

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 986
Tuesday, August 26, 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
Stephens
Tidwell, Secretary
White

**MEMBERS
ABSENT**

**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, August 21, 2008, at 4:34 p.m., as well as at the Office of INCOG, 201 W. 5th St., Suite 600.

After declaring a quorum present, Chair Henke called the meeting to order at 1:01 p.m.

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

MINUTES

On **MOTION** of **Tidwell**, the Board voted 5-0-0 (White, Henke, Stead, Tidwell, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of August 12, 2008 (No. 985).

NEW APPLICATIONS

Case No. 20750

Action Requested:

Variance of the maximum permitted building height in the OL district from one story to two stories (Section 603); and a Special Exception to permit a Floor Area Ratio of .35 (Section 603), located: Southwest of East 45th Street and South Harvard Avenue.

Presentation:

Grady Whitaker, 16 West 2nd Street, Sand Springs, Oklahoma, 74063, represented the applicant. He pointed out there was a similar request approved by the Board on March 25, 1997. No action was taken on this site and the approval expired. This request does not include a variance of landscaping unlike the first one. This proposal does not include second-story windows abutting residential areas on the west; or if any are included on the west that they be opaque, such as glass block. He stated the configuration of the lot and required setbacks on two sides are the hardship.

Comments and Questions:

Mr. Stephens questioned the reason for the conceptual site plan (Exhibit A-1). Mr. Whitaker replied they plan to stay within those confines or very close to them. The height is proposed to be 28' to 30' in height. Ms. Stead asked if they considered extending the masonry wall on the west for appearance. He responded they would be willing to do that. He submitted photographs (Exhibit A-2). He pointed out that the landscaping hides a large telephone company switchbox and an electrical pedestal. He was not sure it would be better to take out the landscaping to extend a masonry wall and expose all of the equipment. Ms. Stead informed Mr. Whitaker that sidewalks would be required.

Interested Parties:

Ian Lisko, 4469 South Gary Avenue, Tulsa, Oklahoma, 74105, listed some concerns for access from 45th Street; heavy traffic on 45th with cut-through traffic from Edison High School; and any second story windows on the west side.

Michael Gravit, 4501 South Gary, Tulsa, Oklahoma, 74105, stated the subject property abuts his side yard. He added that the telephone equipment is on his property. He thought the landscaping screens better than a wall, but the owner has not maintained it. He reiterated Mr. Lisko's concerns.

Mr. Cuthbertson stated the applicant meets the parking requirements for this proposed building.

A letter of support was provided to the Board (Exhibit A-3).

Applicant's Rebuttal:

The financial planning offices would not have a high traffic count. The curb cut indicated on 45th Street was on the plat when it was originally filed. He informed the Board that the cut and connection to the parking lot to the south are conditions of sale to have a mutual access to 45th Street. They would be agreeable to no windows or opaque window on the second floor of the west façade.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a

Variance of the maximum permitted building height in the OL district from one story to two stories (Section 603); and a Special Exception to permit a Floor Area Ratio of .35 (Section 603), per conceptual plan as shown on page 2.8 on the agenda, noting the west side of the new building shall be no further west than the existing building to the south; and no windows on second story facing to the west; sidewalks on Harvard as shown on the conceptual plan and on East 45th Street to the limits of the applicant's property; finding the triangular configuration of the lot is an extraordinary and exceptional condition, which are peculiar to the land, 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, with these conditions, will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; 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; noting that the Board's previous action on March 25, 1997, BOA Case No. 17644 expired for non-execution, on the following described property:

LT 1 BLK 1, BETH & J R'S ADDN RESUB PRT L1 B3 VILLA GROVE PARK, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20751

Action Requested:

Variance of the building setback from the centerline of an abutting street (Section 703); and a Variance of the parking requirement to permit enclosure of an outdoor dining area (Section 1212), located: 3721 South Peoria Avenue.

Mr. Henke recused himself at approximately 1:44 p.m.

Presentation:

Allen Hill, 2501 East 51st, Tulsa, Oklahoma, 74105, with the construction company on this project, proposed to enclose the outdoor seating area. It encroaches about 35 feet on City right-of-way. They obtained a license agreement with the City of Tulsa.

Mr. White out at 1:47 p.m. and returned at 1:49 p.m.

Mr. Akermann reviewed the document at that time.

Comments and Questions:

Mr. Cuthbertson gave some clarification to the Board. He stated the Major Street and Highway Plan recognizes South Peoria as an Urban Arterial, which only requires 70 ft. of right-of-way. This would be 35 feet either side of center. The code requires all structures maintain the 35 ft. setback from the centerline of South

Peoria. Ms. Stead sought documentation of the building floor area, parking requirements for a two-story building, and planned parking spaces. Mr. Hill stated that to his knowledge the agreement with the church for shared parking spaces is still good. Ms. Stead asked for the hardship. Mr. Hill replied that the owner would like to use the existing space.

Interested Parties:

There were no interested parties who wished to speak.

Board discussion ensued. Mr. Stephens suggested a continuation.

Board Action:

On **Motion** of **White**, the Board voted 4-0-1 (White, Stephens, Stead, Tidwell "aye"; no "nays"; Henke "abstained"; no "absences") to **CONTINUE** Case No. 20751 to the meeting on September 9, 2008, on the following described property:

W305 S165.57 GOV LT 3 LESS W50 & S25 E255 FOR STSSEC 19 19 13, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Henke returned at 2:00 p.m.

Case No. 20752

Action Requested:

Special Exception to permit a mobile home in an RS-4 district (Section 401); and a Special Exception to extend the time limitation to permit a mobile home from one year to 20 years (Section 404.E.1), located: 2015 North Darlington Place.

Presentation:

The applicant was not present at this time.

Comments and Questions:

Mr. Henke moved the item down on the agenda to give the applicant time to arrive.

LT 19 BLK 23, LT 20 BLK 23, LT 21 BLK 23, LT 22 BLK 23, DAWSON AMD (ORIGINAL TOWNSITE), City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20753

Action Requested:

Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.G.9), located: 9344 South Memorial Drive.

Presentation:

Ron Havens, 7777 East 38th Street, Tulsa, Oklahoma, was present. A certificate of survey was provided (Exhibit C-1), dated July 22, 2008.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of White**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **ACCEPT** the Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.G.9), based upon the facts in this matter as they presently exist, subject to the action of the Board being void should another outdoor advertising sign be constructed prior to this sign, on the following described property:

LT 3 LESS N100 & LESS BEG SWC TH N80.58 CRV RT 304.23 SW316.34
POB BLK 4, 9100 MEMORIAL, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20754

Action Requested:

Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.G.9), located: Northeast corner of Highway 169 and East 31st Street.

Presentation:

Ron Havens, 7777 East 38th Street, Tulsa, Oklahoma, was present.

Comments and Questions:

Mr. Henke acknowledged receiving the certificate of survey (Exhibit D-1), dated July 22, 2008.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of White**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **ACCEPT** a Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.G.9), based upon the facts in this matter as they presently exist, subject to the action of the Board being void should another outdoor advertising sign be constructed prior to this sign, on the following described property:

LT 1 LESS S20 THEREOF BLK 1, HELEN N COMMERCIAL CTR, City of Tulsa,
Tulsa County, State of Oklahoma

*****.

Mr. Stephens out at 2:05 p.m.

Case No. 20755

Action Requested:

Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.G.9), located: South of the Southwest corner of East 81st Street and Highway 75.

Presentation:

Ron Havens, 7777 East 38th Street, Tulsa, Oklahoma, was present with certificate of survey (Exhibit E-1), dated July 22, 2008.

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 **ACCEPT** a Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.G.9), based upon the facts in this matter as they presently exist, subject to the action of the Board being void should another outdoor advertising sign be constructed prior to this sign, on the following described property:

PRT SW NW BEG 50E SWC SW NW TH N770.92 E570 N555 E367.96
SLY277.10 SLY67.47 CRV RT993.08 W784.6 TO POB SEC 14 18 12, City of
Tulsa, Tulsa County, State of Oklahoma

*****.

Mr. Stephens returned at 2:07 p.m.

Case No. 20758

Action Requested:

Variance of the setback requirement of 50 ft. from a freeway service road to permit a structural addition to an existing development in an IL district (Section 903), located: 9510 East Broken Arrow Expressway.

Presentation:

Otis Cartwright, 5561 South Lewis Avenue, Suite 300, Tulsa, Oklahoma, stated the applicant proposed to construct a climate controlled building (Exhibit F-1).

They planned to maintain a driveway between the new building and the existing buildings. The access to the building would be from within the property with the only public access from Mingo Road. There would not be any doorways to the rear of the building. The hardship is the right-of-way of the highway shifting south at the property.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Henke Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the setback requirement of 50 ft. from a freeway service road to permit a structural addition to an existing development in an IL district (Section 903); finding the right-of-way shifts to the south by 50 ft. at the location of the subject property, which creates 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; per plan as shown on page 8.6 of the agenda, noting the daily use access would be from Mingo Road and access provided for the Broken Arrow Expressway would be for emergency use only; on the following described property:

BEG 1052.2N SWC E/2 E/2 NE TH N510 TO SLY R/W BA EXPY TH SE359.86
S368.79 W331 POB LESS BEG 1052.2NSWC E/2 E/2 NE TH N296.63 E20
S296.63 W20 POB SEC25 19 13, City of Tulsa, Tulsa County, State of
Oklahoma

Case No. 20759

Action Requested:

Variance of the minimum 200 ft. commercial building setback in a CO district from the centerline of S. Mingo Rd. to 115 ft. (Section 803); Variance of the maximum land coverage for a building from 30% to 37% (Section 803); Variance of the required parking from 293 to 240 parking spaces (Section 1219.D); Variance of the minimum 5 ft. landscape area separation of a parking area from abutting residential districts to 2 ft. (Section 1002.A.3); all to permit expansion of an existing Ice Center in a CO district, located: 6413 South Mingo Road.

Mr. Henke abstained, out at 2:14 p.m.

Mr. Cuthbertson stated this property is in a CO district. The applicant's next step is to take the site plan before the planning commission for review for appropriateness

in this district. He added they would not be able to accomplish the elements they desire without action from this Board.

Presentation:

Darin Akerman, with Sisemore, Weisz and Associates, stated they are the project planners and engineers for the Oilers Ice Center expansion. They planned a reconfiguration of the building to add bleachers and space for spectators (Exhibit G-1). This plan has about 1,600 sq. ft. less than the previous plan. The plans include a closed drainage system to allow paving to extend to the east and north. There will be new screening fences abutting the residential districts to the north.

Comments and Questions:

In answer to the Board questions, he responded there is nothing in the zoning code concerning landscaping, trees, berms, or anything of that nature from the parking lot areas. He added there will be some improvements and trees on the north. There is a parking agreement with the Miller's Swim School (Exhibit G-2). He pointed out there will only be rare occasions when both ice arenas would be used. Ms. Stead was displeased that the screening fences were not constructed since the last BOA application and that the grass was so high. Mr. Cuthbertson interjected that the landscaping is included in the corridor district site plan as approved by the planning commission. He added it is guided by the code requirements, which is determined by the 200 ft. street-yard along Mingo Road. The applicant attempted to offer a hardship comparing this project as a lower profile structure than in other corridor districts. They plan for the operations in the building to continue through the construction. He stated the screening for the parking areas would be accomplished first and when the design plans are approved new construction would begin.

Interested Parties:

Rodney Edwards, 6226 East 101st Street, Tulsa, Oklahoma, 74137, represented ASC Realty, the abutting neighbor to the north. He pointed out their location compared to the subject property. He described it as one-story with a brick façade. He considered the proposed building on the subject property to be too large for the property. He did not recognize a hardship. He was concerned with the setbacks. Mr. Cuthbertson interjected with a clarification of the difference in the zoning of the two properties. The interested party's property is OL and the code requires one hundred feet of setback from the centerline of South Mingo. He stated if the subject property had any other use than recreational, the requirement would be one hundred feet.

Applicant's Rebuttal:

Mr. Akerman stated he spoke with the architect for the neighboring business. Their primary concern was trespass issues with customers of other businesses parking on their lot. He assured the Board and the architect this would not be an issue, as there would be a physical barrier. The parking on the north side of the subject property will be fully curbed.

Board Action:

On **Motion of Stephens**, the Board voted 4-0-1 (White, Stephens, Stead, Tidwell "aye"; no "nays"; Henke "abstained"; no "absences") to **DENY** a Variance of the minimum 200 ft. commercial building setback in a CO district from the centerline of S. Mingo Rd. to 115 ft. (Section 803); Variance of the maximum land coverage for a building from 30% to 37% (Section 803); Variance of the required parking from 293 to 240 parking spaces (Section 1219.D); Variance of the minimum 5 ft. landscape area separation of a parking area from abutting residential districts to 2 ft. (Section 1002.A.3); all to permit expansion of an existing Ice Center in a CO district, Case No. 20759, finding a lack of hardship, on the following described property:

LT 1 LESS S158.16 THEREOF BLK 1, UNION GARDENS, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Henke returned at 2:49 p.m.

Case No. 20752

Action Requested:

Special Exception to permit a mobile home in an RS-4 district (Section 401); and a Special Exception to extend the time limitation to permit a mobile home from one year to 20 years (Section 404.E.1), located: 2015 North Darlington Place.

Presentation:

John Ecton, 2608 West Kenosha, #134, Broken Arrow, Oklahoma, proposed to place a mobile home for his personal residence on the subject property (Exhibit B-1). He stated the home would be a 1995 or newer model. He informed the Board he has been improving the lot and cleaning it up. He indicated there is an asphalt drive and a portion needs repair. He stated there are other mobile homes in the area.

Comments and Questions:

Ms. Stead informed Mr. Ecton of the requirements and conditions, including a paved drive with two parking places, of asphalt or concrete, skirting, and tie downs.

Board Action:

On **Motion of Stead**, the Board voted 5-0-0 (White, Henke Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit a mobile home in an RS-4 district (Section 401); and a Special Exception to extend the time limitation to permit a mobile home from one year to 20 years (Section 404.E.1), with conditions for skirting, tie downs, paved drive from Darlington Place, will be asphalt or concrete, with two parking spaces, which may be separated places or stacked according to the code; approval for a 1995 or newer model; home to be set in approximately the center of the lot, as shown on

page 4.7 of the agenda; and the brush on south of lot to be removed before home is set in place; 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:

LT 19 BLK 23, LT 20 BLK 23, LT 21 BLK 23, LT 22 BLK 23, DAWSON AMD
(ORIGINAL TOWNSITE), City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20760

Action Requested:

Special Exception to permit automobile sales (Use Unit 17) in a CS district (Section 701), located: 3104 South Mingo Road.

Presentation:

Judy Newby, 10915 East 31st Street, #13, Tulsa, Oklahoma, represented Lucio Mondragon. He proposed to operate a used car business. The hours of operation would be Monday through Saturday, 9:00 a.m. to 6:00 p.m.

Comments and Questions:

Ms. Stead suggested extending the approval to expire when the auto repair exception expires so that he can return to the Board for both requests at one time. She stated she would not be for the use of banners, flags, glitter, balloons or additional lighting.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **White**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit automobile sales (Use Unit 17) in a CS district (Section 701), with conditions for the hours of operation Monday through Saturday from 9:00 a.m. to 6:00 p.m.; prohibiting promotional business signs as defined by the zoning code; approval to run concurrently with the former special exception until November 28, 2011; with conditions required in the previous case: that all work on vehicles must be inside the structure; no outside repairs allowed; no outside storage of materials; limit total number of inoperable vehicles queuing for repair on site to 20; no auto body work on the property; no junk vehicles stored on the property; approval limited to five years coinciding with the current tenant's lease period, and per plan, so that any expansion of this business be reviewed by this Board; 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:

N 250 E 250 NE LESS N 50 & E 50, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20761

Action Requested:

Variance of the maximum permitted size for a detached accessory building in an RS-3 district (Section 402.B.1.d), located: 4132 West 57th Place.

Mr. Cuthbertson informed the Board subject property consists of four originally platted lots with a lot combination, so that it is one legal lot of record (Exhibit I-2).

Presentation:

Paul Celick, 4132 West 57th Place, proposed to build a garage (Exhibit I-1). He stated by the code in RS-3 zoning he would be allowed 540 sq. ft. He requested 900 sq. ft., as the property is much larger than the average RS-3 lot.

Comments and Questions:

Ms. Stead confirmed the access on the west to the garage is a designated street. She reminded Mr. Celick that the drive must be paved with asphalt or concrete.

Interested Parties:

Maurice Reagle, 5722 South 39th West Avenue, stated he has eight lots in the area. He expressed concern for a larger accessory building and if it would be used for business. He stated he did not have any complaints.

Board Action:

On **Motion of White**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the maximum permitted size for a detached accessory building in an RS-3 district (Section 402.B.1.d), with condition for the driveway to come from South 43rd West Avenue, paved with concrete or asphalt; finding the lot, a combination of four smaller lots combined, and documented with a declaration signed August 1, 2006, which is over 4.3 times the minimum lot area permitted in RS-3, allowing 750 sq. ft. accessory building; plan is for 900 sq. ft., per plan as shown on page 11.6 of the agenda; 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 9 & 10 BLK 12, LT 7 BLK 12, LT 8 BLK 12, DOCTOR CARVER, City of
Tulsa, Tulsa County, State of Oklahoma

Case No. 20762

Action Requested:

Variance of the 1,200 ft. spacing requirement for an outdoor advertising sign from another outdoor advertising sign on the same side of the highway (Section 1221.F.2), located: 1402 South Lewis Avenue.

Presentation:

Bill LaFortune, 1100 Mid-Continent Tower, Tulsa, Oklahoma, 74103, submitted a packet of exhibits (Exhibit J-1). He stated the distance to the nearest outdoor advertising sign is 1,095 ft. He reviewed the surrounding property uses. He suggested that public service information could be placed on the back of the sign for vehicles traveling from the east. He suggested there are other methods of measuring the distances. He noted the sharp curve to the Broken Arrow Expressway just before the site for the sign is a hardship. He also pointed out the freeway right-of-way and Reasor's Complex with the heavy commercial use, are within the curved area adding to the hardship. He summarized that if the spirit and intent of the code is to reduce clutter and manage the visual experience on the expressway, then this sign would not violate the code.

Comments and Questions:

The Board members, applicant and staff discussed the measurement of the distance and the intent of the code.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **White**, the Board voted 4-1-0 (White, Stephens, Henke, Tidwell "aye"; Stead "nay"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20762 to the meeting on September 9, 2008, regarding the following described property:

E184 LT 5 LESS BEG NEC TH W 184 S 27.8 E 144 SE 29.7 S111.5 E 10.1 N
160 TO BEG HGWY BLK 4, TERRACE DRIVE ADDN, City of Tulsa, Tulsa
County, State of Oklahoma

OTHER BUSINESS

Case No. 20706

Action Requested:

Request for refund.

Presentation:

Mr. Cuthbertson reminded the Board of the refund suggested by the Board for Case No. 20706, as they found they did not have the jurisdiction on which to act on the request. The refund would be \$250.00.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a refund of \$250.00 on fees paid in Case No. 20706, regarding the following described property:

PRT LTS 1 & 2 BEG 100S NEC LT 1 TH WLY TO PT 57.8S NWC LT 1 S97.TO
PT ON WL LT 2 113.7N OF SWC LT 2ELY TO PT 72N SECR LT 2 N97 POB
BLK 37, GLENHAVEN AMD, City of Tulsa, Tulsa County, State of Oklahoma

NEW BUSINESS

Mr. White brought up the surveyor spacing verification forms. He suggested the Board determine a reasonable maximum time length of acceptability on the spacing verification surveys. Ms. Stead had suggested sixty days. Mr. Alberty responded that the Board could have staff amend their policy and procedures and put it on the next agenda to be approved.

Board Action:

On **MOTION** of **White**, to instruct the staff to prepare a draft revision to the policy and procedures to include a sixty day maximum time limit on spacing verifications prior to the date of a Board of Adjustment meeting to hear the case.

Ms. Stead had a question on the motion, which was followed by discussion. The Board, staff and legal discussed what spacing verifications to include.

Mr. White included in the above motion for staff to provide a list of items which require a spacing verification for the Board to review before making their decision.

On **MOTION** of **White**, the Board voted 5-0-0 (White, Henke, Stead, Tidwell, Stephens "aye"; no "nays"; no "abstentions"; no "absences")to instruct the staff to prepare a draft revision to the policy and procedures to include a sixty day

maximum time limit on spacing verifications prior to the date of a Board of Adjustment meeting to hear the case and to provide a list of items, which require a spacing verification for the Board to review before making their decision.

There being no further business, the meeting adjourned at 3:55 p.m.

Date approved: 7-9-08

Clayton M. Stead
Chair