set forth in this ordinance that has not been approved by the City Council, and has been awaiting action for many months.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Variance** of the maximum permitted 3 sq ft of wall signage to permit a back-lit awning - **Section 1221.D.2. - Use Conditions** - Use Unit 21; per sign plan submitted; finding that the candlepower for the proposed sign will be less than 25 footcandles, which is set forth in the revised ordinance (action pending with City Council), concerning back-lit awnings; and finding that other similar lighted awnings have been previously approved in the City; on the following described property:

Lots 1 and 2, and W/2 of Lot 12, Block 4, Oliver Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15996**

**Action Requested:**

Variance of the required setback from the centerline of South Peoria from 50' to 32' to permit a sign - **Section 1221.C.6. General Conditions for Business Signs - Use Unit 12**, located 4810 South Peoria.

**Presentation:**

The applicant, **Duane Gooding**, 6550 East Independence, Tulsa, Oklahoma, was represented by **Terry Howard**, 1423 South 128th East Avenue, Tulsa, Oklahoma, who submitted a sign plan (Exhibit N-1) and explained that the existing sign, with a hanging price attachment, will be removed and replaced with one that has the price combined with the sign. He informed that the new sign will be 15' tall, however, the 10' width of the sign will remain the same.

**Comments and Questions:**

Mr. Bolzle asked if the pole will remain at the current location, and Mr. Howard answered in the affirmative.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Bolzle, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, Doverspike, "absent") to **APPROVE** a **Variance** of the required setback from the centerline of South Peoria from 50' to 32' to permit a sign - **Section 1221.C.6. General Conditions for Business Signs - Use Unit 12**; per plan submitted, and subject to the execution of a removal contract; finding that the new sign will be placed on the existing pole and will not extend closer to Peoria than the old sign; on the following described property:

S 57.30' of the E 122.10' of Lot 22 and the N/2 of the E 122.10' of Lot 23, Evergreen Subdivision, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15997**

**Action Requested:**

Variance to permit two dwelling units per one lot of record - **Section 207. ONE SINGLE FAMILY DWELLING UNIT PER LOT OF RECORD** - Use Unit 6, located 1418½ Zunis.

**Comments and Questions:**

Mr. Jones informed that the applicant requested by letter (Exhibit P-3) that Case No. 15997 be withdrawn.

Mr. Bolzle asked the protestants in the audience if they oppose the withdrawal, and they informed that the quarters over the garage have never been used as an apartment, and they are opposed to the use.

Ms. Hubbard stated that she issued a building permit because the applicant advised her that he was renovating an existing garage apartment.

Mr. Jackere advised that any protestant has 10 days to appeal the decision of the building inspector after he receives notice, or otherwise discovers that construction is taking place on a property.

Ms. White stated that she feels that neighborhood protestants would wait until the Board of Adjustment hearing to voice their complaints concerning the project.

Mr. Petros stated that he has requested a withdrawal because he did not think he was in need of the relief requested, but is not opposed to the case being heard.

**Protestants:**

**Suzanne Hurst**, 2024 East 14th Place, Tulsa, Oklahoma, stated that she does not feel the neighborhood citizens should be forced to pay a \$135.00 fee to appeal the decision of the building inspector. She pointed out that the building permit should not have been issued.

**Presentation:**

The applicant, **Phil Petros**, 115 East 26th Street, Tulsa, Oklahoma, stated that he purchased a dilapidated house with a garage apartment approximately three years ago, and has renovated the main house. He explained that he was not aware that a building permit was required and the remodeling of the garage apartment was halted by the building inspector. Mr. Petros stated that he then applied for the permit, and was informed that he needed

Case No. 15997 (continued)

Board of Adjustment approval for two dwelling units on one lot of record. A plot plan (Exhibit P-1) and photographs (Exhibit P-2) were submitted. The applicant stated that he informed the building inspector that the above-garage unit was an apartment, and a permit was issued to complete the renovation.

**Comments and Questions:**

Mr. Jackere asked Mr. Petros if the garage apartment was rented prior to his purchase of the property, and he replied that it has probably been vacant for several years, due to its poor condition.

Ms. White asked if the apartment had a kitchen and bath, and the applicant replied that there was a sink and a commode in place, but no kitchen or bath.

Mr. Jackere asked if the lower portion of the structure will be utilized as a garage, and Mr. Petros answered in the affirmative.

Ms. Hubbard stated that the field inspector checked the property and reported to her that the unit was indeed a garage apartment.

Mr. Jackere asked if there are other garage apartments on the block, and the applicant stated that there is one directly across the street that is rented. He added that he is proposing to rent his garage apartment when it is completed.

**Protestants:**

**Jim Rand**, 2019 East 14th Place, Tulsa, Oklahoma, stated that he is president of the Terrace Drive Neighborhood Association, and informed that they have met with the applicant concerning the garage apartment. He stated that they did not tell Mr. Petros the neighborhood position on the matter at that time.

In response to Mr. Rand's question, Mr. Jackere advised that the building permit and the zoning clearance permit were issued because of erroneous information given to the building inspector. He stated that, if the case is denied by the Board, the appropriate action of the building inspector would be to void the permit previously issued.

Case No. 15997 (continued)

Mr. Rand stated that the property across the street has the only garage apartment in the RS-3 area. He stated that the appearance of the property at this time is not the main concern of the neighborhood, because future owners may maintain the property differently. Mr. Rand stated that the area homeowners do not want additional rental property in the neighborhood, and Mr. Petros is proposing to expand on what was originally a single-family property.

Ms. White inquired as to the number of houses in the RS-3 area, and Mr. Rand stated that there are approximately 90 dwellings in this area, and only one garage apartment in the immediate area. He stated that there are several garage apartments in the next block, which could be nonconforming.

Mr. Bolzle asked Mr. Rand if these concerns were brought forth at the neighborhood meeting with the applicant, and he stated that they did voice their opposition to the garage apartment at that time; however, Mr. Petros was asked to leave the meeting when the neighborhood plans and legal aspects of the issue were discussed.

Mr. Bolzle stated that it has been stated that the unit does not have a kitchen, which is one of the Code requirements in order to be classified as a dwelling.

**Suzanne Hurst**, 2024 East 14th Place, Tulsa, Oklahoma, submitted affidavits (Exhibit P-4) stating that the garage unit has never been used as an apartment. She pointed out that street parking is an existing problem in the neighborhood, and additional dwelling units would only add to the congestion. Ms. Hurst stated that she is opposed to additional rental property in the area. Photographs (Exhibit P-5) were submitted.

**Carl Hurst**, 2024 East 14th Place, Tulsa, Oklahoma, pointed out that there has never been two dwelling units on the property, and asked that the property remain in its present state.

**Applicant's Rebuttal:**

Mr. Petros stated that he was not aware the neighborhood would not be supportive of the project, because it definitely improved the appearance of the area. He stated that he was told at the meeting with the homeowners that they would like to have the property improved, but were not necessarily in favor of having more rental property in the area.



Case No. 15997 (continued)

**Additional Comments:**

In response to Mr. Fuller, Mr. Bolzle stated that there was no evidence to substantiate the fact that there was ever a second dwelling unit on the site.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Bolzle, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, Doverspike, "absent") to **DENY** a **Variance** to permit two dwelling units per one lot of record - **Section 207. ONE SINGLE FAMILY DWELLING UNIT PER LOT OF RECORD - Use Unit 6**; finding that a hardship was not demonstrated that would warrant the granting of the variance; finding that the applicant failed to present evidence that would substantiate the fact that the garage quarters have been used as an apartment; and finding that approval of the request would violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 16, Block 1, Terrace Drive, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15998**

**Action Requested:**

Variance of the required rear yard setback from 25' to 10' to permit an addition to an existing structure - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6**, located 2511 South Columbia.

**Comments and Questions:**

Mr. Jones informed that, due to an advertising error, Case No. 15998 will be continued to April 28, 1992.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **CONTINUE** Case No. 15998 to April 28, 1992.

**Case No. 15999**

**Action Requested:**

Special Exception to permit automobile sales in a CS zoned district - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17, located 2108 South Yale Avenue.

**Presentation:**

The applicant, **Gladys Nidiffer**, 4720 East 21st Place, Tulsa, Oklahoma, was represented by **Steve Nash**, 1740 West 63rd Street, Tulsa, Oklahoma, who explained that he is the prospective tenant, and is proposing to begin operation of an automobile sales business at this location. He submitted photographs (Exhibit R-1), and stated that there will be no changes to the property or the existing structures, and no garage work.

**Comments and Questions:**

Mr. Gardner inquired as to the use of the service station building, and Mr. Nash stated that the car sales office will be located in the existing building.

In response to Mr. Bolzle, Mr. Nash informed that Ms. Nidiffer owns the entire Mayo Meadow Shopping Center, and is not opposed to the location of a car sales business on her property.

Ms. Parnell, Code Enforcement, asked Mr. Nash who owns the boats for sale on the property, and he replied that they are owned by Ms. Nidiffer's banker, but they have been removed.

Mr. Fuller stated that there are no car sales in this area, and Mr. Nash informed that his business will not be similar to those on 11th Street, because there will be no garage work on the property.

Ms. White voiced a concern with the open display of merchandise at this location.

Mr. Nash suggested that the proposed use would be an improvement over the previous filling station use. He pointed out that there is a car sales business in operation at the corner of 21st and Memorial.

Mr. Jones informed that filling station use is a use by right in a CS District; however, automobile sales is a Use Unit 17 use, which is not permitted in a CS zoned district. He noted that Staff's main concern is the fact that there are no other outdoor sales in the CS area on the south side of 21st Street, except the motorcycle sales across Sheridan to the east.

Case No. 15999 (continued)

**Interested Parties:**

**Bill Umble**, Route 1, Inola, Oklahoma, stated that the proposed business will not be like those used car businesses along 11th Street. He asked why the Board feels the use will be detrimental to the area.

Mr. Bolzle stated that the Board is to listen to the presentation and determine if the proposed car lot is compatible with the surrounding uses in the area.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **FULLER**, the Board voted 3-0-0 (Bolzle, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, Doverspike, "absent") to **DENY** a **Special Exception** to permit automobile sales in a CS zoned district - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17; finding that there are no other car sales businesses in the area, and that outside storage of automobiles at this location would be detrimental to the area, and violate the spirit and intent of the Code; on the following described property:

Part of Block 1, Beginning 20' S of the NE/c, thence S 199' W 72' NW 267.7' N 64.3' thence E to a point SE 31.35' to point of beginning, Block 1, Mayo Meadow Extended; City of Tulsa, Tulsa County, Oklahoma.

**OTHER BUSINESS**

**Case No. 15983**

**Action Requested:**

The applicant, **Wilbert Collins**, 2208 North Harvard, Tulsa, Oklahoma, requests a refund of \$178.00 in filing fees.

**Comments and Questions:**

Mr. Jones informed that the application was withdrawn prior to processing, and recommended a refund of \$178.00.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Bolzle, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, Doverspike, "absent") to **REFUND** filing fees in the amount of \$178.00.

**Case No. 15997**

**Action Requested:**

The applicant, **Phil Petros**, 115 East 26th Street, Tulsa, Oklahoma, requested withdrawal of application No. 15997 and a refund of fees in the amount of \$184.00.

**Comments and Questions:**

Mr. Jones noted that, although Mr. Petros had requested withdrawal of the application, he was in attendance and opted to have the case heard. Mr. Jones suggested that the Board strike the request for a refund of fees.

In response to Mr. Bolzle, Ms. Hubbard informed that she did not ask the applicant if the garage unit contained a kitchen, bath facilities and living quarters, but did ask him if it had always been a garage apartment. She stated that, during that conversation, there could have been a misunderstanding as to the definition of an apartment, but the field inspector should have been able to properly determine if the unit would be classified as an apartment. Ms. Hubbard stated that her office could have been to blame for the mistake, because the applicant filed for the special exception at her request. She stated that she advised Mr. Petros that she would have to confer with the field inspector concerning his findings after reviewing the property. Ms. Hubbard stated that, after consulting the field inspector, she called the applicant and informed him that he was not in need of the variance.

Mr. Fuller stated that it is his opinion that the filing fee should be retained, because the applicant agreed to have the case heard.

**Board Action:**

On **MOTION** of **FULLER**, the Board voted 3-0-0 (Bolzle, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, Doverspike, "absent") to **DENY** a request for refund of filing fees for Case No. 15997, finding that, although a request had been made for withdrawal, the applicant agreed to have the case heard as scheduled.

**Case No. 15939**

**Action Requested:**

The applicant, **Andrew Briscoe**, requested reconsideration of a variance denied on February 25, 1992.

**Comments and Questions:**

Mr. Jones stated that the case was originally scheduled to be heard on February 11, 1992, and the applicant requested a continuance to February 25. Mr. Jones informed that the applicant called INCOG offices before that meeting and requested an additional continuance; however, he failed to receive notice of that request and advised the Board that there had been no contact with the applicant. He stated that the Board denied the case at the February 25th meeting. Mr. Jones noted that Code Enforcement has stated that violations on the subject property are ongoing.

**Andrew Briscoe**, owner of the subject property, stated that he asked for a continuance because he was to be out of town and unable to attend the regularly scheduled meeting.

Mr. Jones asked Mr. Briscoe if there is a Code violation on the property, and he answered in the affirmative.

Mr. Jackere advised that the Mr. Briscoe can make a new application, however, it is beyond the time to consider a rehearing under the same case number. He informed that Code Enforcement can continue their actions concerning violations on the property.

Mr. Jones noted that the second request for a continuance was received by phone the day before the meeting and was not considered a timely request. He added that it is the responsibility of the applicant to submit a timely request if a continuance is to be granted.

Mr. Gardner pointed out that the citation from Code Enforcement concerning the removal of the junk cars would have no connection with the Board of Adjustment request for a screening fence.

In response to Mr. Brisco's statement that the junk cars are no longer on the lot, Ms. Parnell stated that she site checked the lot before this meeting and found inoperable vehicles to be on the property. Mr. Briscoe stated that all vehicles on the lot are ready for sale.

Case No. 15939 (continued)

**Board Action:**

On **MOTION** of **FULLER**, the Board voted 3-0-0 (Bolzle, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, Doverspike, "absent") to **DENY** without prejudice the request for reconsideration of Case No. 15939; finding that the applicant failed to appear for the second scheduled hearing or file a timely request for continuance.

There being no further business, the meeting was adjourned at 4:45 p.m.

Date Approved

April 28, 1992

  
Chairman