

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 28
Friday, December 17, 1982, 9:00 a.m.
Room 119, Administration Building
500 South Denver Avenue, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty Martin Walker Wines	Tyndall	Gardner Jones Martin	D. Carpenter, Legal Department J. Edwards, Building Inspector

The notice and agenda of said meeting were posted in the Office of the County Clerk on December 14, 1982, at 12:23 p. m., as well as in the Reception Area of the INCOG Offices.

After declaring a quorum present, Chairman Walker called the meeting to order at 9:12 a.m.

MINUTES:

There were no minutes ready for approval at this time.

UNFINISHED BUSINESS:

Case No. 278

Action Requested:

Variance - Section 310 - Bulk and Area Requirements in the AG District. Request for a variance of the Bulk and Area Requirements to permit a lot-split. This property is located west of the SW corner of 209th Street and Coyote Trail.

Presentation:

Mohammed Emami, 506 North Oak, Tahlequah, Oklahoma, 74462, was present requesting permission to permit a lot-split with both lots containing approximately 2 acres. The applicant also intends to place one mobile home on each tract.

Protestants: None.

Board Comments:

Chairman Walker advised that the TMAPC approved the lot-split, subject to this Board approving the frontage variance request of the Bulk and Area Requirements.

Board Action:

On MOTION of MARTIN and SECOND by ALBERTY, the Board voted 4-0-0 (Alberty, Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to approve a Variance (Section 310 - Bulk and Area Requirements in the AG Districts) of the Bulk and Area Requirements to permit a lot-split, on the following described property:

Lot 5, Block 4, Hickory Ridge Estates Addition to Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 310

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in Agriculture Districts - Request for a variance of the lot area from 2 acres to 23,580 square feet and, a variance of the lot width requirement from 200' to 90'. This property is located at the NE corner of 143rd West Avenue and Highway #51.

Presentation:

The applicant, B. Kenneth Cox, was not present.

Ricky Jones advised that the applicant has requested that the case be continued for one month to allow for readvertising because the wrong legal description was submitted.

Protestants: None.

Board Action:

On MOTION of ALBERTY and SECOND by MARTIN, the Board voted 4-0-0 (Alberly, Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to continue this item to the January 21, 1983, meeting.

Case No. 311

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance of the lot area in an AG District from 2 acres to .59 acres. This property is located at 86th Street and 140th Street North.

Presentation:

Neil York, P. O. Box 216, Collinsville, Oklahoma, was present and requested permission to permit a lot-split on the subject property. He stated that this lot-split will create a 6/10th of an acre tract. The tract contains a residence which was originally conveyed without a lot-split approval. There are no objections to the lot-split. Mr. York advised that in order for him to sell the 6/10th of an acre, a lot-split has to be approved.

Protestants: None.

Comments:

Mr. Gardner advised that the lot-split was approved by the Planning Commission on December 15, 1982.

Board Action:

On MOTION of ALBERTY and SECOND by MARTIN, the Board voted 4-0-0 (Alberly, Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts) of the lot area in an AG District from 2 acres to .59 acres, on the following described property:

Beginning 321.88' South and 354.69' East of the NW corner of the NE/4 of the SW/4 of Section 25, Township 22 North, Range 13 East; thence North 216'; thence East 134.19'; thence South 216'; thence West 134' in Tulsa County, Oklahoma.

NEW APPLICATIONS:

Case No. 299

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request for a home occupation (beauty shop) in a residential district. This property is located at 2525 South 57th West Avenue.

Presentation:

Martin Najera, Jr., 2525 South 57th West Avenue, was present requesting permission to have a home occupation (beauty shop). Mr. Najera advised that the only employee would be his wife and no signs are proposed for the business. Mr. Najera advised that the beauty shop will be in the garage and that he installed a sliding door in place of the original garage door.

Protestants: None.

Comments:

Mr. Martin suggested that the application be approved on a temporary basis to allow time for monitoring the home occupation. Mr. Gardner advised that if the case is approved for a limited period of time, that at the end of that period if the altering of the doors proved to be a detriment to the neighborhood in that the exterior no longer resembles a house the Board has the right to require the applicant re-store the garage door as was originally installed.

Board Action:

On MOTION of MARTIN and SECOND by ALBERTY, the Board voted 4-0-0 (Alberty, Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts) for a home occupation (beauty shop) in a residential district, for a period of two (2) years and at the end of that time if the Board determines that the use of the property for the proposed purpose is detrimental to the neighborhood, they will not extend the time of approval, on the following described property:

Lot 8, Block 2, Davy Crock Hat Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 300

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request to allow a mobile home in an RS District; and, a Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request to allow two dwellings per lot of record. This property is located at 4831 West 27th Street.

Presentation:

Bob Holt, 4831 West 27th Street, was present requesting permission to place a mobile home on the subject tract. He advised that he is purchasing the west 99' of the subject property.

Protestants: None.

Case No. 300 (continued)

Board Comments:

Mr. Albery advised that the variance is no longer needed because the applicant now owns all of the subject tract and only intends to place one mobile home on the lot, instead of the original proposal to place a mobile home in addition to the existing single-family residence.

Mr. Martin asked if there are other mobile homes in the area and Mr. Holt advised that there are approximately 10 mobile homes within three or four blocks of the subject property.

Mr. Wines inquired as to the proposed sewer system and the applicant advised that there will be a septic system to serve the mobile home.

Board Action:

On MOTION of MARTIN and SECOND by ALBERTY, the Board voted 4-0-0 (Albery, Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) to allow a mobile home in an RS District, subject to Tulsa-City County Health Department approval and subject to the issuance of a building permit, on the following described property:

The E/2, N/2, S/2, NW/4, SW/4 of Section 16, Township 19 North, Range 12 East, in the City of Tulsa, Tulsa County, Oklahoma.

Case No. 301

Action Requested:

Special Exception - Section 1420 (f) - Nonconforming Use of Buildings or Buildings and Land in Combination - Request to expand a nonconforming building (auto repair). The property is located west of the NW corner of 126th Street North and 145th E. Avenue.

Presentation:

Bob Bennett, Box 604, Sperry, Oklahoma, was present representing the applicant, Marvin McAfee, and submitted a plot plan (Exhibit "A-1"). Mr. McAfee intends to build a 14' x 40' addition to the side of his existing garage to be used as an auto repair.

Protestants:

John McHenry, Rt. 2, Box 269, Collinsville, Oklahoma, was present and submitted a protest petition bearing approximately 56 signatures of property owners in the surrounding area (Exhibit "A-2"). Mr. McHenry referred to the restrictive covenants and advised that the surrounding area is a residential area and should not be used for offensive and objectionable noise, such as an auto repair business. Mr. McHenry advised that there are no records of when the business first began, in the County Courthouse. He also was opposed to the subject property ever becoming a salvage operation. There was objection to the proposed expansion of the already existing auto repair business.

Kathryn Calico, 139th East Avenue, was present stating that she was in opposition to the expansion of the business as it will decrease the property value in that area. She also advised that Mr. McAfee has accumulated many cars since the business first began and feels that it could become a salvage operation.

Case No. 301 (continued)

Carol Libby, Rt. 2, Box 236, Collinsville, Oklahoma, was present stating that she was never notified of the hearing. Ms. Libby advised that Mr. McAfee's house is located at the entrance of the subject housing addition. She requested that the applicant clean up the property if the case is approved.

Applicant's Rebuttal:

Marvin McAfee, the applicant, was present to make the rebuttal statement and advised that there are several automobiles on the subject property because the ground has been too wet to move them. He stated that he owns five automobiles himself. Mr. McAfee presented some receipts from his business proving that he had been in operation prior to 1980. He also advised that he had begun building the expansion, but the Building Inspector requested that it be taken down and the applicant has proceeded to do so.

Comments:

Discussion ensued concerning the establishment of the auto repair business at the subject location. Mr. Gardner suggested that since Mr. McAfee is the only employee, the Board could recognize the business as a home occupation with limitations or conditions such that there would be no outside storage permitted...

Board Action:

On MOTION of ALBERTY and SECOND by MARTIN, the Board voted 4-0-0 (Alberty, Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") that the Board recognizes that the operation is a home occupation that was established at least in September 1979 due to receipts and certificates presented, and that it is recognized as a nonconforming home occupation operated by the owner and family who resides at this property and not a commercial garage; and to deny a Special Exception (Section 1420 (f) - Nonconforming Use of Buildings or Buildings and Land in Combination) to expand a nonconforming building (auto repair) based on the fact that it is a residential area and is not in an area for commercial zoning, and that the applicant not be permitted any inoperable vehicles to be stored or parked on the property, on the following described property:

The E/2, W/2, SE/4, LESS the North 2,264.16' and LESS the East 330' of Section 33, Township 22 North, Range 14 East of the Indian Base and Meridian; and LESS 25' along the South and 25' along the West of Road Easement, containing 2.5 acres, more or less, in Tulsa County, Oklahoma.

Case No. 302

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request to allow a mobile home in an RS District. This property is located at 5625 North Utica Place.

Presentation:

Mr. Martin read a letter from the Tulsa City-County Health Department requesting that the application be denied as they were unable to approve the installation of a private sewage disposal system because the soil percolation test failed (Exhibit "B-1").

Case No. 302 (continued)

Mrs. Mark Kaese, 5629 North Utica Place, was present and requested permission to place a mobile home on the subject tract. Mrs. Kaese advised that a mobile home presently exists on the lot and has been there for approximately 2 years and has a sewer system for that mobile home. The applicant requested permission to locate an additional mobile home on the property. Mrs. Kaese advised that there are other mobile homes in the surrounding area.

Protestants: None.

Board Comments:

Mr. Alberty advised the applicant that she needs the Health Department's approval for the sewer system before this Board can act on the matter. He suggested that the case be continued so that the applicant can work something out with the Health Department.

Board Action:

On MOTION of MARTIN and SECOND by WINES, the Board voted 4-0-0 (Alberty, Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to continue this item to the January 21, 1983, meeting to allow the applicant to contact the Health Department concerning the sewer system.

Case No. 303

Action Requested:

Special Exception - Section 1420 - Nonconforming Use of Buildings or Buildings in Combination - Request to expand a nonconforming use and a Variance - Section 710 - Principal Uses Permitted in Commercial Districts - Request to allow an existing foundry. This property is located at the SE corner of 58th West Avenue and 58th Place South.

Presentation:

Gerald D. Fletcher, Route 13, Tulsa, Oklahoma, 74107, was present requesting permission to add a 22' x 40' addition to the west end of his already existing foundry. Mr. Fletcher advised that the foundry is a nonconforming use.

Protestants: None.

Comments:

Jack Edwards, Building Inspector, advised that the use falls under a Use Unit 26. The applicant has already constructed the proposed addition to the foundry, therefore, does not need a building permit.

Discussion ensued concerning evidence to prove that the foundry in question falls under a nonconforming use in that it was in operation prior to September 1980. Mr. Fletcher advised that the business has been in existence at the subject location since 1969.

Board Action:

On MOTION of MARTIN and SECOND by WINES, the Board voted 4-0-0 (Alberty, Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to approve a Special Exception (Section 1420 - Nonconforming Use of Buildings or Buildings and Land in Combination) to expand a nonconforming use; and to deny a Variance (Section 710 -

Case No. 303 (continued)

Principal Uses Permitted in Commercial Districts) to allow an existing foundry, subject to the applicant furnishing the Staff with satisfactory evidence proving that the foundry was in operation prior to September 1980, and that the Building Inspector make a final inspection of the building, on the following described property:

Lots 24-26, Block 16, East Addition to New Taneha in Tulsa, Tulsa County, Oklahoma.

Case No. 305

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request to locate a mobile home in an RS District. This property is located North of the NE corner of 60th Street and 109th West Avenue.

Presentation:

John Gould, 11616 West 59th Street South, was present representing Patty Gould and requested permission to locate a mobile home on the subject property.

Protestants: None.

Board Comments:

Chairman Walker inquired as to the septic system and Mr. Gould advised that the applicant has installed a septic tank system into the mobile home.

Mr. Wines asked if there are other mobile homes in the immediate area and Mr. Gould answered in the affirmative.

Board Action:

On MOTION of MARTIN and SECOND by ALBERTY, the Board voted 4-0-0 (Alberty, Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) to locate a mobile home in an RS District, subject to Tulsa City-County Health Department and subject to the issuance of a building permit, on the following described property:

Lot 6, Block 3, Buford Colony Addition in Tulsa County, Okla.

Case No. 306

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture Districts - Request to locate a mobile home in an AG-R District. This property is located at 14238 East 208th Street South.

Presentation:

Tom Martin, 14238 East 208th Street South, was present requesting permission to place a mobile home on the subject property. Mr. Martin advised that he has received approval for his septic system and his water lines.

Case No. 306 (continued)

Protestants: None.

Interested Party:

Mrs. John Paul, 4032 East 42nd Street South, was present and advised that the restrictive covenants would allow the placement of a mobile home on the subject tract. She stated that her interest in the case was the placement of the mobile home on the lot.

Board Comments:

Mr. Wines asked if there are other mobile homes in the area and the applicant advised that there are approximately 25 mobile homes within a 5-block radius of the subject lot.

Board Action:

On MOTION of ALBERTY and SECOND by MARTIN, the Board voted 4-0-0 (Alberty, Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to approve a Special Exception (Section 310 - Principal Uses Permitted in the Agriculture Districts) to locate a mobile home in an AG-R District, subject to Tulsa City-County Health Department approval and subject to the issuance of a building permit, on the following described property:

Lot 8, Block 6, Bixby Ranch Estates in Tulsa County, Oklahoma.

Case No. 307

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request to allow a mobile home and a permanent waiver of the time limitation of one year; and a Variance - Section 440.6 - Special Exception Uses in Residential Districts, Requirements - Request for a permanent waiver of the one year time limit. The property is located at 5940 South 97th West Avenue.

Presentation:

Ricky Jones advised that the variance is not needed.

Lester Bahmer, 5940 South 97th West Avenue, was present and requested permission to place a mobile home on the subject tract on a permanent basis. Mr. Bahmer advised that there are several other mobile homes in the immediate area. The applicant stated that percolation tests have been made and it has been approved for a septic system.

Protestants: None.

Board Action:

On MOTION of MARTIN and SECOND by ALBERTY, the Board voted 4-0-0 (Alberty, Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts) to allow a mobile home on a permanent basis, subject to the Tulsa City-County Health Department approval and subject to the issuance of a building permit, on the following described property:

The S/2 of Lot 12, Block 4, Hill Top Addition to Tulsa County, State of Oklahoma, according to the recorded plat thereof.

12.17.82:28(8)

Action Requested:

Variance - Section 410 - Principal Uses Permitted in the Residential Districts - Request to operate a dog training and boarding kennel at 5729 West 22nd Street.

Presentation:

Chris Handley, 5729 West 22nd Street South, was present and submitted a handout containing information concerning the dog training and kennel (Exhibit "C-1"). Mr. Handley advised that he and his wife are professional dog trainers and purchased the subject property solely because there was an existing kennel on the property. When they purchased the house the applicant specifically asked the realty company if the property was zoned for kennel use.

The previous owners operated a professionally built 14 run kennel for eight years. Since the applicant has purchased the subject property, he has made several improvements to the structure. The residence has been bricked and a 6' privacy fence has been erected along the west boundary of the property.

Protestants:

Frank Zeigler, 2117 South 59th West Avenue, was present as an attorney and a property owner in the subject area. Mr. Zeigler advised that the previous owner did not cause or present any problems to the neighborhood concerning the dogs. Mr. Zeigler advised that there are from 15 to 20 residences close to the subject property. At some time the noise created at the subject area is unbearable to the surrounding residents. He felt that the dog training and kennel operation would create a health and safety hazard. Mr. Zeigler advised that the applicants have a sign on their property and an advertisement in the yellow pages concerning the kennel. He requested that the application be denied. The protestant asked that the business be stopped within a reasonable period of time.

Craig Steel, 2127 South 59th West Avenue, was present and stated that he was advised that the kennel was to be expanded. He was in opposition to the expansion and the noise increase.

Interested Party:

David Momper, 5637 South Pittsburg Avenue, a realtor representing Carriage Realtor Company, who sold the applicant the subject property, was present to address the Board. Mr. Momper advised that the previous owner sold show dogs and operated a dog kennel. He advised that the previous kennel was as full and just as noisy as the present kennel, which the applicant operates. Mr. Momper advised that there are chickens, goats, horses and mules within a block of the subject property. He stated that the previous kennel was in operation possibly in 1966. The present kennel is a clean operation and it has its own sanitary system. He felt that it would impose a hardship on the applicant if he was required to relocate his business.

Bridget Handley, 5729 West 22nd Street South, was present providing the Board with more information concerning the kennel. She stated that she and her husband have made numerous improvements to the subject property for the kennel. She stated that they tried to consider the neighbors because of the fact that the kennel is located in a residential area.

Case No. 308 (continued)

She stated that all of her dogs are under control at all times and they do not bark at night. Ms. Handley stated clearly that there is no solid waste left in the kennel at any time. She stated that the health of the dogs is very important to her and she will not allow the kennel to be messy.

Comments:

Jack Edwards, Building Inspector, advised that he had gone to the subject property and could not even see the dogs on the first visit, but cited the applicant on the sign on the property advertising the business. The second visit to the subject property Mr. Edwards took some photographs of the subject property and submitted them to the Board (Exhibit "C-2"). He suggested that the property might be a legal nonconforming use.

Discussion ensued that the previous operator was in business prior to 1966. The Board discussed if it was an existing nonconforming use or if it was not. Mr. Gardner stated that if there is any question about the use being nonconforming, the Board may want to continue the case and allow the applicant to demonstrate that aspect at the next meeting by providing sufficient evidence.

The Board suggested that the case be continued to allow the applicant to prove to the Board that the kennel is a nonconforming use by providing sufficient evidence. The issue of nonconformity is not before the Board at this time. Mr. Gardner advised that the cease and desist order letter was not mailed until December 8, 1982 and the applicant would be given 10 days in which to file an appeal on this Board's ruling if they so desired. He suggested that the Board deny the variance and to continue the case in order to allow the applicant the opportunity to prove the nonconforming use at the next meeting.

Board Action:

On MOTION of ALBERTY and SECOND by MARTIN, the Board voted 3-0-1 (Alberty, Martin, Walker, "aye"; no "nays"; Wines, "abstaining"; Tyndall, "absent") to deny a Variance (Section 410 - Principal Uses Permitted in the Residential Districts) to operate a dog training and boarding kennel, on the following described property:

That part of Lots 9, 10, in Block 1, Second West Tulsa View Acres Subdivision to Tulsa County, State of Oklahoma, according to the recorded plat thereof, more particularly described as follows: Beginning at the Southeast corner of Lot 10; thence due North a distance of 221' to the Northeast corner of Lot 9; thence due West a distance of 97' and 9" to a point; thence due South a distance of 221' to a point; thence due East a distance of 97' and 9" to the point of beginning.

On MOTION of ALBERTY and SECOND by MARTIN, the Board voted 4-0-0 (Alberty, Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to give the applicant time to file an appeal application for the purpose of proving nonconforming status, and to waive the application fees.

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request to allow a mobile home in an RS District; and a Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request to allow two dwelling units on one lot of record

Presentation:

James Fuller, 4236 West 45th Street, was present stating that there were two residences on the subject property when he purchased it. Mr. Fuller advised that he has improved one of the homes and intends to improve the second one. During that time of improvement, he requested permission to place a mobile home on the property. There are two septic systems on the property, one for each of the two residences and the mobile home would be hooked onto one of the systems during the time of improvement. The small house is not being occupied at this time.

Protestants:

David Pue, attorney representing Teresa Haynes, 4221 West 45th Street, was present stating that Ms. Haynes objects to the application because she fears that it will destroy the aesthetic value of the area. He also felt that if the mobile home was approved that it would set a precedent.

Edith Jolliff, 4228 West 45th Street, was present and submitted five (5) photographs of the subject property (Exhibit "D-1"). Ms. Jolliff advised that she is in opposition to allowing the mobile home to be placed on the tract because the lot is not big enough for three residences. She stated that if the mobile home is permitted, it will set a precedent. Ms. Jolliff advised that the applicant operates a body shop which is located inbetween the two residential structures. She stated that the operation has become similar to a salvage operation.

Howard Childers, 4448 South 43rd West Avenue, was present and submitted photographs of surrounding properties (Exhibit "D-2"). Mr. Childers stated that he was opposed to the proposal to add the mobile home on the subject tract as it will overcrowd the property. He also stated that the mobile home will set a precedent if it is permitted.

Comments:

Discussion ensued concerning the two septic systems provided for three residences.

Mr. Gardner advised that the Health Department will not permit the lot-split because a septic system is not permitted on a tract that is less than a half-acre in size. The applicant owns approximately 3/4ths of an acre and has two residences on the property presently, and is proposing to place a third residence on a temporary basis. The Health Department would not permit the property to be split and have a separate septic system.

Board Action:

On MOTION of ALBERTY and SECOND by MARTIN, the Board voted 4-0-0 (Alberty, Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to deny a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) to allow a mobile home in an RS District; and a Variance (Section 208 - One Single-Family Dwelling

Case No. 309 (continued)

Per Lot of Record) to allow two dwelling units on one lot of record, on the following described property:

The West 100' of Lot 4, Block 1, Yargee Homesite Addition in the City of Tulsa, Tulsa County, Oklahoma.

Comments:

The Board instructed the Building Inspector to allow the applicant 90 days in which to remove the mobile home from the subject property.

Case No. 312

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture District - Request for a water theme Park, accessory uses will include administration office, snack bar, maintenance building, arcade and gift shop. This property is located at the NW corner of 21st Street and Yale Avenue.

Presentation:

Commissioner Lewis Harris was present to address the Board and read the submitted letter from Melvin Rice, Chairman of the Board of County Commissioners (Exhibit "E-1"). The letter requested that the case be continued to the January 21, 1983, meeting due to several complaints from the public that sufficient time and notice had not been given.

Protestants: None.

Board Action:

On MOTION of MARTIN and SECOND by ALBERTY, the Board voted 4-0-0 (Alberty, Martin, Walker, Wines, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to continue this item to the January 21, 1983, meeting.

OTHER BUSINESS:

Case No. 262

Action Requested:

Consider approval of Case #262 Development Plan.

Presentation:

Jack Finley, 3336 East 32nd Street, was present to represent the owner, Mr. Sokolosky. Mr. Finley, the engineer for the owner, presented the Board with a copy of the plans and a copy of the plat for their review. Mr. Finley advised that the Board previously approved the application for mobile homes, subject to the applicant returning with a final plat for the Board's review and approval. There will not be more than 165 lots proposed for the project and they will be placed on permanent foundations. He stated that the plat would be changed for Lot 30 to be used for an overflow pond.

Protestants: None.

Discussion:

Mr. Wines suggested that the applicant check with P.S.O. concerning the 100' utility easement. Mr. Wines advised that he had talked with the

Case No. 262 (continued)

P.S.O. Company and they had informed him that there was a 150' utility easement instead of the 100' as the applicant has proposed. Mr. Gardner advised that the applicant cannot get the subject plat released and filed of record if in fact the utility easement is 150'. He advised that the T.A.C. members reviewed and approved the Sketch Plat showing a 100-foot easement.

The Board suggested that the applicant check on the easement and any other changes to the plat and then come back before this Board with the final approved plat.

The meeting adjourned at 12:00 noon.

Date Approved Jan 21, 1983

Roland L. Walker
Chairman