

**COUNTY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 215  
Tuesday, April 21, 1998, 1:30 p.m.  
County Commission Room  
Room 119  
County Administration Building

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Alberty, Chair Eller Tyndall Walker	Looney	Beach Arnold Stump	Dent, Zoning Officer Glenn, County Inspector

The notice and agenda of said meeting were posted in the Office of the County Clerk on Thursday, April 16, 1998, at 1:37 p.m., as well as in the Reception Area of the INCOG offices. An Addendum to the agenda was posted in the Office of the County Clerk and Reception Area of the INCOG offices on Friday, April 17, 1998 at 10:16 a.m.

After declaring a quorum present, Chair Alberty called the meeting to order at 1:31 p.m.

**MINUTES:**

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE** the minutes of March 17, 1998, (No. 214).

**UNFINISHED BUSINESS**

**Case No. 1550**

**Action Requested:**

Special Exception to allow church and accessory uses (Christian School and daycare center). **SECTION 310. PRINCIPAL USES PERMITTED IN AGRICULTURE DISTRICTS – Use Unit 5** located 13413 E. 106<sup>th</sup> St. N.

**Board Action:**

On **MOTION** of **WALKER**, Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Looney "absent") to **CONTINUE** Case No. 1550 to the meeting of June 16, 1998 and require the applicant to readvertise.

**Case No. 1560**

**Action Requested:**

Special exception to permit Use Unit 4 Fire Station. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 4** and a Variance of required 25' setback from abutting residential properties. **SECTION 440.G.4. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS – Use Unit 4** and a Variance to permit gravel parking. **SECTION 1340.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS – Use Unit 4**, located SE/c W. 60<sup>th</sup> St. & S. 58<sup>th</sup> W. Ave.

**Comments and Questions:**

Mr. Alberty mentioned that this case was heard at the March 17, 1998 hearing and was continued to this meeting.

Mr. Alberty asked the applicant if he had any additional comments to make today.

**Presentation:**

The applicant, **Lawrence Houser**, submitted a site plan (Exhibit A-1) and stated that they still want the variance and that he was trying to get some building plans done before this meeting but they have been held up. They are hoping to have them ready next week to submit to the County. Mr. Houser mentioned that 60<sup>th</sup> St. was laid out years ago as a main street, which was a business district street, now Southwest Blvd. has taken its place.

**Comments and Questions:**

Mr. Alberty asked the applicant if there are any other nonresidential uses on 60<sup>th</sup> St. The applicant answered yes; there is a salvage yard.

Mr. Alberty discussed the appropriateness of a fire station in a residential neighborhood. Mr. Alberty questioned the applicant about the variance for the setback and asked Staff what the required setback would be. Mr. Beach replied that the requirement is 25'. Mr. Houser stated that they are asking for the variance on one side of the property.

Mr. Alberty asked the applicant to explain the variance for all weather surface parking. Mr. Houser replied that they are only asking for that on a temporary basis until they can get more funds to pave the parking. The applicant stated that the area to be gravel would only be the area for the firemen to park their cars. The drive for the trucks will be paved. Mr. Alberty asked the applicant what a time limit on the relief might be. The applicant replied two years.

Mr. Walker mentioned that the area is definitely a mixed use and can support a fire station and he could support this application.

Case No. 1560 (continued)

**Board Action:**

On **MOTION** of **WALKER**, Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE** Special exception to permit Use Unit 4 Fire Station. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 4** and a Variance of required 25' setback from abutting residential properties to 5'. **SECTION 440.G.4. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS – Use Unit 4** and a Variance to permit gravel parking, subject to a 2 year time limit **SECTION 1340.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS – Use Unit 4**, subject to installation of a 6' stockade screening fence on the East side of the property, finding that constraints on the size of the property was a hardship and on the following described property:

Lot 7-9, Block 15, to Revised Plat east Addition to Town of New Taneha, Tulsa County, Oklahoma.

**NEW APPLICATIONS**

**Case No. 1561**

**Action Requested:**

Variance from 750 SF to 1,180 SF to permit a detached accessory building in an RS district. **SECTION 240.2.E. YARDS, Permitted Yard Obstructions – Use Unit 6** located 4752 W. 41<sup>st</sup> St.

**Presentation:**

The applicant, **Gary Harper**, submitted a site plan (Exhibit B-1) and stated that the lot is very narrow and he feels that a detached building would be the easiest. Mr. Harper and his wife both have hobbies that they would be doing in the building and they have a few cars to store in the building. The reason for the detachment was because of the lot width and easier access.

**Comments and Questions:**

Mr. Alberty asked if anyone has done a computation of the four buildings that are planned to be removed. The applicant replied that he has not, they are just portable buildings, one is a shed and one is the original garage that is original to the house and is in bad shape and needs to be removed.

Mr. Alberty asked the applicant if he planned to run a garage out of the building and the applicant replied no, it is strictly for their hobby and enjoyment.

Case No. 1561 (continued)

Mr. Beach asked the applicant if there will be a driveway constructed back to the building. Mr. Harper replied yes. The existing driveway runs right up to the original garage and he wants to extend it up to the new building. Mr. Beach asked if it would be paved and the applicant answered yes.

**Board Action:**

On **MOTION** of **WALKER**, Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE** Variance from 750 SF to 1,180 SF to permit a detached accessory building in an RS district. **SECTION 240.2.E. YARDS, Permitted Yard Obstructions – Use Unit 6** subject to there being no commercial activities on the property finding that the hardship is the property being a narrow lot on the following described property:

A part of Lot 1, of Yargee Acres Addition, an Addition in Tulsa County, State of Oklahoma, according to the recorded plat thereof, more particularly described as follows, to-wit: Beginning 76.42' E of the NW/c of said Lot 1; thence S 254.68'; thence E 76.42'; thence N 254.68'; thence W 76.42' to the point of beginning

**Comments and Questions:**

Mr. Alberty mentioned that he was inclined to look at this application favorably because of the fact that there are four structures on the property and if you total up the square footage, they would probably exceed 750, so it would already be in existence.

**Case No. 1562**

**Action Requested:**

Special Exception to allow a home occupation (beauty shop) in an RS District. **SECTION 440. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS – Use Unit 13** located 7509 N. Owasso Pl.

**Presentation:**

The applicant, **Connie J. Hendricks**, 7509 N. Owasso Pl., submitted a site plan (Exhibit C-2) and stated that she is a hair dresser and wants to move her business to her home.

**Comments and Questions:**

Mr. Alberty asked the applicant how this will be accommodated by the home, will they dedicate a room or certain area within the home. The applicant replied yes, they are building an area now. They are building an attached garage and part of it will be a beauty shop.

Case No. 1562 (continued)

Mr. Alberty asked the applicant where she currently does hair and the applicant replied 7102 N. Peoria.

Mr. Alberty asked Ms. Hendricks if she was the only one that was going to operate and Ms. Hendricks replied yes. Mr. Alberty asked if she planned to schedule regular business hours and she answered yes. Ms. Hendricks stated that the reason she wanted to move it into her home is because she won't have to work as long.

Mr. Alberty asked how parking will be accommodated. The applicant replied that the driveway stretches from the front of the property to the back and she has 150' and there would be adequate space for several cars.

Mr. Walker asked the applicant again if half of the garage will be used for beauty shop. The applicant stated that she is adding a 15'x35' garage. 18' used for garage and the rest for the beauty shop. Mr. Walker asked how many chairs and sinks will be used and the applicant replied one of each.

**Interested Parties:**

**Michael Anthony Bruno** stated that he owns property that abuts this house on the north. Mr. Bruno mentioned that he and his wife bought the property in 1991 because it was a nice, quiet residential area, it was a HUD home that needed some improvement and an oversized lot that he could build a six car garage onto the back. The main reason he bought the property was the price was right, it was a possibility for them to have a nice home in a nice neighborhood. Mr. Bruno stated that his main complaint was that there was less than 30' from the beauty shop to his bedroom and living room windows. Mr. Bruno submitted photos and a copy of the survey (Exhibits C-1) for the Board showing the dimensions and placement of her building and stated that he is adamantly against it.

Mr. Alberty asked the interested party if he was adamantly against where she is wanting to locate the addition. Mr. Bruno answered no. He is adamantly against any business in the neighborhood. He built a garage and was informed that he could not work there and he would like to see his residential neighborhood remain that way. Mr. Bruno believes that there will be too much vehicular traffic.

**Harvey Chief** stated that he has lived in the area since it was built in 1951 and he lives two houses north of the Hendricks. Mr. Chief stated that the fence line comes up to the edge of the road. Mr. Chief stated that the parking that Ms. Hendricks has in her yard is occupied by a bass boat, a pontoon boat and a motor home. Mr. Chief is opposed to allowing a business in the area and wants it to remain residential.

**Helen L. Prater**, 7518 N. Owasso, stated that she lives across the street from the Hendricks. Ms. Prater stated that when she was sick in 1989, she was denied to put in a beauty shop in that area and that is her objection.

**Applicant's Rebuttal:**

**Jack Lemons**, applicant's husband, stated that Mr. Bruno had traffic coming out of his house day and night. Mr. Lemons stated that most of his wife's customers are older people that only drive 10 mph. Ms. Hendricks stated that Mr. Bruno had done work out of his garage on her vehicle and that Ms. Prater has done hair out of her house. Ms. Hendricks mentioned that she is not going to have that much traffic coming in and out.

**Comments and Questions:**

Mr. Alberty stated that typically the home occupation is granted on the basis that it is low key, low scale and no one could tell anyone was there. Mr. Alberty asked the applicant if she was going to do any exterior remodeling such as signage that would indicate that there is a business taking place. Ms. Hendricks replied that she was told by the Board that she could not have a sign, but the rules and regulations of beauty operators stated that if she did not have a sign she would be in violation of the rules. Mr. Alberty mentioned that he realized that the State licensing requirements might include a sign but that normally means a window sign. The applicant stated that a window sign would be fine with her.

Mr. Alberty stated that he certainly understands the neighbors' concerns about a business in the area, however the intended purpose of the home occupation is for someone not to notice that there is a business there. Mr. Alberty said that he is impressed by the number of accessory buildings in the neighborhood, other than what are the principal use.

Mr. Walker mentioned that having a beauty shop there would not have much of an impact in the neighborhood, especially with a six car garage next door. Mr. Walker stated that he hated making a motion supporting anything that the rest of the neighborhood is upset about, he thinks the fact that too many vehicles may make it look junky has more to do with the objections than with the actual beauty shop.

Mr. Glenn mentioned that off-street parking was not allowed.

Mr. Beach made the comment that the Board could limit the days and hours of operation and spacing of customers so that there is never more than one customer at a time.

Mr. Alberty stated that he is concerned that the neighborhood does not receive this. It appears that from the photos shown there is certainly the possibility that there are uses other than residential uses going on in the area.

Case No. 1562 (continued)

**Board Action:**

On **MOTION** of **WALKER**, Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE** Special Exception to allow a home occupation (beauty shop) in an RS District. **SECTION 440. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS – Use Unit 13** subject to the restriction of the office hours being 9-5, Monday through Saturday, no business on nights or Sundays and at least 15 minute scheduled separation time between appointments and that Home Occupation standards apply and that there must be at least three off-street parking spaces, and no exterior sign allowed other than what is required by the State Health Department on the following described property:

Lot 9, Block 1, Delaware Gardens, Tulsa County, Oklahoma.

**Case No. 1563**

**Action Requested:**

Variance of the allowable square footage for accessory buildings from 750 SF to 3,200 SF. **SECTION 240.2.E. YARDS, Permitted Yard Obstructions – Use Unit 6** and a variance to allow two dwelling units on one lot of record in an RS District. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD.**

**Presentation:**

The applicant, **Randy L. Brown**, 4654 S. 65<sup>th</sup> W. Ave., submitted photos and a site plan (Exhibits D-1 and D-2) stated that his wife has bought him a barn and he wants to put it on his property.

**Comments and Questions:**

Mr. Alberty asked the applicant if he had 5 acres of land with a dwelling unit on it. The applicant answered yes, there are two buildings on it. Mr. Brown stated that he has already torn down three buildings.

Mr. Alberty asked what the barn will house and the applicant replied that he wanted to use it to store his tools, work on his cars and tractor. Mr. Alberty asked Mr. Brown if he was involved in farming and he answered no.

Mr. Alberty asked the applicant if it is an enclosed barn. The applicant replied that it is open in the front and enclosed in the back.

Mr. Alberty asked if there were other similar accessory buildings in the area and the applicant replied yes. The applicant stated that there is a bar on one end of the street and a race track on the other.

Case No. 1563 (continued)

Mr. Glenn asked the applicant about the other buildings on the property. The applicant stated that the house has been there for 35-40 years and there were three barns on the property and he tore two of them down.

Mr. Walker asked what the size of the barn is and the applicant replied 40'x75'.

Mr. Beach asked the applicant how many other buildings are on the property besides the house. Mr. Brown answered that there is one in the back used for the Berryhill Little Chiefs storage facility for football equipment. Mr. Alberty asked how large that building is and Mr. Brown replied 16'x20'.

Mr. Alberty asked the applicant how many buildings total will he end up with. The applicant answered two dwelling units, storage for football equipment and proposed pole barn. Mr. Brown stated that there is one very small barn-type building that he puts his charcoal grill under it.

Mr. Walker stated that even though this is zoned residential it is certainly agriculture in character and he could support this application. Mr. Walker feels that the land is big enough to support it.

**Interested Parties:**

**Dean Byall**, stated that he had no objection to Mr. Brown placing a barn on his property.

**Board Action:**

On **MOTION** of **WALKER**, Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Variance of the allowable square footage for accessory buildings from 750 SF to 3,200 SF finding that the hardship is that if the land is subdivided, he would be able to have several 750 SF outbuildings. **SECTION 240.2.E. YARDS, Permitted Yard Obstructions – Use Unit 6** and a variance to allow two dwelling units on one lot of record in an RS District finding that the size of the tract is such that it could be subdivided and two dwelling units placed on it. **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** subject to the outbuildings mentioned being torn down on the following described property:

N/2, NE NE SE 30-19-12

**Case No. 1564**

**Action Requested:**

Variance of the requirement for 30' of street frontage to 0' for lot split purposes in an AG District. **SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6** located 23305 W. Coyote Trail.



**Presentation:**

The applicant, **Annette Shaeffer**, 23305 W. Coyote Trail, submitted a site plan and photos (Exhibits E-1 and E-2) stated that she wants to do a lot split. Ms. Shaeffer mentioned that the property consists of 10 acres and one dwelling unit on it. They want a lot split so they can build a new home on 5 acres and sell the old house with the other 5 acres. The applicant mentioned that the property isn't on any County road, it has a road that was established about 70 years ago by her family.

**Comments and Questions:**

Mr. Alberty asked the applicant about the road being in place for over 70 years, Mr. Alberty asked if there have ever been any easements of record. The applicant answered no, she has already checked for that. Ms. Shaeffer submitted photos (Exhibit ) of the road that her husband maintains. The applicant stated that they have talked with the neighbors and they have no objection with the lot split.

Mr. Alberty asked how many other residences use this road. The applicant answered three.

Mr. Alberty mentioned as a comment to the applicant, that it might be helpful for them to get an easement for the roadway. The applicant stated that they also talked to the neighbors about an easement for the road and they had no problem with it.

Mr. Alberty stated that the hardship is that the road has been established for a number of years.

Mr. Walker stated that he would want to make his approval contingent upon the applicant getting an easement and Mr. Alberty agreed.

**Board Action:**

On **MOTION** of **WALKER**, Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE** Variance of the requirement for 30' of street frontage to 0' for lot split purposes in an AG District. **SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6** for the stated hardship subject to the filing of a road use easement on the existing road for a minimum of 30' and subject to no further subdivision without platting or dedication of a public street and with private maintenance on the following described property:

A parcel of land situated in the E/2 of Sec. 28, T-19-N, R-10-E, more particularly described as beginning at a point which is 660' S and 905' E of the center of Sec. 28; thence E a distance of 205' to a point; thence N a distance of 210' to a point; thence E a distance of 210' to a point on the E line of the N/2 NW/4 SE/4 of Section 28, thence N a distance of 945' to a point; thence W a distance of 415' to a point thence S a distance of 1155' to the point of beginning, containing 10 acres, more or less.

## Case No. 1565

### Action Requested:

Special Exception to allow a church and church uses (Use Unit 5) in a RS zoned district. **SECTION 410. TABLE 1 PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5** and a Special Exception to permit a carport on lot other than where principle use is located. **SECTION 420.2.H. YARDS, Permitted Yard Obstruction** located 13026 W. Southard.

### Comments and Questions:

Mr. Beach stated that the Sand Springs Board of Adjustment (Submitted letters from Sand Springs – Exhibit G-2) heard this case on April 14, 1998 and they are offering a recommendation of approval.

### Presentation:

The applicant, **Charles P. Craig**, 13026 W. Southard, submitted a site plan (Exhibit F-1) and stated that he is pastor of First Pentecostal Holliness of Sand Springs, the church address is 1601 Wekiwa Road. Mr. Craig mentioned that this property is located behind the church and the church has bought the property and removed the house that was located on it and the one next door to it. The two lots are now tied together as a large parking lot. Mr. Craig stated that they are asking to build a free standing carport to park a church bus and a church van under. On the west edge of the lot there is a 12'x24' building and east of that is where they would like to build the 24'x30' freestanding carport.

### Comments and Questions:

Mr. Alberty stated that they have the plans that were provided to them. Mr. Alberty asked the applicant if the carport is located on the plans. The applicant answered no, what is shown is the existing 12'x24' portable building.

Mr. Alberty asked if the church and parking were already existing and the applicant relied yes. Mr. Craig stated that everything was paved and marked except next door to the actual church building, the parsonage was moved and what parking was there is gravel and waiting for the water to dry in order to pave that particular area. Mr. Craig stated that when that is finished he should have 173 marked parking spaces.

Mr. Glenn stated that there are probably problems with drainage for other neighbors. Mr. Glenn also stated that there were no permits issued on the entire parking.

Mr. Alberty suggested that the applicant get a site plan. Mr. Alberty asked the applicant if it would be feasible to get a site plan and show it Mr. Glenn. Mr. Alberty suggested that the Board continue the hearing to the meeting of May 19, 1998 in order for the applicant to review his plans with the County Inspector and return to the Board with a site plan.

Case No. 1565 (continued)

Mr. Craig stated that when the church bought the property there was a severe flooding problem and they have now redirected the water by water troughs.

**Board Action:**

On **MOTION** of **WALKER**, Board voted 4-0-0 (Alberly, Eller, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Looney "absent") to **CONTINUE** Case No. 1565 until the next Board of Adjustment meeting scheduled for May 19, 1998.

**Case No. 1566**

**Action Requested:**

Special exception to allow Use Unit 26 (cooking grease purification) in an IL district. **SECTION 910. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 26** located 5738 S. 116<sup>th</sup> W. Ave.

**Presentation:**

The applicant, **Tim Goodpasture**, submitted photos (Exhibit G-1) and stated that he is the owner of the subject property. Mr. Goodpasture mentioned that he is president and owner of Advanced Microbial Services and the company applied for a permit for a building on this property and the use of the property to biodegrade restaurant grease. Mr. Goodpasture stated that the closest thing you could compare this to is a grease trap like restaurants have. The business service is to inject microorganisms over a month long time to keep the grease in their drain lines and in their traps down to a minimum so it extends their time between having to pump the grease traps. They also ran a 7 month study for the City of Tulsa using this same product in their wet wells and were able to eliminate or change the consistency of their grease to that it could be pumped through their systems. Mr. Goodpasture handed packets to the Board (Exhibit G-3) explaining the company and what they do. They meet all Federal and OSHA guidelines. The product can decrease landfill space. Mr. Goodpasture stated that under the list of acceptable uses for Use Unit 26, there are 10 other accepted uses that either involve microbial processes or similar manufacturing process. They have spent approximately \$60,000 on land, equipment and research for this project. Mr. Goodpasture stated that when he was before the Sand Springs Board their neighbors had a concern with the odor, which when he started construction of the tanks, he did not know that he would have to apply for the exception so he did not seal them. He has now gone back and sealed them and finished plumbing them in and there is presently no odor at all emitting from the tanks. Mr. Goodpasture mentioned that according to the County regulations, they will construct a dyke of an impermeable material around the pumps. The pumps are capable of transferring the material between tanks in less than 20 minutes. All the openings have safety valves and they will install locking devices on the hatches. The ODEQ classifies grease trap waste as an unregulated non-hazardous material. The Department of Health classifies this as an above ground grease trap, no regulations.

**Comments and Questions:**

Mr. Alberty asked the applicant to describe the process. Mr. Goodpasture replied that some of the clients prefer to have this process done at the restaurant every month. They inject the microbes into their drain system to keep the grease down, the microbes actually eat the grease. Some of their clients prefer to have their grease hauled off. It is for those clients that they bring the grease to their tank. The grease goes into the top and the water and solids settle out. They inject microorganisms into the tanks and the pumps circulate the tank every 15 minutes out of an hour. In that process, the microbes break the grease down to CO<sub>2</sub> and H<sub>2</sub>O, reducing the volume of grease to 70%-75%. The water is equalized over to the second tank and taken back to the grease trap.

Mr. Alberty asked the applicant how is his discharge handled. The applicant answered that the clean water is returned to the restaurant grease trap and the solids (which is the only thing left) are taken to the landfill and placed there. On an average grease trap you have 1,000 gallons and instead of taking that to a landfill they will end up taking about 25% of that.

Mr. Alberty clarified the request by stating that the business is currently in an IL district. If this was classified as a Use Unit 25, it would be a use by right but it is a Use Unit 26 so he is asking the exception to allow the business in an IL district. Mr. Goodpasture replied yes, and he stated that the neighbors to the south of the property are Use Unit 26.

Mr. Walker asked the applicant if there was an odor. Mr. Goodpasture answered yes there is an odor off of the process when you leave the tanks open, but when you close the tanks there is no odor. The only time the tank is open is when you are unloading into or out of the tanks which takes about 10 minutes.

Mr. Beach stated that the tanks were built in violation of the setback requirement of 75' from an abutting AG district to the west. If the Board is inclined to approve the use, the applicant may need to come back for additional relief.

Mr. Alberty asked the applicant if the tanks were permanently set and the applicant replied no, he could move them to comply with the setback requirement.

**Interested Parties:**

**Terry Hardt**, stated that she is a certified Environmental Inspector and that she has done a site visit on the property and looked at use, looked for potential environmental concerns and found none. The only odors that were present on the site were from the cattle next door.

**Scott Sheltnng**, stated that he is the microbiologist involved in the project. He has visited the site and found no other odors other than the cattle.

Case No. 1566 (continued)

**Valerie Williams**, stated that she owns the business to the north which is a sandblasting business. Ms. Williams stated that the applicant came in and set tanks and started to operate and they started to notice the odor. Ms. Williams mentioned that she has talked with Mr. Goodpasture several times and he expressed that he was short of funds.. When Ms. Williams started noticing the odors they became worried about how this was going to be regulated. Ms. Williams brought a sample of the grease pit for the Board to smell. Ms. Williams is not objecting to the business but to the odor it will create.

**Applicant's Rebuttal:**

Mr. Alberty asked the applicant if he had any plans for expansion. The applicant replied that he did not have any plans for new tanks at this time but did not want to limit himself.

Mr. Goodpasture stated that most of the unloading and loading will be done at night. The smell coming from the opening of the tanks will not be apparent by anyone since it will be done at night.

**Comments and Questions:**

Mr. Stump asked the applicant if the process is anaerobic or aerobic. The applicant answered aerobic. Mr. Stump stated that aerobic causes little or no smell.

Mr. Stump suggested to the Board that they require the applicant to move the tanks to the 75' setback line and allow only 4 tanks and if he needs more tanks in the future he will need to come back before the Board.

Mr. Alberty mentioned that the odor problem seems to be under control and can be reported to the County or ODEQ.

**Board Action:**

On **MOTION** of **WALKER**, Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE** Special exception to allow Use Unit 26 (cooking grease purification) in an IL district, subject to the applicant moving the tanks to the 75' setback line and a limit of 4 process tanks of similar size **SECTION 910. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 26** on the following described property:

N/2 Lot 6, Block 1, Prattville Industrial Park

## **Case No. 1553**

### **Action Requested:**

Request for Refund

### **Board Action:**

On **MOTION** of **WALKER**, Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE** request for refund for Case No. 1553 in the amount of \$154.00.

## **OTHER BUSINESS**

### **Action Requested:**

Request from County Inspector for interpretation of zoning classification of proposed use by Syntroleum Corporation proposed within IR, IL and IM districts, located between W. 41<sup>st</sup> St. S. and S. 49<sup>th</sup> W. Ave.

### **Presentation:**

The Applicant, **Roy D. Johnsen**, submitted photos and a packet explaining the process (Exhibits H-1 and H-2) and stated that he is the attorney representing Syntroleum Corporation. Mr. Johnsen stated that Syntroelum Corp. is under contract to purchase 100 acres of land that is zoned IR, IL, and IM. Syntroleum Corporation is wanting confirmation that their building of a pilot plant is a suitable use in the zoned area. Mr. Johnsen explained the patent process that Syntroleum uses for the conversion of natural gas into synthetic crude oil. The applicant stated that this property already has a research facility on it but Syntroleum needs a place for their pilot plants. Mr. Johnsen is asking the Board to allow a pilot plant (not in an enclosed building) for research purposes in an IL district. In an IR district it must be enclosed. Mr. Johnsen mentioned that Sun Oil Company makes 100,000 gallons of oil a day and Syntroleum would only be producing 2 gallon which are not for sale as a commercial product. Syntroleum is selling the process not a product. Mr. Johnsen stated that there are no odors from this process and there is not a noise problem.

### **Comments and Questions:**

Mr. Alberty mentioned that since this facility is for research and testing it would be allowed in a Use Unit 25.

On **MOTION** of **WALKER**, Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Looney "absent") that the Syntroleum Patent Process (as described within the attached Exhibits) to convert natural gas to synthetic crude oil fits within Use Unit 25 in the County Zoning Code and it is not to be used for commercial purposes only for research.

**EPPERSON & JOHNSEN**

ATTORNEYS AT LAW

Suite 440

201 West Fifth

Tulsa, Oklahoma 74103-4211

(918) 585-5641

FAX (918) 585-2758

J. BARRY EPPERSON  
ROY D. JOHNSEN  
JANINE H. VANVALKENBURGH

April 17, 1998

Members of the Board of Adjustment  
of the City of Tulsa, Oklahoma

Re: Interpretation - Syntroleum Corporation

Dear Board Member:

At the request of the Syntroleum Corporation, the County Inspector has submitted to the Board a request for interpretation of the zoning classification of the proposed use of Syntroleum Corporation. Enclosed herewith are copies of the documents related thereto.

The matter is docketed as an add on item for the Board's meeting of April 21, 1998.

Respectfully submitted,

EPPERSON & JOHNSEN



Roy D. Johnsen

RDJ:sf

Enclosures

TULSA COUNTY BOARD OF ADJUSTMENT  
CASE NO. Interpretation  
OFFICIAL RECORD: EXHIBIT H-2  
ENTERED IN THE 4-21-98  
MINUTES OF THE TULSA COUNTY BOARD OF  
ADJUSTMENT.



Tulsa County

## County Inspector

A DIVISION OF THE BOARD OF COUNTY COMMISSIONERS  
Tulsa County Annex Bldg. • 633 West 3rd  
Tulsa, Oklahoma 74127-8942 • (918) 596-5293  
FAX: (918) 596-5209

LARRY E. GLENN  
COUNTY INSPECTOR

March 17, 1998

The Board of Adjustment  
of Tulsa County  
c/o Jim Beach  
INCOG  
201 West Fifth Street, Suite 600  
Tulsa, Oklahoma 74103

Re: Zoning Interpretation  
Syntroleum Corporation

On request of Syntroleum Corporation, this office has reviewed a proposed use which will include the operation of a pilot plant or plants which process natural gas into small quantities of synthetic hydrocarbons which are then used in research, testing and analysis within an onsite laboratory. Our preliminary determination was that because of the open air aspect of the pilot plant the use would not be permitted within the Industrial Research and Development District. We further but preliminarily, determined that the proposed use would be a permitted use within the IL-Industrial Light District.

Syntroleum Corporation is under contract to purchase a large tract zoned IR, IL and IM and seeks confirmation that the proposed use with particular reference to the pilot plants, would be permitted within the IL and IM portions of the property being purchased.

It is requested by this office, that the matter be docketed for consideration by the Board of Adjustment in accordance with the provisions of Section 1660 of the Tulsa County Zoning Code.

Respectfully submitted,

Larry Glenn  
County Inspector



March 17, 1998

Larry Glenn  
County Inspector  
Tulsa County  
633 West Third  
Tulsa, OK 74103

Re: Zoning Code Interpretation  
Syntroleum Corporation  
Pilot Plant

Dear Mr. Glenn:

Syntroleum Corporation has contracted to buy an approximate 120 acre tract located North of the Northwest corner of East 51st Street South and South 49th West Avenue. The tract is located within three zoning districts:

IR Industrial Research and Development District

IL Industrial Light District

IM Industrial Moderate District

The question has arisen as to the proper zoning classification of Syntroleum's intended use. The purposes of this letter are twofold:

1. To provide you relevant information on the proposed use and
2. Request that you refer the question to The Board of Adjustment pursuant to the provisions of Section 1660 of the Tulsa County Zoning Code.

For your reference I am enclosing the following:

1. Narrative description of the use

2. Photograph of a comparable processing facility that will be constructed and operated on the site in conjunction with an adjoining testing laboratory.
3. Site location map

After your review, please call.

Sincerely,

EPPERSON & JOHNSEN



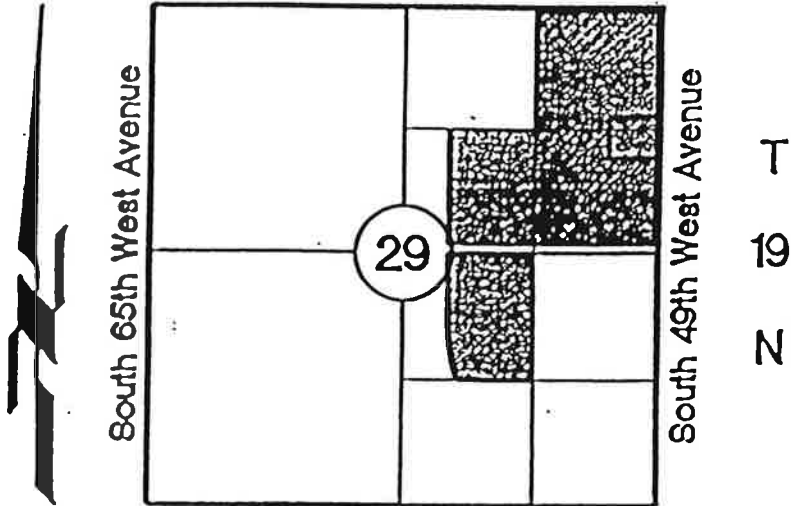
Roy D. Johnson

RDJ:ta

enclosures

R 12 E

West 41st Street South



South 65th West Avenue

South 49th West Avenue

T  
19  
N

West 51st Street South

TULSA COUNTY

LOCATION MAP

**NARRATIVE EXPLANATION  
OF PROPOSED USE  
SYNTROLEUM CORPORATION  
RESEARCH & DEVELOPMENT**

Syntroleum Corporation provides proprietary process and catalyst technologies to petroleum companies for use in conversion of natural gas into synthetic crude oil. Ongoing research is the underpinning for development of new and improved conversion technology. The technology is patented as the Syntroleum® Process. Research and development activities are performed in two related operations: laboratory and pilot plant testing.

**Research & Development Laboratory:**

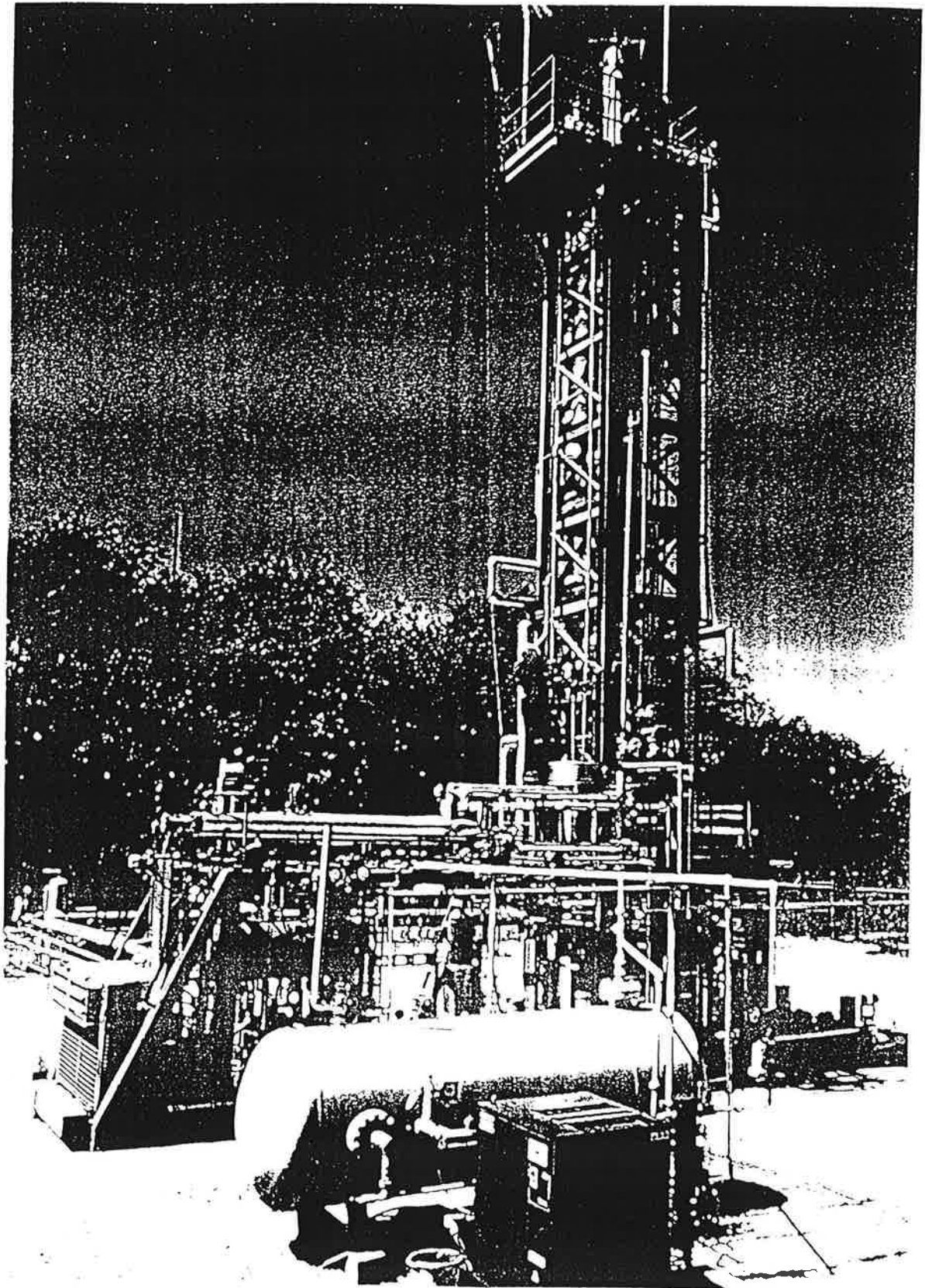
Syntroleum Corporation's basic research on catalyst development and process design is done in our laboratory facility with bench-scale equipment. Development and testing are done in a conventional laboratory environment, using computer modeling and actual conversion reactions via small bench-scale gas-to-liquids reactors.

**Pilot Plants:**

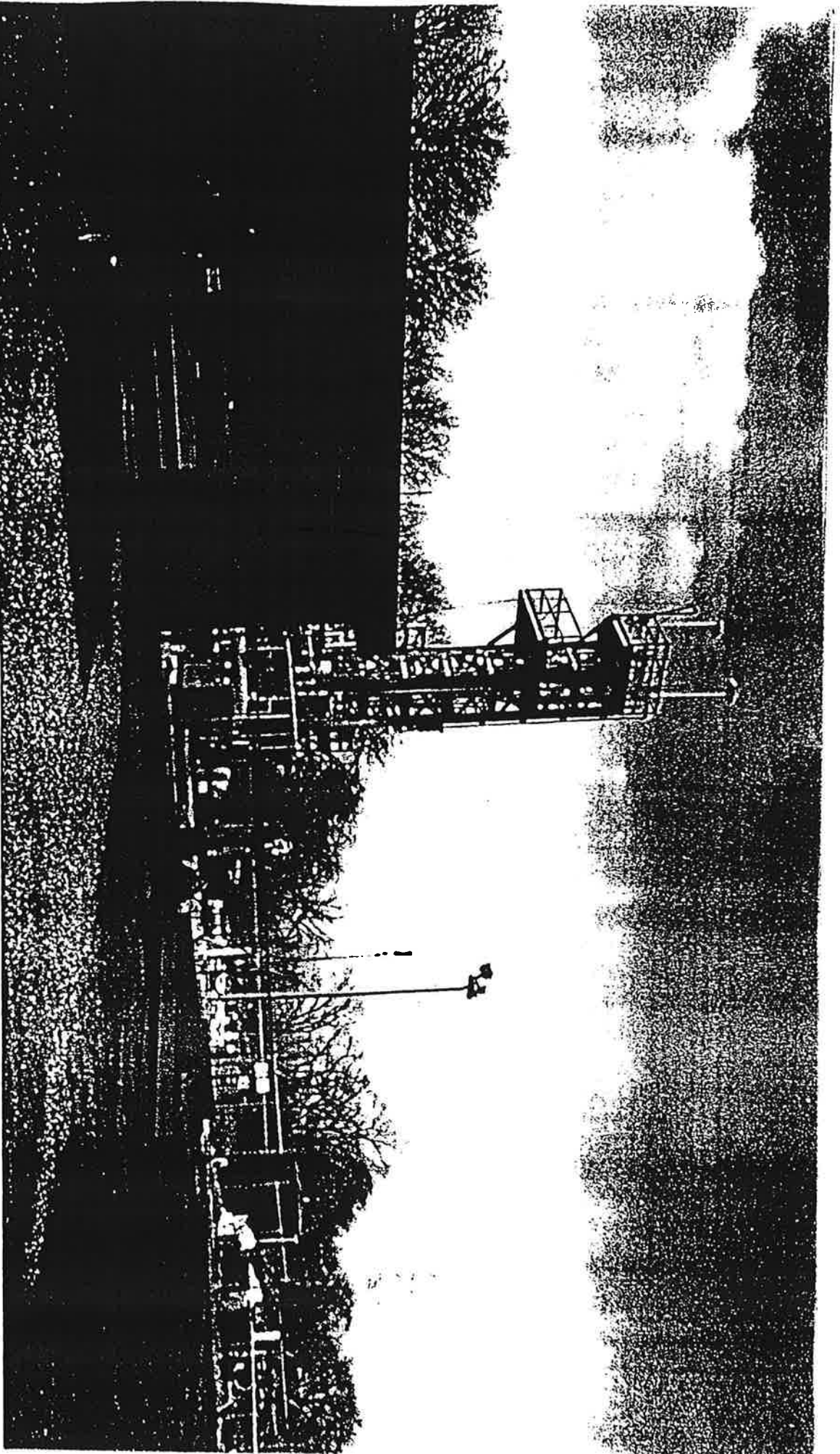
As basic research and development work is done in the laboratory, the designs and catalysts developed are tested in actual production environments in small-scale pilot plants. Our current pilot plant is built on a scale that allows production of two barrels per day of synthetic crude oil (photograph attached). The technology is tested through the pilot plant stage to the point that it is deemed commercially viable. Thereafter the proven pilot plant and related technology can be scaled up for commercial use by customers at field locations throughout the world.

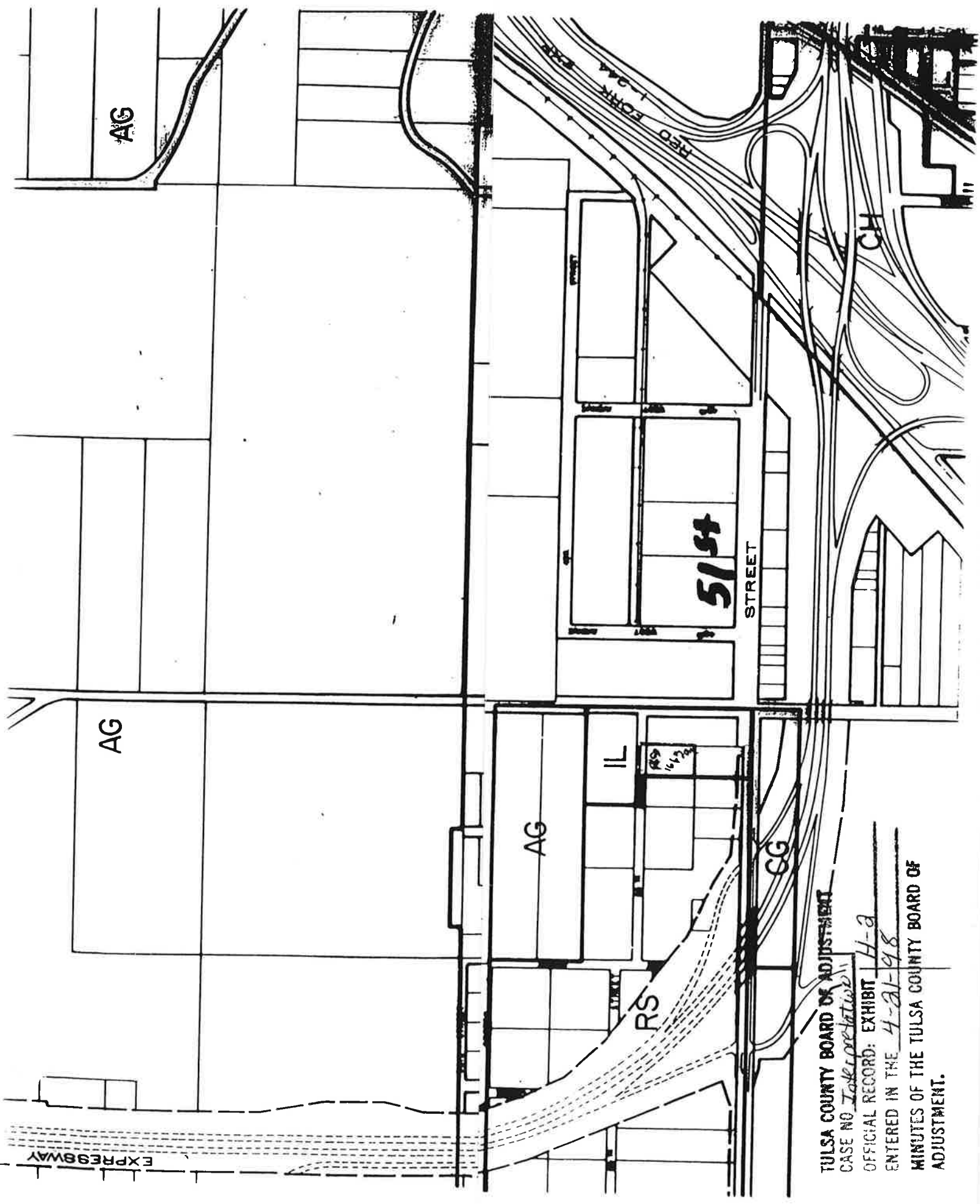
**Proposed Facility:**

Syntroleum Corporation intends to purchase approximately 120 acres, zoned SR-Scientific Research, IL-Industrial Light and IM-Industrial Medium and to utilize an existing laboratory building for research and development and to construct and operate one or more pilot plants within the IL and/or IM portions of the property. Minimal emission levels result from pilot plant operation and the process is environmentally benign.



Syntroleum Pilot Plant





TULSA COUNTY BOARD OF ADJUSTMENT

CASE NO. *Interpretation*

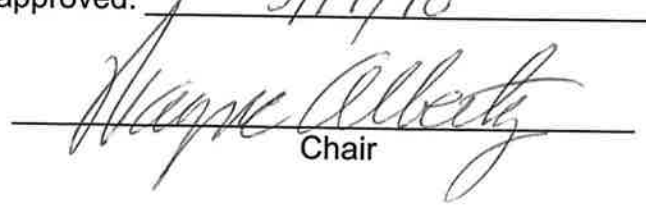
OFFICIAL RECORD: EXHIBIT *H-2*

ENTERED IN THE *4-21-98*

MINUTES OF THE TULSA COUNTY BOARD OF ADJUSTMENT.

There being no further business, the meeting was adjourned at 3:24 p.m.

Date approved: 5/19/98

  
Chair