

COUNTY BOARD OF ADJUSTMENT

MINUTES of Meeting No. 194

Tuesday, July 16, 1996, 1:30 p.m.

County Commission Room

Room 119

County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Alberty
Eller
Looney, Chairman
Tyndall
Walker

Beach
Huntsinger
Gardner

Dent, Building
Inspection

The notice and agenda of said meeting were posted in the Office of the County Clerk on Friday, July 12, 1996, at 4:06 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Vice Chairman Walker called the meeting to order at 1:32 p.m.

MINUTES:

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** the **Minutes** of June 18, 1996 (No. 193).

UNFINISHED BUSINESS

Mr. Looney In at 1:40 p.m.

Case No. 1425

Action Requested:

Special Exception to amend a previously approved site plan. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 5, located South East 96th Street North and 129th East Avenue.

Presentation:

The applicant, **Reverend A. Knight**, 9310 North 133rd East Avenue, Owasso, submitted an amended site plan (Exhibit A-1) and an Engineering Report (Exhibit A-2). Reverend Knight stated after conferring with Mr. Glenn, the church has proposed two possibilities for the location of the bus facility. He further stated the proposal is to move the bus facility farther west. He commented he concurred with neighbors, Falstaed and Williams, who are directly behind the church property. He further stated Mr. Glenn thought the bus building should be lined up with the present new building area along the back property line and then the second concept was to move the bus building 50' away from the fence instead of the 20' previously proposed. He commented the neighbors prefer that the church move the bus building as far away as possible and he understands their viewpoint. He further commented he went to the Williams' home to look out their back window and he is certain that the 20' setback is not far enough away in their view. He stated this application is only to approve an amended site plan today and the church will have to come back in another 30 days for a waiver of the 20' variance for the north property line, which is the 40' backyard. He further stated the building inspector was concerned there would not be enough room for fire trucks between the present facility and the proposed bus barn. He explained there is room for two fire trucks to set side by side if needed. He further explained the building inspector indicated the church would have to reserve the east side of the building to be able to drive completely around the buildings. He stated the parking lot on the north side of the church building valleys in the center and the off flow from the present building comes down into the middle of the parking area, then flows down between the two buildings proposed on the site plan and would naturally flow into the detention area. He informed the Board the church went to Tulsa Engineering and received a report concerning the impact of the proposal upon the detention area. He stated the engineers indicated there would be no problem with the proposed sites and the present detention facility could handle the runoff. He further stated the bus barn would not have any fuel pumps or fuel storage, it is simply a place to secure the vehicles and store other materials of the church. He commented the church feels like they have made a compromise and would like the amended site plan approved. He stated Mr. Falstaed, who is the property owner directly behind the pump station, is agreeable with the church's proposal. He further stated the church is trying to be amenable as possible and is concerned with Ms. Williams' needs.

Comments and Questions:

Mr. Alberty asked the applicant if there was any discussion between the church and the neighbors regarding screening? Reverend Knight stated Mr. Glenn advised him there could not be any type of screening between the recreation building and the neighbors fences that would block any type of the driveway for the fire trucks. He further stated he would be agreeable to plant some type of greenery, tall shrubbery or something, on the east end of the facility. He explained the neighbors aren't concerned about the looks of the building, but the height of the building. He further explained, according to Mr. Glenn, when the residential development was built, the developers cut the property down 6' to 8' below the natural level and that is the reason the church's property is so much higher than the development. He stated if the County Inspectors Office agreed with the church planting greenery then the church will do so.

Mr. Alberty asked the applicant if he was coming to the Board today with a landscape plan to submit? He stated he did not have a landscape plan because Mr. Glenn told the church he didn't care what the Board wanted cosmetically, he would not let the church plant any trees along the east border.

Mr. Alberty stated with all due respect to Mr. Glenn, he is not making the decision before us.

Mr. Walker asked if there was any consideration of setting the proposed bus barn up even with the front edge of the present building? He answered negatively. He explained there is a gas main and utilities located at the front edge. He stated the church did look at the possibility of locating the proposed building next to the transformer up against the present building, but there is french drains under the property.

Protestants:

Dr. Lenhart, Lot 9, 9320 North 132nd East Avenue, stated he lives directly behind the recreational building that is presently being constructed. He further stated he wanted to reiterate the impact the building has on the neighborhood. He commented the neighborhood is one of the nicer neighborhoods in town and to put any more buildings on the property line or close to the property line would detract from the neighborhood. He submitted photographs (Exhibit A-3) and stated the photographs are from the back of his home facing the church building. He explained that several of his neighbors have the a similar view as shown in the photographs. He further explained the church is taller than his home and is visible from the street in front of his home. He stated the rise from his house up to the back of his property is about 3', then another 3' or 4' up to the church's foundation, and then the building is another 24' tall. He further stated to allow the proposed bus barn on the back property line would greatly impact the neighborhood. He commented the further away from the property lines the better for the neighborhood. He further commented when he looks out of his back window all he can see is the church building. He stated the proposed bus building should setback as far as possible from the property line and it would still be workable for the church.

Mr. Looney asked Dr. Lenhart when he bought his home? He stated he moved in December 15, 1993, and the only building located on the subject property was the main church building, not the recreational building.

Mr. Looney asked Dr. Lenhart if it would be desirable to have landscaping up against the church building to soften the aesthetics? He stated he didn't think there would be enough church land to plant trees or greenery.

Mr. Looney asked Dr. Lenhart what was in the slope? He stated there is a drainage ditch located in the slope.

Debbie Williams, 9408 North 132nd, Lot 7, stated Reverend Knight came to her house and looked out the breakfast area, which has three large windows that face the back of his church. She further stated she explained to Reverend Knight why she did not want the proposed bus barn at the either location he has proposed today. She commented there is a very good incline going up and half of her back yard is the original ground, it was not cut down 6' or 8'. She stated she explained to Reverend Knight the further north that he could move the proposed bus barn the less impact on the neighborhood. She further stated the proposed barn is 16' tall with a pitch roof and if the church places the barn where they propose it will greatly impact her home. She commented she indicated an area to Reverend Knight where the bus barn would be better placed and thought that he would be proposing that site today, but she now understands he wants to put the bus barn closer to her home.

Case No. 1425 (continued)

Mr. Looney asked Ms. Williams if she thought the bus barn would be up against the concrete parking area? She stated she thought the proposed site would be up to the front of the church. She further stated she is disappointed with the amended proposed site and she opposes the request. She commented if the bus barn is allowed in the proposed site her property value will go down and be impacted by this barn. She further commented the proposed bus barn will completely cut off the sky and view. She stated the building will be metal and two story. She further stated she has heard several times that Mr. Glenn, the building inspector, will not allow any trees or shrubs planted along the east side of the building. She commented that even if there were trees planted next to the building, the bus barn would still be unacceptable.

Cathy Williams, 9316 North 132nd, Lot 10, stated she was lead to believe that the proposed bus barn would be located closer to the front of the church. She further stated the idea of another building, free standing, metal, two story and a pitch roof is unacceptable. She commented she is disappointed that she was lead to believe one thing and then at the hearing find out that the proposal is to place the bus barn in the back. She further commented the neighbors were falsely lead to believe that the church and neighbors could work out an agreement. She stated she could accept the proposed bus barn if the church would move it north. She further stated the church is supposed to be 35' from the property line, but the 35' is a definite incline. She explained it is very deceiving how close the building is because the 35' setback is going up. She commented the proposed building will be another tall building that the neighborhood has no desire to look at so close to their property lines.

Julie McCart, 9314 North 133rd, stated she is in support of her neighbors that live behind the church. She further stated the neighborhood was not informed about the new proposed site. She commented the new site is basically the same proposal as last month and it is unacceptable. She further commented the neighborhood would like to keep the aesthetics of their homes and property values up. She suggested the proposed bus barn be moved up north closer to the street. She commented she personally wouldn't want to look out her windows and see a two story metal building. She stated there is no way the church could plant shrubs or trees because it is on the very edge of a hill. She further stated the proposed bus barn should be moved away from the homes in the neighborhood as far as possible.

Applicant's Rebuttal:

Reverend Knight stated the protestants are his neighbors and feels that his integrity is being challenged. He further stated the "lead to believe" statement is because at the last meeting, one of the Board members suggested the barn be moved to the existing parking lot area. He commented that when you are negotiating something you don't automatically jump from one end to the other, rather you move in increments and hope for a compromise in between. He further commented that a compromise is what he hoped to achieve today, something everyone can live with. He stated the incline on the drop off by the building is currently a severe drop, but the church intends to change the slope on the east side of the buildings so that it is moderated and then put a wall of some kind to drop it down another level for the water to be retained so that he can sod the area. He further stated there would be room for shrubs against the buildings. He explained the doors for the bus barn will be located on the west end and the pitch of the roof is a slight 4/12 pitch. He further explained he talked with only the two neighbors directly behind the proposed site because he felt the church was not dealing with the other part of the building but with the proposed bus barn site.

Mr. Walker asked the applicant what size of garage doors did he intend to install on the west end? He stated if the Board approved a 16' building they would install a 14' door.

Mr. Looney asked the applicant if there was any way he could move this proposed site west? He stated the proposed site was moved some and for the church's part he feels like they have the prerogative of using the church's property to the best use possible.

Mr. Looney stated actually the Board approved a master plan of the site and it did not show the bus barn being added. He further stated the master plan did not show as large of a recreational building as is being constructed. He commented the neighbors were not given an opportunity to express their opinions on this change in the plans. He further commented the church does not have "by right" the ability to build the bus barn. He stated the Board is not trying to inhibit the growth of the church, but there needs to be a solution that everyone can agree on.

Case No. 1425 (continued)

In response to Mr. Looney's statement, Reverend Knight stated he would like to keep the neighbors happy. He further stated he lives in the same neighborhood and if the property values go down it will affect him as well. He commented the relationships with the neighbors are very important. He explained that Mr. Falstaed allowed him to speak for him today and Mr. Falstaed is in agreement with what ever the church wants to do. He stated Mr. Falstaed did not care if the church located the bus barn back on the property line with the rest of the church. He explained the church does not want to tear up an existing parking area if possible. He stated if there is room for the fire lane then he would be willing to move the bus barn right up against the existing parking lot if that would be agreeable. He further stated Ms. Williams wants the church to locate the bus barn on the parking lot and behind the present facility in some way so that she does not see it at all. He explained he looked at that possibility and with the drainage problems he would have water in the bus barn.

Mr. Looney stated the Board can not tell the church what to do, but they can approve or disapprove the application. He further stated he did not think the church has done enough and the church needs to find a solution quickly.

In response to Mr. Looney's statement, Reverend Knight questioned if he put the bus barn on the right, up against the existing parking, the barn would be 90' away from the property line, would the Board approve the site plan?

Mr. Alberty stated he is annoyed by what is taking place today. He further stated he was ready to deny the application at the last meeting or to give the church 30 days to work something out. He explained that nothing has been worked out, so he feels that the Board is not setting here to try to negotiate today as far as where to put the bus barn or how to do it. He stated he is not directing this toward Reverend Knight, but the plan was not built the way it was approved by the Board and today the church is asking the Board to further amend the site plan by adding a bus barn. He further stated his vote is going to be for denial.

In response to Mr. Alberty, Reverend Knight stated his concern is that he would like to propose something and felt like he did what he was asked to do. He further stated the mistake began when the church apparently did not go to the County Inspector's office before building and if the church had done this then the building would have been done in a proper manner. He commented that all he did today was to simply present to the Board what was suggested the church do and he felt it was a compromise. He further commented there is one neighbor who strongly opposes the location of the bus barn and she is unhappy that the church did not go far enough west to please her. He stated if the Board is asking the church to come up with something that will please Ms. Williams, then maybe that is where the church is heading before there can be a conclusion on this site plan.

Case No. 1425 (continued)

Mr. Walker stated he is the one who suggested the church move the bus barn up on the existing parking at the last meeting. He further stated his vote will have to be no if it were to hang over the parking 1' to the rear of the existing structure. He further stated it is inappropriate and based upon what has been asked for today, his vote will have to be deny.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; "absent") to **DENY** a **Special Exception** to amend a previously approved site plan. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 5; finding the use to be injurious to the neighborhood; and finding that the approval of the special exception would violate the spirit and intent of the Code and would not be in harmony with the Comprehensive Plan; on the following described property:

Lot 1, Block 1, Owasso Assembly of God, Tulsa County, Oklahoma.

Case No. 1429

Action Requested:

Special Exception to permit a 100' telecommunications tower in an AG zoned district. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 4, located 7103 North Cincinnati Avenue.

Presentation:

The applicant, **Wanda L. Anderson/Sprint Spectrum, L.P.**, 10830 E. 45th Street, Suite 302, requested this case to be withdrawn.

Comments and Questions:

Mr. Beach informed the Board that Case No. 1429 has been withdrawn and that a protestant requested an opportunity to comment on this case. Mr. Beach stated he informed the protestant that the case had been withdrawn and there is nothing before the Board to discuss. Mr. Beach asked the Board if this was the correct interpretation? The Board informed Mr. Beach, that he is correct, since the application has been withdrawn there is nothing to comment on.

Case No. 1430

Action Requested:

Special Exception to permit mining for dirt and sand in an AG zoned district. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 24, located North West corner of 151st Street South and Garnett Road.

Presentation:

The applicant, **Frank D. Watkins**, 6240 East 165th Street South, Bixby, 624 East 165th South, Bixby, submitted a site plan (Exhibit B-1) as requested at the June 18th Board meeting.

Comments and Questions:

Mr. Looney asked the applicant what the dimension of the dotted line would be along the east boundary? He responded the dotted line is the 85' setback from the centerline of Garnett.

Protestants:

None.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; "absent") to **APPROVE** the site plan for a **Special Exception** to permit mining for dirt and sand in an AG zoned district. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 24, per plan submitted as approved by the county inspector; finding that the approval of this request will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

SE/4, SE/4, Lot 5 or SW/4, SE/4 of Sec. 18, T-17-N, R-14-E of I.B.M.,
Tulsa County, State of Oklahoma.

Case No. 1431

Action Requested:

Special Exception to permit a 100' telecommunications tower in an AG zoned district. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 4, located 6606 North Mingo Valley Expressway.

Presentation:

The applicant, **Wanda L. Anderson/Sprint Spectrum, L.P.**, 10830 E. 45th Street, Suite 302, submitted a site plan (Exhibit C-1), plot plan (Exhibit C-2) and stated after reviewing the application it has come to her attention that the application should have been for a 150' telecommunications tower. She further stated the location is in an IM zoned district where the tower would be allowed by right, however because of the 60' height limitation it is before the Board. She explained the tower is a monopole, much like a street lamp only bigger around, and it is behind a RV Sales area. She stated the tower is also behind Mr. Mizer's home. She further stated the tower is not visible to anyone except Mr. Mizer. She indicated there will be a BTS cabinet installed at the base of the tower.

Comments and Questions:

Mr. Walker asked the applicant if the property is in an IM zoned district or an AG zoned district? Ms. Anderson stated it is an AG zoned district.

Mr. Looney asked the Staff about the application being miss-advertised 50' and if the application could be heard today? Mr. Gardner stated that the advertising should be sufficient to give the general public an idea of what is being proposed. He further stated whether someone would be concerned with a 150' monopole tower as opposed to the 100' monopole tower, which was advertised, is a judgment call for the Board. He explained the area where the tower is proposed is mostly flood plain and there will not be a lot of development in the area.

Mr. Alberty stated the only concern would be legally of the notice and whether the Board has jurisdiction to consider 150' monopole tower if it was advertised specifically for 100'. He further stated he is well familiar with the area of the proposed site and it is an appropriate location. He commented he personally supports approval of the application, but the applicant will have to decide whether she needs to re-advertise. He further commented he could approve a 150' monopole tower on the subject lot.

Mr. Looney asked the applicant if she can foresee any legal problems with the notice? She stated she didn't foresee a problem in this instance since there are light poles in the area as high as the proposed tower and if anyone was going to object to the tower they would be present today.

Protestants:

None.

Case No. 1431 (continued)

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; "absent") to **APPROVE** a **Special Exception** to permit a 150' telecommunications tower in an AG zoned district. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 4, per plan submitted; finding that the approval of this application will not be injurious to the area, nor harmful to the spirit and intent of the Code, on the following described property:

Commencing SE/c SE/4; Thence N1°31'21"W for 1045.75'; thence S88°28'39"W for 529.18' to POB; thence N89°54'41"W for 50.00'; Thence N0°05'19"E for 50.00'; thence S89°54'41"E for 50.00'; Thence S0°05'19"W for 50.00', POB; and a 20' wide access easement commencing at the SE/c, SE/4; thence N1°31'21"W, along the E. line of SE/4 for 528.47'; thence S88°28'39"W for 159.96' to POB; thence S88°28'39"W for 423.40'; thence N12°52'19"W for 110.88'; thence N41°07'28"W for 118.41'; thence N41°33'32"E for 125.35'; thence N22°56'36"E for 88.46'; thence N0°08'40"E for 146.00' to a point on the S. line of the 50.0' by the 50.0' site, 25.00' N89°49'39"W of the SE/c, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 1435

Action Requested:

Special Exception to permit a manufactured home in a RS zoned district. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** and a Variance to allow two dwelling units on one lot of record. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD**; Use Unit 9, located at 10715 W. 54th St.

Presentation:

The applicant, **Amelia Griffin**, 1107 W. Ave., Sand Springs, submitted a plot plan (Exhibit D-1) and an application for a building permit (Exhibit D-2). She stated the trailer is already in existence and is a home for her daughter. She further stated the trailer and existing home are located on 5 1/2 acres. She explained there is enough acreage for the two dwellings.

Comments and Questions:

Mr. Looney asked the applicant if the house and trailer were on septic systems? She answered affirmatively. She explained her daughter lives in the trailer home and her son lives in the existing house.

Case No. 1435 (continued)

Mr. Alberty asked the applicant if she owns the property? She answered affirmatively.

Mr. Alberty asked the applicant if she is allowing her son and daughter to live on this property, but would like to keep the ownership under her name? She answered affirmatively.

Mr. Walker stated he is familiar with the area, which has a substantial number of mobile homes and multiple units on one lot of record. He further stated it is an appropriate use.

Protestants:

None.

Board Action:

On **MOTION** of **WALKER**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; "absent") to **APPROVE** a **Special Exception** to permit a manufactured home in a RS zoned district. **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** and a **Variance** to allow two dwelling units on one lot of record. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD**; Use Unit 9; per plan submitted; subject to Health Department approval and a building permit; finding that the tract is large enough to support two dwelling units, but the owner would like to retain a single ownership; and finding that approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Lot 14, Block 4, Buford Colony II, Tulsa County, Oklahoma.

Case No. 1436

Action Requested:

Variance to permit two dwelling units on one lot of record for two years during construction of a new dwelling. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9, located at 10920 N. 113 E. Ave

Presentation:

The applicant, **Robert Dodd**, 10920 North 113 East Avenue, Owasso, submitted a plot plan (Exhibit E-1) and an application for a building permit (Exhibit E-2). Mr. Dodd stated he would like to build a home on the subject lot, which presently has a trailer already in existence. He explained he will live in the trailer until he can take occupancy of the new home, but he would like to sell the trailer from the position it is in.

Case No. 1436 (continued)

Comments and Questions:

Mr. Looney asked the applicant if the time period will be two years? He stated he would like to go for two years in case it takes a little longer to sale the mobile home than he anticipated.

Mr. Looney asked the applicant if he had 9.75 acres? He answered affirmatively.

Protestants:

None.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; "absent") to **APPROVE** a **Variance** to permit two dwelling units on one lot of record for two years during construction of a new dwelling. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9; per plan submitted; subject to Health Department approval and a building permit; finding that the lot of record is large enough to support two dwelling units; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

NE, NE, SE less .25 acres for road, Sec. 7, T-21-N, R-14-E, Tulsa County, Oklahoma.

Case No. 1437

Action Requested:

Variance to permit two dwelling units on one lot of record. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** Use Unit 9, located at 11522 S. 26th W. Avenue.

Presentation:

The applicant, **Dwain Smith, Jr.**, 813 North 10th, Sapulpa, submitted a plot plan (Exhibit F-1) and an application for a building permit (Exhibit F-2). Mr. Smith stated he would like to install a 16' x 80' mobile home on his great-grandmother's 8.11 acres, which is the subject lot. He further stated he would like to move on his great-grandmother's land to take care of her and take care of her land.

Comments and Questions:

Mr. Looney asked the applicant if he and his family will be living in the mobile home? He answered affirmatively.

Case No. 1437 (continued)

Mr. Looney asked the applicant how far the house is setting back from the street? He indicated approximately 20 yards from the street. He explained the mobile home will be approximately 20 yards behind his great-grandmother's home.

Mr. Alberty stated this is another situation where there is a rural area with 8 acres and density is not in question, but the owner would like to keep the land under one ownership.

Protestants:

None.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; "absent") to **APPROVE** a **Variance** to permit two dwelling units on one lot of record. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** Use Unit 9; per plan submitted; subject to the Health Departments approval and a building permit; finding that the lot is large enough to support two dwelling units; finding the owner would like to keep the lot of record under one ownership; finding that the approval of this application will not injurious to the area, nor harmful to the spirit or intent of the Code, on the following described property:

PT, SE, NW, BEG., SW/c, SE, NW; thence N840.4', E 668', S 208.7', Sec. 34, T-18-N, R-12-E, Tulsa County, Oklahoma.

Case No. 1438

Action Requested:

Special Exception to permit a 185' telecommunications tower in an AG zoned District. **SECTION 220.C. HEIGHT EXCEPTIONS** - Use Unit 4, located at 136th St. N., E. of Yale Ave.

Presentation:

The applicant, **Wanda L. Anderson/Sprint Spectrum, L.P.**, 10830 E. 45th Street, Suite 302, submitted a site plan (Exhibit G-1) and a plot plan (Exhibit G-2). Ms. Anderson stated this application was denied last month due to the location being too close to a residential home. She further stated the tower has been moved back to the west approximately 1200', which is closer to the road and behind some oil storage tanks. She indicated there would be a BTS cabinet and fenced.

Case No. 1438 (continued)

Protestants:

None.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; "absent") to **APPROVE** a **Special Exception** to permit a 185' telecommunications tower in an AG zoned District. **SECTION 220.C. HEIGHT EXCEPTIONS** - Use Unit 4; per plan submitted, finding that the approval of this application will not be injurious to the area, nor harmful to the spirit and intent of the Code, on the following described property:

E/2, SW/4, Sec. 27, T-22-N, R-13-E, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 2:35 p.m.

Date approved: _____

8/20/96



Chair