

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 981  
Tuesday, June 10, 2008, 1:00 p.m.  
Francis F. Campbell City Council Room  
Plaza Level of City Hall  
Tulsa Civic Center

**MEMBERS  
PRESENT**

Henke, Chair  
Stead, Vice Chair  
Tidwell, Secretary  
White

**MEMBERS  
ABSENT**

Stephens

**STAFF  
PRESENT**

Alberty  
Butler  
Cuthbertson

**OTHERS  
PRESENT**

Ackermann, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Thursday, June 5, 2008, at 3:40 p.m., as well as at the Office of INCOG, 201 W. 5<sup>th</sup> St., Suite 600.

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

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Mr. Cuthbertson read the rules and procedures for the Board of Adjustment Public Hearing.

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**MINUTES**

On **MOTION** of **Tidwell**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell, "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** the Minutes of May 27, 2008 (No. 980).

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**REQUEST TO CONTINUE AND CASES TO WITHDRAW**

**Case No. 20692**

**Action Requested:**

Variance of the front yard requirement in the RS-3 district (Section 403); Variance of the minimum 12,000 sq. ft. lot area and 100 ft. of frontage required for a Use Unit 5 (place of worship accessory) use permitted by special exception in the RS-3 district (Section 404.F) to permit a playground addition to an existing Place of Worship facility, located: 1923 North Cincinnati West.

**Presentation:**

Mr. Cuthbertson stated the applicant made a timely request for continuance to June 24, 2008, for proper legal notice.

**Board Action:**

On **Motion of White**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell, "aye"; no "nays"; no "abstentions"; Stephens "absent") to **CONTINUE** Case No. 20692 to the meeting on June 24, 2008, on the following described property:

LOT-33-BLK-5, MEADOWBROOK ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20690**

**Action Requested:**

Variance of the 5 ft. landscape requirement abutting a public Right-of-Way (Section 1002.A.2); Variance of the building setback from a freeway service road (Section 703); and a Variance of the parking requirement for a bank in the CS district (Section 1211.D) and/ or a Variance to permit required parking areas within the abutting highway Right-of-Way (Section 1301.A), located: 5161 South 33<sup>rd</sup> Avenue West.

**Presentation:**

Mr. Cuthbertson stated this was continued to today, but the information management system excluded one of the parcels from the legal description. The new notice has been sent for June 24, 2008.

**Board Action:**

On **Motion of White**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell, "aye"; no "nays"; no "abstentions"; Stephens "absent") to **CONTINUE** Case No. 20690 to the meeting on June 24, 2008, on the following described property:

S100 N180 W200 & W150 E1120 N/2 S/2 NW NW & S29 VAC W 52ND ST ADJ TO NL W150 E1120 N/2 S/2 NW NW LESS W50 S100 N180 W200 N/2 S/2 NW NW FOR ST SEC 34 19 12 1.58ACS, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20697**

**Action Requested:**

Special Exception to permit offices, studios, and support services (Use Unit 11) in an RM-2 district (Section 401), located: 585 West Fairview Street.

**Presentation:**

**Melisa McCelvey**, 42 East 16<sup>th</sup> Street, Tulsa, Oklahoma, 74119, stated they are not under contract on the property. The property is scheduled for an IRS auction near the end of July. The applicant wants more time to plan with the City of Tulsa to comply with parking requirements. She stated they would also like to meet with the neighborhood associations to address any issues they might have.

**Interested Parties:**

There were no interested parties objecting to a continuance.

**Board Action:**

On **Motion of White**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell, "aye"; no "nays"; no "abstentions"; Stephens "absent") to **CONTINUE** Case No. 20697 to the meeting on July 8, 2008, on the following described property:

A tract of land described as commencing at a point 603.73 feet North of the Southeast Corner of the NE/4 SE/4 of Section 34, Township 20 North, Range 12 East of the Indian Meridian, thence South 98.09 feet to the point of tangent of a curve to the left having a radius of 170 feet; thence Southeasterly along said curve through an arc of 61°59' a distance of 183.66 feet to the point of the curvature of said curve; thence Southeasterly on a tangent to said curve a distance of 132.08 feet to the 96th Meridian; thence North along the 96th Meridian a distance of 310 feet to a point; thence West at right angles to the said 96th Meridian 205.08 feet to the place of beginning. Said tract being a part of Lot 3 (NW/4 SW/4) of Section 35, Township 20 North, Range 12 East of the Indian Meridian, Osage County, Oklahoma. LESS AND EXCEPT: That part deeded to the City of Tulsa, recorded in Book 316, Page 60, and more particularly described as follows: A strip, piece, or parcel of land lying in part of Lot 3 of Section 35, T20N, R12E, in Osage County, Oklahoma. Said parcel of land being described by metes and bounds as follows: Beginning at the point where the North right-of-way line of Osage Drive intersects the 96th Meridian, a distance of 440.04 feet North of the Southeast Corner of Osage County; thence North along said 96th Meridian a distance of 61.35 feet; thence South 38°55'34" W a distance of 55.61 feet to a point on said North right-of-way line; thence South 62°00'00" East along said right-of-way line a distance of 40.51 feet to the Point of Beginning.

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**UNFINISHED BUSINESS**

**Case No. 20672**

**Action Requested:**

Special Exception to permit a (Use Unit 5) Community Center (Garden) in an RM-2 district (Section 401); a Variance of the 12,000 sq. ft. minimum lot size, lot frontage of 100 ft., and 25 ft. building setback from an adjoining R zoned property (Section

404.F) for a special exception use in the RM district, located: 1221 West 7<sup>th</sup> Street South.

Mr. Cuthbertson stated that at the last hearing of this application, the Board and applicant had much discussion regarding a community garden. The Board asked that the applicant return with performance standards to which the neighborhood would agree. The applicant provided those standards on June 9, 2008 and they were sent to the Board members.

**Presentation:**

**William Moore**, 2657 East 58<sup>th</sup> Street, Tulsa, Oklahoma, 74127, stated he met with Board members of the Crosby Heights Neighborhood Association. He stated he and these members will be the committee to set up screening of applicants and write the rules and regulations. They agreed on the ideas for performance standards that were provided to the Board (Exhibit A-1). He reviewed the list, including: he would provide liability insurance for the gardeners; and he would provide the water connection at his expense.

**Comments and Questions:**

Ms. Stead brought up issues that would need to be addressed, such as, cleaning up the lot at the end of the season.

**Interested Parties:**

**Scott Smith**, 730 South Phoenix Avenue, Tulsa, Oklahoma, informed the Board that the neighborhood association's potential committee members expressed concern that the property is private property and could be sold. He stated that Mr. Moore did not show up at their neighborhood association meeting and he has not met with them since the last hearing.

Ms. Stead mentioned that the Mayor has asked for a public committee to be formed and define standards for community gardens to incorporate into the ordinance. Mr. Henke summarized the concern of the neighbors, stating they are not opposed to a community garden, they just want it to be managed in a way consistent with their concerns.

After Board discussion with staff and legal, the Board determined that without more guidelines this application should be denied without prejudice until better standards could be prepared. It was the opinion of the members that the applicant could re-file the application in the future without fees, after more definite guidelines are established, finding the delay is due to a lack of zoning ordinance for this type of project.

**Board Action:**

On **Motion of White**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell, "aye"; no "nays"; no "abstentions"; Stephens "absent") to **DENY** the Case No. 20672, without prejudice, on the following described property:

LT 10 BLK 12, CROSBIE HGTS, City of Tulsa, Tulsa County, State of Oklahoma

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**NEW APPLICATIONS**

**Case No. 20683**

**Action Requested:**

Appeal the determination of the neighborhood inspector to allow a pool to remain on a lot temporarily without a principal dwelling (Section 401), located: 10643 South 68<sup>th</sup> East Avenue.

**Presentation:**

The applicant, **Bryan Shelton**, was present. Mr. Henke noted the appeal was filed after the ten days allowed. He announced the Board cannot hear the case, as they do not have jurisdiction.

**Board Action:**

On **Motion of White**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell, "aye"; no "nays"; no "abstentions"; Stephens "absent") to **DISMISS** the Appeal of the determination of the neighborhood inspector to allow a pool to remain on a lot temporarily without a principal dwelling (Section 401), finding the appeal was filed after the ten-day filing period, on the following described property:

LT 12 BLK 5, FOREST TRAILS, City of Tulsa, Tulsa County, State of Oklahoma

**Interested Parties:**

**Leslie Dalton**, 6826 East 105<sup>th</sup> Street, President of the Forrest Hills Neighborhood Association, asked to come before the Board. She stated this has become a neighborhood battle. She asked where the neighborhood goes from this point. She was directed to the Neighborhood Zoning Inspector or the next appeal would be to the District Court. She was also informed that she could look up the staff comments on the INCOG website.

**Mike Snocky**, 10644 South 68<sup>th</sup> Avenue East, also questioned who has jurisdiction following this decision. He was directed to neighborhood inspection.

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**Case No. 20689**

**Action Requested:**

Special Exception to permit a (Use Unit 5) Place of Worship accessory structure in the RS-3 district (Section 401); Special Exception to modify the height of a fence in the required front yard in the RS-3 district (Section 210.B.3); Variance of the setback of a fence and structure from the centerline of an abutting ROW (Section 215) to permit a playground addition to an existing Place of Worship facility;

Variance of the front yard requirement in the RS-3 district (Section 403); Variance of the minimum 12,000 sq. ft. lot area and 100 ft. of frontage required for a Use Unit 5 (place of worship accessory) use permitted by special exception in the RS-3 district (Section 404.F) to permit a playground addition to an existing Place of Worship facility; located: 1923 North Cincinnati.

**Presentation:**

**Kevin Coutant**, 320 South Boston, Suite 500, Tulsa, Oklahoma, provided an organized packet to present the application (Exhibits C-1, C-2, C-3). They proposed to construct an outdoor playground with playground equipment. The plan includes a wrought iron fence and landscaping. This would be an accessory use for the Family and Youth Services facility, thus the request for a Use Unit 5. He pointed out the need for security with consideration to the Major Street and Highway Plan, street frontage requirement on Cincinnati, lot size, and the 35 ft. setback. He stated it is consistent with the current use. He pointed out that the nearby playground is across the street, which is a safety issue. He added this is a low intensity use, and would be an improvement to the community. He referred the Board to the letters of support from the school and the Dunbar Neighborhood Association.

**Comments and Questions:**

Ms. Stead was in favor of this application for playground use only.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion of Stead**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell, "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Special Exception to permit a (Use Unit 5) Place of Worship accessory structure in the RS-3 district (Section 401); Special Exception to modify the height of a fence in the required front yard in the RS-3 district (Section 210.B.3); Variance of the setback of a fence and structure from the centerline of an abutting ROW (Section 215) to permit a playground addition to an existing Place of Worship facility; Variance of the front yard requirement in the RS-3 district (Section 403); Variance of the minimum 12,000 sq. ft. lot area and 100 ft. of frontage required for a Use Unit 5 (place of worship accessory) use permitted by special exception in the RS-3 district (Section 404.F) to permit a playground addition to an existing Place of Worship facility; with the following conditions: shall be per the conceptual plan and fence description as shown on pages 5.8 and 5.9 of the agenda packet; approvals are for playground use only in connection with the worship facility; no other Use Unit 5 services shall be provided on the property; tie agreement with the John 3:16 property to the north shall be executed; the proposed wrought iron fence be constructed; finding the basic hardship is the size of the lot, whereas portions of these requests require 12,000 sq. ft., there is little more than 8,000 sq. ft. available, by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the

land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

LOT-33-BLK-5, MEADOWBROOK ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20695**

**Action Requested:**

Variance of the maximum signage permitted in the IL district on property with no frontage on a major street (Section 1221.C.8.b) to permit two (2) ground signs, located: 3322 North 74<sup>th</sup> Avenue East.

**Presentation:**

**Bill Rodgers**, 9521-D Riverside Parkway, Tulsa, Oklahoma, represented Intercontinental Jet Service Corporation. The property is owned by the City of Tulsa, and it is located on a non-arterial street. The applicant has a hanger on the airport. They have a permit for a large monument sign. He pointed out this is a 600 ft. lot with a large drainage ditch at the front. There are four separate entrances. They proposed to put up good directional signage and keep the appearance of the property aesthetically pleasing. The proposed sign is 90 sq. ft., though the ordinance allows for 120 sq. ft.

**Comments and Questions:**

Ms. Stead noted a 24 ft. sign on the building. Mr. Rodgers replied that it cannot be seen from the road. She also noted two existing directional signs. He added that anywhere else in Tulsa, on a major thoroughfare, there would be no question. He stated with 600 ft., they could put up three to five monument signs. The unique circumstance is that it is not located on a major street. Mr. Rodgers reminded the Board that they already have a permit for the main monument sign.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion of White**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell, "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Variance of the maximum signage permitted in the IL district on property with no frontage on a major street (Section 1221.C.8.b) to permit two (2) ground signs, finding the size of the tract, particularly the frontage, and the fact this is airport property and not normal city streets, creates an unusual condition; and to deny this would cause an unnecessary hardship; and finding there are three entrances across the tract;

finding by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

LTS 1 & 2 & 3 & VAC STS THEREOF LESS BEG SWC LT 3TH S30 E142.34 N52.16 NE397.25 W TO WL S TO POB & LESS .70AC LEASED LAND IN NEC LT 1 BLK 16; PRT LTS 1 & 2 BLK 16 & PRT LTS 1 2 & 6 BLK 4 WOODLAND PARK 2ND BEG 33.6S & 141.85E & 60.78N & 247.03NE SECR LT 6 BLK 4 TH W406.86 N145.33 E444.88 SW43.47 SW106.75 POB; PRT LTS 2 & 3 BLK 16 & PRT LT 6 BLK 4 WOODLAND PARK 2ND & PRT NW & NE SEC 23 20 13 BEG 33.6S & 141.85E SECR LT 6 BLK 4 TH N60.78 NE68.78 NE178.25 W406.86 S300 SELY345 POB .209ACS, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20696**

**Action Requested:**

Special Exception to permit required parking area on a lot other than the one containing the principal use (Section 1301), located: 6232 East 60<sup>th</sup> Street South.

**Mr. Henke out at 2:13 p.m.**

**Presentation:**

**Cynthia Phillips**, 207 North Main, Sand Springs, Oklahoma, 74063, represented the applicant, **Gina Gardner**. She stated the subject property is located just south of Park Plaza Shopping Center, and actually abuts the parking lot. She added that to the east is the What A Burger. The exception is to provide access for some parking spaces in the front of the building. The access is in existence and is used by Park Plaza and the What A Burger for their drive-through window.

**Comments and Questions:**

Ms. Stead referred to the agreement with Kaiser and Park Plaza. She noted that it states that Park Plaza can withhold consent at its sole discretion.

**Mr. Henke returned at 2:15 p.m.**

**Gina Garland**, 6331 East 98<sup>th</sup> Place, Tulsa, Oklahoma, 74137, stated they have purchased the property. She acknowledged the wording of the agreement. Ms. Stead stated she did not want to approve the special exception with an indefinite parking agreement in perpetuity. Ms. Garland explained that they want to remove a small block building at the back and rebuild it correctly. She stated that since that will take up some parking spaces, therefore they need access to spaces at the



front. She asked if this would keep them from constructing the addition. Ms. Stead replied that the parking issue is all that is before the Board. She questioned what would happen if the veterinary clinic did not work out at this location. Mr. White suggested this application could be approved for as long as the agreement is in effect.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion of White**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell, "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Special Exception to permit required parking area on a lot other than the one containing the principal use (Section 1301), with a condition for a time limitation to last as long as the signed parking and access agreement that was supplied today by the applicant, dated April 30, 2008, between Garco, Inc. and Kaiser-Francis Realty Operating Company is in effect, per plan as shown on page 8.7 of the agenda packet, finding the special exception will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

PRT LT 1 BEG 20.03W NWC LT 3 BLK 1 TH S59.65 W212.95 NW8.75 TH ON CURVE RT199.61 E27.45 POB BLK 1, PARK PLAZA CENTER EXT, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20698**

**Action Requested:**

Variance of the height requirement for a detached accessory building in the required rear yard in an RS-1 District (Section 210.B.5.a), located: 3310 South Birmingham Avenue East.

**Presentation:**

**James Boswell**, 1305 East 15<sup>th</sup> Street, Suite 201, Tulsa, Oklahoma, represented his client. He stated the request for a variance of the height requirement for a detached accessory building. They have obtained a building permit for a bathhouse pavilion. The proposed plan meets the requirements for livability space, size and area covered in the required rear yard. It was approved for a lower pitched roof of 6/12 with a ridge height of 14' 9" above the pool deck, or 18' above the average grade. The Board received a site plan and elevations, (Exhibit G-1, G-2, G-4, and G-5). He pointed out the changes in elevation of the topography. He would like to match the house roof pitch.

**Comments and Questions:**

Mr. White noted letters of support and opposition (Exhibit G-6). There was concern regarding drainage in the area. Mr. Boswell acknowledged the finished floor is 24

to 30 ft. below Birmingham Avenue. He hoped to work with the builder of a new home to the west of his property to alleviate some drainage issues.

**Interested Parties:**

**Vicky Adams**, 2511 East 34<sup>th</sup> Street, stated she lives south of the subject property. She was concerned that the project would be abutting her property line. She felt the additional height would loom over her back yard. Ms. Adams was concerned for the value of her property. She submitted a photograph (Exhibit G-3).

**Comments and Questions:**

Ms. Stead asked about the height and location of the new construction. There was some confusion about the height. Mr. Boswell stated the new construction would be eight feet from the south fence line and five feet from the west. The abutting lots are zoned RE and his lot is RS-1. He remarked that it could be closer to the fence line in the RS-1 zoning.

**Applicant's Rebuttal:**

Mr. Boswell informed the Board that they plan to landscape to buffer the view. He stated the pergola would be 18 ft. above the average grade. There are no buildings to the south from the new construction. He added the exterior materials will match the house.

Mr. Ackermann asked for clarity on the request. He asked if the applicant was asking for a three-foot variance over the 18 feet, which would be 21 feet above the average ground elevation. Mr. Boswell stated it would be a 3 ½ ft. variance and 22 ft. above the average grade height.

**Board Action:**

On **Motion** of **Stead**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell, "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Variance of the height requirement for a detached accessory building in the required rear yard in an RS-1 District (Section 210.B.5.a), with conditions for the new construction for an accessory building to be limited to 22 ft. in total height from the lowest point of the ground elevation around the proposed detached building; exterior materials of the accessory building to match the existing residence; per plan as shown on page 10.12 of the agenda packet and applicant's exhibit A.4.5 submitted today, finding the topography of the yard, which varies as much as six feet is a hardship; finding the conditions are peculiar to this land, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

PRT LTS 4 & 5 BEG NEC LT 4 S219.83 W10 N18 NWLY89.78 N96.06 SW.71  
N103.20 E101.50 POB BLK 5, OAKVIEW ESTATES, City of Tulsa, Tulsa  
County, State of Oklahoma

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**Case No. 20699**

**Action Requested:**

Verification of the spacing requirement for an outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2), located: 11324 East Apache Street North.

**Presentation:**

**Daxton Neal**, 2123 East 18<sup>th</sup> Street, stated he misunderstood the Board requires a certificate of survey as verification of spacing.

**Board Action:**

On **Motion of White**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell, "aye"; no "nays"; no "abstentions"; Stephens "absent") to **CONTINUE** Case No. 20699 to the meeting on June 24, 2008, on the following described property:

BEG NWC NW TH E1300 TO PT ON WL EAGLE POINT ADDN I TH S1407.80  
W400 S671.89 TO PT ON NL RR R/W SW905.68 TO PT ON WL NW N2162.87  
POB LESS W50 THEREOF & LESS BEG 50E NWC NW TH E1250 S50  
W1214.02 SW39.65 S309.98 W8 N388 POB SEC29 20 14 52.770ACS, City of  
Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20700**

**Action Requested:**

Verification of the spacing requirement for an outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2), located: 7 North Harvard Avenue East.

**Presentation:**

**Daxton Neal**, 2123 East 18<sup>th</sup> Street, was present, but did not have a certificate of survey.

**Board Action:**

On **Motion of White**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell, "aye"; no "nays"; no "abstentions"; Stephens "absent") to **CONTINUE** Case No. 20700 to the meeting on June 24, 2008, on the following described property:

LT 7 LESS W5 HWY & PLUS N7 E133 LT 8 BLK 4, WALNUT PARK ADDN, City  
of Tulsa, Tulsa County, State of Oklahoma

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**OTHER BUSINESS**

**Request for Interpretation**

An interpretation of the Use Unit classification of a proposed business establishment.

Mr. Cuthbertson stated that the City of Tulsa Permit Office requested an interpretation for a particular business. He stated the applicant is present to explain the business they are proposing.

**Andy Ballanger**, 5818 East 77<sup>th</sup> Street, Tulsa, Oklahoma, represented **Christopher Gerard** and Urban Taste, his new business at 817 East 3<sup>rd</sup> Street. She stated this is not a bar, restaurant or community center. They requested an occupancy load of 49 or less. The usage would be in association with his winery, which is in operation. He proposed to give educational talks with wine presentations by invitation only with a limited number of people. There is a small vineyard with approximately 20 vines to show how they are grown. The plan includes selling wines, serving wine and some catered dinners. There would be no food preparation.

Mr. Gerard has a restaurant grade dishwasher for wine glasses. He would have a beer and wine license. He would like to have an occasional acoustic band outside, but not loud, rock music.

Mr. Cuthbertson reminded the Board of the CBD-zoning. He mentioned that Use Unit 19 that might be applicable in this case. The Board discussed the various uses that might fit this business. The Board was informed that the existing winery was already classified as Use Unit 25.

**Board Action:**

On **Motion of White**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell, "aye"; no "nays"; no "abstentions"; Stephens "absent") to Interpret this particular use, known as Urban Taste, LLC, to be accessory to the winery, Use Unit 25.

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**Election of Officers**

Chair, Vice Chair, Secretary

**Board Action:**

On **Motion of Stead**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell, "aye"; no "nays"; no "abstentions"; Stephens "absent") for Frazier Henke for Chair.

On **Motion** of **White**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell, "aye"; no "nays"; no "abstentions"; Stephens "absent") for Clayda Stead for Vice Chair.

On **Motion** of **White**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell, "aye"; no "nays"; no "abstentions"; Stephens "absent") for Michael Tidwell.

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There being no further business, the meeting adjourned at 3:52 p.m.

Date approved: 6/24/08

  
Chair