

BOARD OF ADJUSTMENT  
MINUTES of Meeting No. 252  
Thursday, January 19, 1978, 1:30 p.m.  
Langenheim Auditorium, City Hall  
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Jolly Walden Purser, Chairman	Smith Guerrero	Edwards Gardner Jones Dyer, Mrs.	Jackere, Allan Legal Dept. Miller, Mrs. Building Inspector's Office Lewis, C. S.

The notices of said meeting were posted in the Office of the City Auditor, 9th Floor, Room 919, City Hall, Tulsa, Oklahoma, on January 17, 1978, at 1:45 p.m., as well as in the Reception Area of the TMAPC Offices, 3rd Floor, City Hall.

The Chairman called the meeting to order at 1:34 p.m. and declared a quorum present.

MINUTES:

On MOTION of JOLLY, the Board 3-0 (Jolly, Walden and Purser "aye"; Guerrero and Smith, "absent") approved the Minutes of December 19, 1977, (No. 250).

UNFINISHED BUSINESS:

9682

Action Requested:

Variance (Section 1420 (a) - Nonconforming Use of Buildings or Buildings and Land in Combination - Under the Provisions of Section 1670) to enlarge a nonconforming use by joining two buildings in an RS-1 District; and a Variance (Section 10 - Principal Uses Permitted in Residential Districts - Section 1214 - Shopping Goods and Services - Under the Provisions of Section 1670) to use property for antique sales and sterling flatware located at 8312 East 11th Street.

Presentation:

The applicant was not present and the Staff advised that the subject property has been properly rezoned, therefore, Case #9682 has been dismissed.

Protests: None.

Board Action:

There being no objections or protestants to the application, the Chair declared the Case dismissed.

9806

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the frontage requirements from 100' to 20' in an RS-1 District located at 111th Street and Hudson Avenue.

Presentation:

Larry Campbell, Manager for the Company, applied for a waiver of the required 100' frontage to 20' on Lots 2, 5, 8, and 10, Block 1, Hudson Meadows Addition. These 4 lots are interior in location and have 20' ownership handles extending to the public street. Mr. Campbell stated that they are in the process of providing utility easements for O.N.G on the handle portion of the lots and are anticipating private drives to be installed by either the buyer or the company. The applicant signed, dated and submitted the revised plat (Exhibit "A-1").

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 3-0 (Jolly, Walden and Purser "aye"; Smith and Guerrero "absent") approved the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the frontage requirements from 100' to 20' subject to the initial plot plan presented on the following described tract:

Lots 2, 4, 5, 8, & 10, Block 1; and Lots 5 & 6, Block 3; all in Hudson Meadows Addition to the City of Tulsa, Tulsa County, Oklahoma.

9807

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670) of the setback requirements from 75' to 0' in an IL District located at 58th Street and South Garnett Road.

Presentation:

Ron Lindley, Tri-Angle Development Company, applied for a variance in setback from the required 75' to 0'. The applicant stated that the building would be setback approximately 1' from the property line. He advised that to the south is property that will be zoned either CS or IL, to the east and west is industrial zoning and to the north is IL zoning that is vacant. Mr. Lindley advised that he felt the proposed setback is compatible with others in the area.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 3-0 (Jolly, Walden and Purser "aye"; Smith and Guerrero "absent") approved the Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the

9807 (continued)

Provisions of Section 1670) of the setback requirements from 75' to 0' on the following described tract:

The S/2 of Lot 3, Springfield Addition to the City of Tulsa, Oklahoma.

NEW APPLICATIONS:

9811

Action Requested:

Exception (Section 1680.1 (g) - Special Exception) to use property for off-street parking in an RS-3 District located at 43rd and 44th Streets, east of Peoria Avenue.

Presentation:

Attorney Louis Levy, representative of the John Zink Company, advised that the John Zink Company has purchased additional homes on 43rd Street in order that they may provide additional off-street parking for their employees. Mr. Levy stated that the proposed parking is adjacent to their industrial plant. He informed the Board of an existing driveway that he is requesting to remain for access to the lot from 43rd Street. Mr. Levy stated that the proposed locations are Lot 8, Block 4, Don Lee Addition and Lot 11, Block 1, Wilder Addition facing on 43rd and 44th Streets, east of Peoria Avenue. Mr. Levy submitted a plat (Exhibit "B-1") showing the locations of the proposed off-street parking.

Jack Zink, owner of the John Zink Company, stated that he previously lived in the area but has given up his home so that the property may be used for off-street parking. Mr. Zink advised that they now own all homes in that immediate area except one on the south facing 44th Street and two on the north facing 43rd Street. He advised that before the last purchase of homes, the drive was exiting on Peoria because they had not purchased the homes on 43rd Street and Peoria Avenue, but since that time they have purchased the home near Pennington's Drive-In and plan to have an exit onto Peoria. He informed that they have no means of access to the northern property from Peoria Avenue and they at one time considered a break in the northern building but felt it would not be feasible. Therefore, we are proposing to have an exit or drive to 43rd Street. Mr. Zink asked that the exit be allowed and if it becomes intolerable to the neighborhood they would come back before the Board and ask the Board to consider their problem.

Protests:

Boyd Stephens, 1370 East 44th Street, advised that he owns a home across the street on the south side of 44th Street. All of these homes are single-family facing into the parking lot. He advised that he does object to any exits because it would create more traffic on the residential streets and lower the value of his property.

Board Member Walden stated that the access question was not properly advertised and therefore, suggested that the application be continued for readvertisement.

9811 (continued)

Board Member Jolly advised that to readvertise the application because of improper advertising of an access, would only serve to bring numerous protestants that we already know object to any access from previous hearings of the Board. He further stated that the Board previously approved a plan whereby traffic would enter and exit from Peoria, but not exit onto the residential streets. Therefore, he saw no reason to continue the case for readvertisement.

Board Action:

On MOTION of JOLLY, the Board 3-0 (Jolly, Walden and Purser "aye"; Smith and Guerrero "absent") denied the access opening on 43rd and approved the off-street parking, subject to the general plan which has been approved and subject to screen fencing on the two lots and landscaping in the same manner as previously required, on the following described tract:

Lot 8, Block 4, Don Lee Addition; and Lot 11, Block 1, Wilder Addition; all to the City of Tulsa, Oklahoma.

9812

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to maintain a mobile home in an RS-1 District located in the 9300 Block of South 193rd East Avenue.

Presentation:

Gary Watson applied to maintain a mobile home on the subject tract for his mother-in-law. Mr. Watson advised that his father-in-law is now deceased and his mother-in-law is on a fixed income and is unable to move into a trailer park. Mr. Watson stated that the death of his father-in-law has left his mother-in-law unable financially to relocate, therefore, he is requesting to maintain the mobile home for an extended period of one year.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 3-0 (Jolly, Walden and Purser "aye"; Smith and Guerrero "absent") approved the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to maintain a mobile home for a period of one year with a removal bond required on the following described tract:

That part of the NE/4 of the NE/4 of Section 24, Township 18 North, Range 14 East of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, more particularly described as follows: Beginning at a point on the Easterly line thereof, said point being 1,045.37' Southerly of the Northeast corner of the said NE/4 of the NE/4 and said point also being 273' Northerly of the Southeast corner of said NE/4 of the NE/4;

9812 (continued)

thence Westerly and parallel to the Southerly line thereof for 543'; thence Southerly for 204' to a point that is 69' Northerly of the Southerly line thereof; thence Easterly for 543' to the Easterly line thereof; thence Northerly for 204' to the point of beginning.

9813

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the front setback requirements from 25' to 23.7' and a variance of the side yard from 5' to 2' in an RS-3 District located at 6934-36 East 46th Place.

Presentation:

Robert Biery with Sonic Realtors, advised that they acquired the nine duplexes eight years ago. Because the duplexes are already built, and due to the shape of the lot he is requesting the variance.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 3-0 (Jolly, Walden and Purser "aye"; Smith and Guerrero "absent") approved the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the front setback requirements from 25' to 23.7' and a variance of the side yard from 5' to 2' on the following described tract:

Lot 4, Block 2, Park Plaza Seventh Amended Addition to the City of Tulsa, Oklahoma.

9814

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the setback requirements on a corner lot from 25' to 24.1' in an RS-3 District located at 10104 East 33rd Street.

Presentation:

The applicant was present and the Staff advised that the reason the application appears before the Board is to clear the property title. Mr. Jones of the Staff advised that when the home was built a 5' setback was all the Zoning Code required, but the home was built a few inches beyond the 15' setback line shown on the plat. The house is setting 14.1' from the corner not 24.1'. The Staff submitted a plat of survey (Exhibit "C-1") for the file.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 3-0 (Jolly, Walden and Purser "aye"; Smith and Guerrero "absent") approved the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the

9814 (continued)

Provisions of Section 1670) of the setback requirements on a corner lot from 25' to 14.1', per plat of survey submitted, on the following described tract:

Lot 7, Block 4, Mango Valley Estates Addition to the City of Tulsa, Oklahoma.

9816

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home in an RS-3 District; and a Variance (Section 240.2 (3) - Permitted Yard Obstructions - Under the Provisions of Section 1670) of the size of an accessory building from 750 square feet in an RS-3 District located at 4705 South Santa Fe Avenue.

Presentation:

The Staff advised that the application must be republished.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 3-0 (Jolly, Walden and Purser "aye"; Smith and Guerrero "absent") continued application #9816 until February 2, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9817

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1670) of the 300' minimum lot width requirements to permit a minimum of 165' lot width in an AG District located on the NE corner of 121st Street and 121st East Avenue.

Presentation:

G. Darrell Brown applied for a variance in the required 300' lot width to a minimum of 165'. Mr. Brown advised of the 33' hard surfaced county road and a dedicated road. He stated that two of the tracts on the twenty-five acres have already been sold and the remaining tract, slightly over three acres, is to be sold. The applicant submitted a right-of-way deed (Exhibit "D-1") which is 121st Street and is maintained by the County. Mr. Brown advised that his hardship is the shape of the lot and that he is unable to obtain a building permit because of the width of the lot frontage. The lot area exceeds 2 1/2 acres required in an AG District.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 3-0 (Jolly, Walden and Purser "aye"; Smith and Guerrero "absent") approved the Variance (Section 330 -

9817 (continued)

Bulk and Area Requirements in the Agricultural District - Under the Provisions of Section 1670) of the 300' minimum lot width requirements to permit a 165' minimum lot width for the 3 properties represented in an AG District on the following described tract:

The W/2 of the SW/4 of the SE/4 of Section 32, Township 18 North, Range 14 East, Tulsa County, Oklahoma.

9818

Action Requested:

Variance (Section 620 (d) - Accessory Uses Permitted in Office Districts - Business Signs - Under the Provisions of Section 1670) to increase the square footage for a sign by 59 square feet in an OL District located at 4900 South Lewis Avenue.

Presentation:

John Moody, attorney representing Western National Bank and A-Max Sign Company, requested a variance to increase the square footage of a canopy sign by 59 square feet to be located on the Western National Bank. Mr. Moody advised that the canopy sign will be located at the southwestern corner of the building near the existing circle drive and will not be visible from the residential area. He advised that they are requesting the larger sign in order to see the sign better because of change in topography. Mr. Moody stated that the owners do not desire to have the sign affixed to the building. Mr. Moody further stated that if the letters are smaller, they would not be visible because of the steep grade. The structural materials used in the sign are in conformance with the building. Mr. Moody submitted a plot plan (Exhibit "E-1") showing the proposed location of the sign on the building and stated that they would be permitted 3 pole signs, one on each street frontage, 32 square feet in area for each sign. Therefore we feel one larger sign is merited.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 3-0 (Jolly, Walden and Purser "aye"; Smith and Guerrero "absent") approved the Variance (Section 620 (d) - Accessory Uses Permitted in Office Districts - Business Signs - Under the Provisions of Section 1670) to increase the square footage for a canopy sign by 59 square feet, subject to the plot plan submitted, with the requirements that no other free standing pole sign, canopy sign or wall signs being permitted on the property on the following described tract:

Lot 4, Block 1, Lewis Square Addition to the City of Tulsa, Oklahoma.

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670) of the setback requirements in an IL District from 75' to 0'; and an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) to remove the screening requirements where the purpose of the screening cannot be achieved on the south located north and east of 51st Street and Mingo Road.

Presentation:

Scott Sherrill applied for a variance of the setback requirements from 75' to 0' in an IL District to construct an office warehouse. Mr. Sherrill stated that the subject property is in an area that will all be zoned IL or commercial eventually. He also advised that to the north is IL zoning and across the street is commercial. Mr. Sherrill submitted a letter (Exhibit "F-1") from the adjoining property owners, Mr. & Mrs. Thomas Peters, advising that they have no objection to the waiving of the 75' building setback requirement. Mr. Sherrill also requested to waive the screening advising that the screening will not serve any purpose.

Interested Party:

Frank Rowel advised that he owns 36 acres of property to the east of the subject property and is not protesting the application, but was inquiring as to what that applicant is going to build.

Board Action:

On MOTION of JOLLY, the Board 3-0 (Jolly, Walden and Purser "aye"; Smith and Guerrero "absent") approved the Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670) of the setback requirements in an IL District from 75' to 0'; and an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) to remove the screening requirements where the purpose of the screening cannot be achieved on the south as presented on the following described tract:

A tract of land beginning at a point on the West line and 208.71' North of the Southwest corner of Section 30, Township 19 North, Range 14 East of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof; thence East and parallel to the South line of Section 30, a distance of 208.71' to a point; thence North and parallel to the West line of said Section 30 a distance of 120' to a point; thence West and parallel to the South line of said Section 30, a distance of 208.71' to a point on the West line of Said Section 30; thence South 120' to a point and place of beginning.



9820

Action Requested:

Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Section 440 (2) - Home Occupations) to operate a home beauty shop in an RS-3 District located at 1437 East 52nd Place.

Presentation:

The Staff advised that the applicant had not paid the Daily Legal News' publication fees.

Protests: Approximately three present

Board Member Jolly suggested that the Staff write the applicant a letter informing her that the fees must be paid, that her presence is required at the meeting of February 2, 1978 and that action will be taken whether or not she is present.

Board Action:

On MOTION of JOLLY, the Board 3-0 (Jolly, Walden and Purser "aye"; Smith and Guerrero "absent") continued application #9820 until February 2, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9821

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home in an RS-2 District located north and east of 68th Street North and Peoria Avenue.

Presentation:

Arthur Teague applied to locate a mobile home on the subject property for his mother. Mr. Teague advised that he owns the property which is vacant at present and would like to locate the mobile home there in order that his mother may reside nearby. Mr. Teague advised that there are several single-family residences, in addition to other mobile homes across the street to the east and west of the subject property.

The Chair advised that the Board could only approve the application for one year.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 3-0 (Jolly, Walden and Purser "aye", Smith and Guerrero "absent") approved the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home for a period of one year with a removal bond required, on the following described tract:

Lot 10, Block 10, Golden Hill Addition, Tulsa County, Oklahoma.

1.19.78:252(9)

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) Variances (Section 420 - Accessory Uses in Residential Districts - Under the Provisions of Section 1670) to maintain three existing mobile homes to remain as accessory uses to the principal use for a temporary two-year period in an RS-1 District located north and west of 61st Street North and Frankfort Avenue.

Presentation:

Gary Cannon, representative of the Turley Children's Home, applied to maintain 3 mobile homes on the subject property advising that the mobile homes are all occupied by employees of the Turley Children's Home. Mr. Cannon advised that the mobile homes were moved in two years ago and the occupants serve as house parents and teachers. Mr. Cannon also stated that he does teach the children of the Turley Children's Home. He further added that each home is owned by the occupant living in the home and are only residing in the area on a temporary basis. He stated that due to the employee turnover, a maximum of two years will be the length of time necessary to maintain the mobile homes at the subject location. Mr. Cannon submitted a letter (Exhibit "G-1") from Bud Silcox, 6103 North Frankfort, expressing support of the mobile homes on the subject property. The applicant advised the Board of other mobile homes on 61st Street.

The applicant signed and dated the map (Exhibit "G-2") after locating the mobile homes on the map of the subject property.

Mr. Gardner, TMAPC Staff, advised the subject property is outside of the City Limits and prior to 1970 there were no provisions restricting mobile homes in the County.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 3-0 (Jolly, Walden and Purser "aye", Smith and Guerrero "absent") approved the Exception 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) Variance (Section 420 - Accessory Uses in Residential Districts - Under the Provisions of Section 1670) to maintain three existing mobile homes as accessory uses to the principal use, Turley Children's Home, for a temporary one-year period with a removal bond required, and the balance of the application be continued until February 16, 1978 in order to readvertise for approval for the Home proper since it is now nonconforming on the following described tract:

The South 325' of the East 495' of the SW/4 of the NW/4 of Section 1, Township 20 North, Range 12 East and Lot 7 and the South 135' of Lot 6, Block 4, Fairview Heights Addition to the City of Tulsa, Oklahoma.

9823

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the setback requirements from 85' to 60' to permit an addition to the present building in an RM-1 District located at 1522 North Peoria Avenue.

Presentation:

Hillary Holmes, Builder, 335 East Zion Street, applied for a variance of 25' in setback to make an addition to the present structure. Mr. Holmes advised that the proposed Sunday School building is 14' x 40'. Mr. Holmes stated that the extension will align with the existing building which is also over the new setback requirements. Mr. Holmes submitted a plot plan (Exhibit "H-1") showing the existing and proposed buildings.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 3-0 (Jolly, Walden and Purser "aye", Smith and Guerrero "absent") approved the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the setback requirements from 85' to 60' to permit an addition to the present building subject to the plot plan submitted on the following described tract:

Lots 23 and 24, Block 1, Booker Washington Addition to the City of Tulsa, Oklahoma.

9824

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwellings) to erect eight duplexes in an RS-3 District; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the front and rear yards in an RS-3 District located at the SE corner of 68th Street and Canton Avenue.

Presentation:

Don Walker, representing Milton H. Berry, applied to erect eight duplexes in an RS-3 District advising that the property is located at the SW corner of 69th Street and South Canton Avenue. Mr. Walker stated that in order to use the subject property for duplexes, it would be difficult to gain access to the property without the setback waivers. He added that the surrounding property to the west, south and east is zoned OL and to the north is RS-3. Mr. Walker submitted a plot plan (Exhibit "I-1") of the proposed development. Mr. Walker added that there are no surrounding residences in the area, and to the immediate east and a distance south is Southwestern Bell Telephone Company. He also informed the Board of a topographical problem on the north 60% and an easement to the south which bisects the property east and west. Mr. Walker stated that their hardship is the shape of the property, which is square. He also advised the Board of a ditch that is 12' or 15' below street level.

1.19.78:252(11)

9824 (continued)

Protests: None.

Board Action:

On MOTION of WALDEN, the Board 3-0 (Jolly, Walden and Purser "aye"; Smith and Guerrero "absent") approved the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwellings) to erect eight duplexes in an RS-3 District; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the front and rear yards in an RS-3 District as noted and as presented, and subject to the plot plan submitted on the following described tract:

Lot 2, Block 3, Burning Hills Addition to the City of Tulsa, Oklahoma.

9831

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variance) of the side yard requirements from 5' to 4' in an RS-1 District located at 7405 South College Avenue.

Presentation:

The applicant was not present, but was represented by his architect, Gary VanFossen, who applied for a variance of 1' in the required side yard. He advised that they are proposing a 6' addition to the subject property. The applicant submitted a plot plan (Exhibit "J-1") showing the proposed addition of the building.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 3-0 (Jolly, Walden and Purser "aye"; Smith and Guerrero "absent") approved the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variance) of the side yard requirements from 5' to 4' subject to the plot plan submitted on the following described tract:

Lot 6, Block 1, Rockwood Hills Manor Addition to the City of Tulsa, Tulsa County, Oklahoma.

9832

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variance) of the rear yard requirements from 25' to 20' in an RS-1 District located at 2924 East 73rd Street.

Presentation:

The applicant was not present, but was represented by his architect, Gary VanFossen, who applied for a variance of 5' of the rear yard.

He submitted a plot plan (Exhibit "K-1") and advised that a corner of the proposed addition does extend beyond the setback requirement.

Protests: None.

Board Action:

On MOTION of WALDEN, the Board 3-0 (Jolly, Walden and Purser "aye"; Smith and Guerrero "absent") approved the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variance) of the rear yard requirements from 25' to 20' subject to the plot plan submitted on the following described tract:

Lot 2, Block 2, Rockwood Hills Manor Addition to the City of Tulsa, Oklahoma.

COMMUNICATIONS:

Communication from the City Attorney regarding BOA Case No. 9595:

The Staff submitted a communication (Exhibit "L-1") from David Pauling, Legal Department, recommending approval on the settlement of the Appeal of Board of Adjustment Case No. 9595. The Staff also submitted a notice of appeal (Exhibit "L-2") in the Matter of the Appeal of Gordon L. Patten and Albert Grossich, from a decision of the Board of Adjustment, City of Tulsa, State of Oklahoma, Board of Adjustment Case No. 9595.

Attorney, Bill Jones, representing the protestants to the Firestone Car Care Center, stated that the Case was denied by the Board of Adjustment and was appealed to District Court. Since that time a restrictive covenant has been agreed to between the protestants and the applicant, setting forth development standards which have to be met. Mr. Jones stated that they were appearing before the Board to inform the Board of the agreement that has been made and entered into restrictive covenant form and were willing to settle the Case in this manner.

Board Action:

On MOTION of JOLLY, the Board 3-0 (Jolly, Walden and Purser "aye"; Smith and Guerrero "absent") agreed to accept the settlement as outlined by the City Attorney's Office and agreed to by the protestants and applicant for Case No. 9595.

Communication concerning Case No. 9713:

Charles Holmes, advised that they were granted approval to use the McBirney Mansion as law offices and the matter was appealed to District Court by those protesting. Mr. Holmes stated that they have no intentions to damage or deface the property and did agree to a restrictive covenant to run with the property as long as the property is being used as law offices. Mr. Holmes stated that they are also proposing to place historical preservation easements on the property which had been presented to the Historical Society. Mr. Holmes submitted a Caveat concerning the McBirney Mansion containing the conditions for the approval of the use variance. The Caveat reads as follows:

CAVEAT

"KNOW YE ALL MEN that on the third day of November, 1977, the Board of Adjustment of the City of Tulsa, Oklahoma, did grant a use variance for the use of the James H. Mc Birney Mansion and grounds (hereinafter "the premises"), more particularly described as:

Lots Two (2) through Nineteen (19) and the South Thirty (30) feet of Lot Twenty (20) of Block Twelve (12) of the resubdivision of Blocks Four (4), Five (5) and Twelve (12) of the Childers Height Addition, and Blocks One (1), Nine (9), Ten (10) and Fourteen (14) of Norvell Park Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof;

as law offices and that during such use, the following development standards shall control said use of said premises:

1. No exterior structural alterations or modifications to the existing residential structure shall be permitted without the approval of the Board of Adjustment;
2. During the use of the residential structure for law offices, no additional structures may be constructed on the property without the approval of the Board of Adjustment;
3. The residence structure shall be used for law office use only. The existing garage apartments may be rented as residences;
4. Two (2) professional office signs not more than three feet in height and not exceeding nine square feet in area may be located at the Galveston and Houston driveway entrances to the property. In addition, one sign not exceeding eight feet in area setting forth information about the history of the Mc Birney residence may be located at the Galveston driveway entrance;
5. Not more than eighteen (18) additional off-street parking spaces may be constructed. The off-street parking areas shall be hard surfaced in accordance with the standards of the Board of Adjustment. Any lighting in the additional parking areas shall be limited to gas lights not exceeding five feet in height;
6. That none of the lots may be sold and separated from the site for as long as the residential structure is used as law offices; and
7. A detailed parking plan be presented to and approved by the Board of Adjustment prior to occupancy."

All as more fully set forth in the recorded Minutes of said hearing before said Board of Adjustment, Case No. 9713.

WITNESSED this 24th day of January, 1978.

Communication No. 9713 (continued)

Mr. Holmes also presented a revised plot plan resulting in a minor change in the policy arrangements considered to be more acceptable to neighboring properties.

Board Action: On MOTION of JOLLY, the Board 3-0 (Jolly, Walden and Purser "aye"; Smith and Guerrero "absent") approved the Caveat submitted to the Board by the occupants of the M. Birney Mansion to be filed at the Tulsa County Court House and approved the revised plot plan.

There being no further business, the Chair declared the meeting adjourned at 3:45 p.m.

Date Approved

February 16, 1978

Walden Purser  
Chairman