

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 305
Tuesday, October 18, 2005, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Hutson, Chair	Charney, Vice Chair	Alberty	West, Co. Inspector
Dillard, Secretary	Walker	Butler	
Tyndall		Cuthbertson	

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Thursday, October 13, 2005 at 2:00 a.m., as well as in the Office of INCOG, 201 W. 5th St., Suite 600.

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

Mr. Cuthbertson read the rules and procedures for the Board of Adjustment Public Hearing.

MINUTES

On **MOTION** of **Dillard**, the Board voted 3-0-0 (Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Walker, Charney "absent") to **APPROVE** the Minutes of September 20, 2005 (No. 304).

UNFINISHED BUSINESS

Case No. 2177

Action Requested:

Special Exception to permit a 180 ft. monopole communications tower in an AG zoned district (Section 301), located: North of the Northeast Corner of 149th West Avenue and 17th Street.

Presentation:

Joyce Cobb, 1813 Willow Creek Road, Edmond, Oklahoma, 73013, represented the applicant, **Denise Cardinal**. They proposed to install a 180 ft. monopole

telecommunications tower. She noted the topography of the area and the pole would be located in a low lying area, covered by a lot of foliage on higher ground. The objective is to provide in-building coverage for this area and secondary coverage along Highways 51 and 64 on either side of the proposed tower. She indicated the lay of the land and the foliage would buffer the view of the tower from the residences. The tower would be designed to place antennas for this carrier and two others. Ms. Cobb added that the proposed site exceeds the 110% distance from residential structures. Ms. Cobb submitted maps showing the gaps in service (Exhibits A-1, A-2, A-3).

Comments and Questions:

Mr. Cuthbertson reminded the Board of the list of factors on the second page of the staff report that the Board must consider in the motion.

Interested Parties:

Heather Patterson, 14443 West 17th Street, submitted a petition of 31 signatures (Exhibit A-4) opposing the application. She pointed out this area has a scenic view that is a strong selling point of the real estate. She submitted a photograph (Exhibit A-5) to emphasize her point. It was her opinion that the monopole would greatly obstruct the view. She identified other objections including, the Vision 2025 (Exhibit A-6) planners recognition of the beautiful view; wind noise associated with towers and the echo affect because of the topography; a water tower nearby; it would be near the most heavy residentially populated area; and that she and her neighbors in this area do not have trouble with cell phone service.

Applicant's Rebuttal:

Ms. Cobb responded they have considered collocation and sought that option but there was nothing in this area for collocation. She stated the water tower that was mentioned is only 130 ft. and would not be tall enough for their needs. Ms. Cobb stated she has never known of a monopole tower to create noise.

Comments and Questions:

Mr. Dillard stated he lives next door to a monopole and it is not a problem. His son has trouble with service on his cell phone when he drives through this area. Mr. Tyndall lives across the street from a monopole tower and he has never heard of a noise problem or heard anyone say it has affected their property value. Mr. Hutson noted the site plan indicates compliance with all the basic guidelines in the code. He found it meets the setbacks. Mr. Dillard stated it meets factors, including: height; proximity to residential structures; nature of use; surrounding topography; on 16+ acres.

Board Action:

On **Motion of Dillard**, the Board voted 3-0-0 (Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Walker, Charney "absent") to **APPROVE** a **Special Exception** to permit a 180 ft. monopole communications tower in an AG zoned

district (Section 301)as presented, finding it meets all of the factors: a through I, in Section 1294.3.E, on the following described property:

PRT NE & N/2 SE BEG INTSEC CL S 149 W AV & NL RIVERSIDE WEST II TH NW245 SW50 NW222.83 N641 E49.69 N350 RIVER ELY201.56 E40 S540 SE850.52 S185.12 E142, Tulsa County, State of Oklahoma

NEW APPLICATIONS

Case No. 2178

Action Requested:

Variance of lot area from 2 acres to 1.08 acres; Variance of land area from 2.1 acres to 1.08 acres; Variance of average lot width from 150 ft to 142 ft;(Section 330), located: 14424 North Lewis Avenue.

Presentation:

Morgan Powell, 118 North 11th Street, Collinsville, Oklahoma, 74021, stated he is an attorney, and represented Vonja Jane Miller, revocable trust, dated October 23, 1996. He added that the trust in question has owned the subject property for several years. In the early 1980's Mr. Miller permitted a nephew and his wife, Ronnie and Doris Miller, to occupy the subject property, the southernmost lot. In the early 1990's they began paying Mr. Miller rent. They have lived there over 20 years. A lot-split would convey marketable title and allow the Miller's to convey or mortgage. Two of the structures were built in the 1960's and the last one was built in the early 1970's. He provided a boundaries map, survey site plan, and a photograph (Exhibits B-1, B-2, B-3).

Comments and Questions:

Mr. Hutson asked for a hardship. Mr. Tyndall noted a creek that caused the homes to be built on one side. He stated they would not be increasing the density as they already exist. Mr. Hutson added they existed prior to the current code.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Tyndall**, the Board voted 3-0-0 (Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Walker, Charney "absent") to **APPROVE** a **Variance** of lot area from 2 acres to 1.08 acres; **Variance** of land area from 2.1 acres to 1.08 acres; **Variance** of average lot width from 150 ft to 142 ft;(Section 330), finding it will not increase the density of the area, pre-existing the current zoning code, and issues with the drainage that preclude even distribution of the land, on the following described property:

THE S 142 FT OF THE N 1012 FT OF THE E 331 FT OF THE E/2 OF THE NE/4
OF SEC 30, T-22-N, R-13-E, Tulsa County, State of Oklahoma

Case No. 2179

Action Requested:

Special Exception to allow Use Unit 27 (Heavy Manufacturing and Industry) in an IM zoned district to permit the installation of an ethanol bulk plant tank storage facility (Section 910), 3202 West 21st Street.

Presentation:

David Montgomery, 1 Coastal Drive, Willow Springs, MO, 65793, stated that during the installation of their plant, they discovered they needed a Special Exception for a Use Unit 27. To his knowledge they have obtained all of the other permits they needed. He stated there have been significant outages of fuel and allocation problems in the mid-west, especially since the hurricanes. He asked for approval to enhance the distribution of ethanol in the Tulsa area.

Comments and Questions:

Mr. Dillard stated it would be in harmony with the neighbors.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Dillard**, the Board voted 3-0-0 (Tyndall, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Walker, Charney "absent") to **APPROVE** a **Special Exception** to allow Use Unit 27 (Heavy Manufacturing and Industry) in an IM zoned district to permit the installation of an ethanol bulk plant tank storage facility (Section 910), as presented, on the following described property:

BEG 440E NWC NW TH E884.64 TO NEC NW NW TH S720 W884.3 N720 POB
LESS E340 S670 & LESS N50 FOR ST SEC 15 19 12 8.37ACS, Tulsa County,
State of Oklahoma

There being no further business, the meeting adjourned at 2:01 p.m.

Date approved: 11-15-05



Chair