

**COUNTY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 261  
Wednesday, February 20, 2002, 1:30 p.m.  
County Commission Room  
Room 119  
County Administration Building

**MEMBERS PRESENT   MEMBERS ABSENT   STAFF PRESENT   OTHERS PRESENT**

Alberty, Chair	Tyndall	Butler	West, Co. Inspect.
Dillard, Vice Chair		Fernandez	
Walker			
Hutson			

The notice and agenda of said meeting were posted in the Office of INCOG, 201 W. 5<sup>th</sup> St., Suite 600, Wednesday, February 13, 2002 at 8:32 a.m., as well as at the City Clerk's office, City Hall.

After declaring a quorum present, Chair Alberty called the meeting to order at 1:30 p.m.

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**MINUTES:**

On **MOTION** of **Walker**, the Board voted 4-0-0 (Alberty, Dillard, Walker, Hutson "aye"; no "nays", no "abstentions"; Tyndall "absent") to **APPROVE** the Minutes of January 15, 2002 (No. 260).

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**UNFINISHED BUSINESS**

**Case No. 1919**

**Action Requested:**

Special Exception to construct a 250' monopole cellular transmission tower on property zoned AG. SECTION 1204.C.3.2. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES—Use Unit 4, located, Tulsa State Fairgrounds/Expo Square.

**Presentation:**

Ms. Fernandez informed the Board that the applicant had withdrawn Case No. 1919.

**Board Action:**

No Board action was needed.

Parent Tract: A tract of land described as the E/2 SW/4 SE/4 of Section 9, T-19-N, R-13-E, of the IBM; Lease Area: A tract of land contained within the SE/4 of Section 9, T-19-N, R-13-E, of the IBM, being more particularly described as follows: Commencing at the NE/c of said SE/4; thence S 89°56'12" W along the N line of said SE/4, a distance of 2,568.38'; thence due S a distance of 293.00' to the POB; thence due E a distance of 100.00'; thence due S a distance of 100.00'; thence due W a distance of 100.00'; thence due N a distance of 100.00' to the POB, containing 10,000 square feet or 0.296 acres, more or less, all in Tulsa County, State of Oklahoma.

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**Case No. 1927**

**Action Requested:**

Special Exception for the installation of two AM radio towers. SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 4, located 2603 E. 56<sup>th</sup> St. N.

**Presentation:**

**Bill LaFortune**, 2900 Mid-Continent Tower, Ste. 500, stated this case was continued to this meeting in order to address issues with two interested parties. The Board has received all the applicant's exhibits. Mr. LaFortune stated that Clear Channel has addressed Mr. Underwood's problems with the telephone, computer and wireless doorbell and telephone interference. Clear Channel hired a firm who has eliminated the telephone interference at both residences. Mr. Langham, with Clear Channel, addressed the computer problem personally, and the issue with the wireless doorbell is still somewhat unresolved. Mr. Langham also addressed the telephone interference at Ms. Morgan's grandmother's home and a repairman was sent out and resolved the issue. Mr. Langham visited her house because she was complaining of a problem with a cook stove, and a repairman is scheduled to check it. Mr. Langham asked the resident to call him and let him know the results.

**Comments and Questions:**

Mr. Alberty asked if they consider these to be site-specific problems or more general problems, and do the solutions/corrections affect anyone else.

**Troy Langham**, 2625 S. Memorial, stated that the complaints they have received are specific to these residences. There may be more that they are unaware of but in all probability the same solutions they applied would work for others with the same issues.

Mr. Alberty asked if it would be the policy of Clear Channel to address further issues as they are brought to their attention. Mr. Langham responded in the affirmative.

**Interested Parties:**

**Denelda Newsome**, 2804 E. 56<sup>th</sup> St. N., stated she lives directly across the street from the subject property. She informed the Board the Environmental Protection Agency and the regional director explained the evidence is not conclusive as to the effects of electromagnetic fields on physical health, including cause of cancer. She received the same answers from the National Institute for Cancer. She is concerned because there is not enough evidence one way or the other.

**Comments and Questions:**

Mr. Alberty mentioned that the applicant responded to this issue at the last meeting. His response was that there is a possibility for more harm from household items such as electric blankets, and overhead power lines. Ms. Newsome replied that this does not set her and other neighbors at ease, because the people who have the power and money and want to put up the towers are the ones saying this.

**Interested Parties:**

**William Underwood**, 5613 N. Lewis, stated he was satisfied with the solutions to his problems that were made by Clear Channel.

**Jeannie Morgan**, 5540 N. Lewis, stated they were satisfied with the corrections made to her telephone problems by Clear Channel. She mentioned that they did not address the health issues or the affects of an appraisal value on her home.

**Applicant's Rebuttal:**

Mr. LaFortune stated that they have already responded to the health issues. He reminded the Board that the distances from residential properties are greater than required. Clear Channel has gone above and beyond required response to the issues of the interested parties.

**Board Action:**

On **MOTION** of **Hutson**, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **APPROVE** a **Special Exception** for the installation of two AM radio towers, per presentation, finding it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

The E/2 of the SW/4 SW/4, less and except the W 12.00' of the N 330.00' and less and except the N 30.00' of the W 648.00' thereof for roadway, Section 5, T-20-N, R-13-E of the IBM, according to the U.S. government survey thereof, Tulsa County, State of Oklahoma

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## NEW APPLICATIONS

### Case No. 1935

#### Action Requested:

Variance of the allowable square footage for an accessory building from 750 sq. ft. to 1,200 sq. ft. SECTION 240.2.E. YARDS, Permitted Yard Obstructions – Use Unit 6; a Variance to allow a garage as a principal use on a residential lot, located 6510 N. Rockford.

#### Presentation:

**Jerry Kidd**, 6510 N. Rockford, plans to build an accessory building larger than 750 square feet. They need room for hobbies, a kiln, and a storage space and to build an airplane. He stated it would be strictly for personal use. He added that they own three lots side by side. The proposed building would be on a separate lot than the home.

#### Comments and Questions:

Mr. Dillard asked about kitchen or bathroom facilities. Mr. Kidd stated he had considered bathroom facilities, but was not sure. Mr. West stated that kitchen and bathroom facilities would cause it to fall under the code as a second dwelling.

#### Interested Parties:

There were no interested parties who wished to speak.

#### Board Action:

On **MOTION** of **Walker**, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **APPROVE** a **Variance** of the allowable square footage for an accessory building from 750 sq. ft. to 1,200 sq. ft., for personal use, no commercial use, finding the lot to be narrow, on the following described property:

Lots 6 and 7, Block 1, Phillips Farms Addition, Tulsa County, State of Oklahoma.

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### Case No. 1936

#### Action Requested:

Special Exception to allow a manufactured home in an RS zoned district. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9, located SE/c 60<sup>th</sup> St. N. & Madison Ave.

#### Presentation:

**Raymond Horton**, 7508 N. Peoria, proposes to place a mobile home on the corner of 60<sup>th</sup> St. N. and Madison.







AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS, located SE/c Campbell Creek Rd. & SH-51.

Ms. Fernandez stated that a letter (Exhibit B-2) was sent to the Board from Sand Springs even though it is not in their fence line. Mr. Alberty noted they responded in the affirmative on the special exception but declined to comment on the variance.

**Presentation:**

**Coy Ward**, 4206 S. 137<sup>th</sup> W. Ave., submitted a packet of information (Exhibit B-1) to the Board. He described his plans for an RV park with larger diagonal spaces for recreational vehicle parking for ease in parking and privacy. He pointed out that the setback requirements were probably meant for permanent buildings but the RV's would be temporarily parked. He contacted the Department of Environmental Quality and was assured that an aerobic sewage system would work well on the property with his plans. His plans included mini-storage buildings, screened well with trees.

**Comments and Questions:**

Mr. Alberty noted that when the RV pads are occupied they would interfere with the visual setback as much as a permanent building. He also stated his concern regarding the mini-storage. Mr. Alberty stated he would want assurance from DEQ on approval of an aerobic system. Mr. Ward responded that he would have to develop the RV Park before he can get the approval from DEQ. He was satisfied that he could come back to the Board for the mini-storage later if he can get the RV park plans approved. Ms. Fernandez informed the Board that screening would be required for the mini-storage.

**Interested Parties:**

**Larry Oswalt**, 2200 Campbell Creek Road, Sand Springs, Oklahoma, stated that he was informed that the Board would implement the agreement of nine points between the applicant and the neighbors. Mr. Alberty responded that the Board could place conditions to an approval. Mr. Oswalt stated that the neighbors do not object to the project, at the same time they want to protect their own properties. Mr. Oswalt stated that he does not mind the variance of the setback if screening is placed between his property and the RV Park.

**Norman Ward**, stated his property is north of the subject property. He expressed his concern that he not be disturbed by the activity, and about the poor absorbency of the soil for an aerobic sewage system. He indicated it would cause a mosquito problem. He also pointed out that sound carries well in the open country.

**Board Action:**

On **Motion** of **Walker**, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **APPROVE** a **Special Exception** to allow overnight campgrounds for recreational vehicles, Use Unit 17



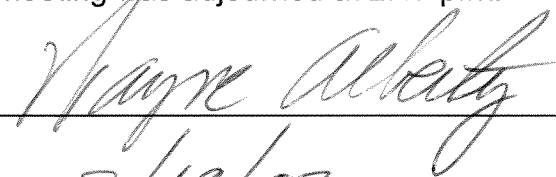
in a CS district, as presented overall in concept and then specifically for the RV parking facility not for the mini-storage facilities or storage, which will required a new separate application; and a **Variance** of the required setback from Campbell Creek Road from 50' to 10' and from the south boundary and R zoned district from 10' to 5', and with the conditions agreed upon in the meeting on November 5, 2001 from 6:30 p.m. to 9:15 p.m. between the applicant, Hank and Carla Wright, Barbara Goodman and Larry Oswalt regarding the subject property as submitted on page 1 of the applicant's exhibit; and a little greenery be a screening fence on the west property line, finding the topography has a steep drop in elevation toward SH 51, on the following described property:

A part of the NW/4 NW/4 Section 14, T-19-N, R-10-E of the IBM, Tulsa County, State of Oklahoma, according to the U.S. Government survey thereof, being more particularly described as follows, to-wit: Commencing at the SW/c of said NW/4 NW/4, Section 14; thence N 89°52'58" E along the S line of said NW/4 NW/4 for a distance of 765.93' to the SW/c of a 11.176 acre tract; thence N 23°35'00" E for a distance of 141.23' to a point of curvature; thence along a curve to the left having a radius of 1,240' for an arc distance of 416.37' to a point of tangency, thence N 4°20'40" E for a distance of 318.38' to the POB; thence continuing N 4°20'40" E for a distance of 335.00' to a point of intersection with the S right-of-way line of SH-51; thence N 89°24'09" E along said S right-of-way line for a distance of 344.17' to a point on the E line of said NW/4 NW/4; thence S 0°24'41" E along the E line of said NW/4 NW/4 for a distance of 370.58' to a point; thence N 84°56'30" W for a distance of 373.64' to the POB containing 2.901 acres more or less and located on the SE/c of SH-51 W and Campbell Creek Rd.

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There being no further business, the meeting was adjourned at 2:47 p.m.

Date approved: \_\_\_\_\_

  
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3/19/02  
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Chair

