

COUNTY BOARD OF ADJUSTMENT

MINUTES of Meeting No. 201
Thursday, February 20, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Eller Tyndall Walker, Chairman	Alberty Looney	Beach Huntsinger	Meeks, Building Inspection

The notice and agenda of said meeting were posted in the Office of the County Clerk on Tuesday, February 18, at 11:34 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **TYNDALL**, the Board voted 3-0-0 (Eller, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Alberty, Looney "absent") to **APPROVE** the minutes of January 23, 1997 (No. 200).

NEW APPLICATIONS

Case No. 1481

Action Requested:

Variance of the required 30' of frontage on a public street for an existing lot to be accessed by an easement to allow a lot split. **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6, located 13305 South 139th East Avenue.

Presentation:

The applicant, **Billy C. Walker**, 2200 S. Fir Avenue, Broken Arrow, submitted a site plan (Exhibit A-1) and stated he is proposing a lot split. Mr. Walker indicated that there is a gravel road on the west side of the property, which is S. 139th East Avenue that runs the length of his property. He stated the gravel road dead ends at a house at the end of the road. He indicated the gravel road starts approximately 150' south of 111th Street.

Case No. 1481 (continued)

Comments and Questions:

Mr. Walker (Board member) asked the Staff if this is a wildcat subdivision? Mr. Beach stated he did not know.

Mr. Beach asked Cheryl Meeks if the gravel road has been dedicated to the County, but is not maintained? Ms. Meeks stated the road was dedicated to the County, but it is not maintained by the County according to her records.

The applicant stated he attended the TAC meeting and was told the gravel road is deeded but not maintained.

Mr. Beach asked the applicant if there is an easement granted to him as well as the other property owners along the road? He stated he was told that there was an easement granted and there are six (6) homes along this road.

Mr. Walker (Board member) asked the applicant for the size of his tract? He stated there will be a 2 acre tract and a 1.38 acre tract.

Mr. Walker (Board member) asked the applicant if his tract will be the 2 acre tract that is the furthest south? He answered affirmatively.

The applicant stated he has had both properties perc tested, surveyed and all utilities are available.

Protestants:

C.D. York, 11220 S. 139th, stated he has lived at the present address for 27 years. He indicated he has a 30' easement off of his property and the lane road has never been annexed to the City. Mr. York explained that the road is narrow and two cars cannot pass each other. He stated the road needs another easement of 30' and then the County will take care of the road. He explained that currently the property owners have to do their own maintenance on the road. Mr. York stated he objects to this application unless the owner is willing to give 30' of easement to widen the road.

Comments and Questions:

Mr. Walker (Board member) informed the protestant that when the easement was taken it was for other people to cross the easement.

Mr. Beach asked the applicant to explain what took place at the TAC meeting earlier in the day.

Case No. 1481 (continued)

Applicant's Rebuttal:

Mr. Walker stated he gave a 25' easement on his property at the TAC meeting and now there will be a total of 50' easement for the road. He explained that all of the utilities are on the west side of the road and now he has given 25' easement on his property.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 3-0-0 (Eller, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Alberty, Looney "absent") to **APPROVE** a **Variance** of the required 30' of frontage on a public street for an existing lot to be accessed by an easement to allow a lot split. **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6; per plan submitted; finding that the road is not maintained by the County and the applicant has given an additional 25' right-of-way easement from his property; 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:

S 891', W/2, W/2, E/2, NW, NE, Sec. 33, T-18-N, R-14-E, I.B.M. according to the U.S. Government Survey, Tulsa County, Oklahoma.

Case No. 1482

Action Requested:

Variance of the required 30' of frontage on a county maintained public street.

SECTION 207. STREET FRONTAGE REQUIRED - Use Unit 9, located 7701 West 61st Street South.

Presentation:

The applicant, **Dale L. Bass**, 5859 South Joplin, submitted a site plan (Exhibit B-1) and an application for a building permit (Exhibit B-2). Mr. Bass stated he purchased the subject property one (1) year ago. He explained that he knew that Tulsa County had a 50' easement in front of the subject property for a roadway. Mr. Bass indicated that he proceeded to obtain permits, perc test, etc., but when he tried to obtain a building permit he was denied because the County does not maintain the road.

Comments and Questions:

Mr. Walker asked the applicant if he was informed about the roadway in a timely manner? Mr. Bass stated he knew the road was owned by the County and there is an existing home along the subject road.

Mr. Walker stated the Board could grant Mr. Bass the variance based on the fact that Mr. Bass has legal access to this property, but the County does not maintain the road.

Case No. 1482 (continued)

Protestants: None.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 3-0-0 (Eller, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Alberty, Looney "absent") to **APPROVE** a **Variance** of the required 30' of frontage on a county maintained public street. **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 9; per plan submitted; finding that the road is existing, but is not maintained by Tulsa County; 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:

W/2, SE, SW, SW, Sec. 31, T-19-N, R-12-E, lying N of railroad right-of-way & Less S 50' dedicated for road, Tulsa County, Oklahoma.

Case No. 1483

Action Requested:

Special Exception to permit a carport in an RS district. **SECTION 240.2H. PERMITTED YARD OBSTRUCTIONS**, a Variance of required setback from 85' to 55' to permit a carport. **SECTION 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS; SECTION 420.2.A.2 ACCESSORY USES IN RESIDENTIAL DISTRICTS** and a Variance to permit construction of a detached accessory building in the side yard in a RS district. **SECTION 410.2.A.2. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 6110 West 31st Street South.

Presentation:

The applicant, **Dale McDaniel**, 6110 West 31st Street, Berryhill, submitted a site plan (Exhibit C-1) and an application for a building permit (Exhibit C-2). Mr. McDaniel stated he would like to build a detached garage with a carport, which will cover the walk to his front entry way. He explained he needed the carport to stay out of the weather.

Comments and Questions:

Mr. Walker asked the applicant if the garage is an existing structure? He answered negatively.

In response to Mr. Walker, Mr. McDaniel stated the garage will be 10' from the house. He explained that the reason for setting 10' off from the house is because the eaves fall the same way and the two roofs cannot be connected.

Case No. 1483 (continued)

Mr. Walker asked the applicant if he has a garage currently? He stated he does not have a garage but he does have an 8'x10' shed for storage. He explained that the carport would be tied in to the front entry way of his home so that he can enter his home without getting in the weather.

In response to Mr. Beach, Mr. McDaniel stated the garage will be 24'x30' and the carport will be 24'x20'.

Mr. Walker asked the applicant why he wanted to set closer to the street than what is allowed? Mr. McDaniel indicated that there was one garage down the street that sets approximately 50' to 60' from the centerline of the road. He explained that the reason for setting so close to the road is because the only entrance to his home is through the front door. He indicated the backdoor is on the far right side of his home. He stated the garage will be 85' from the road.

Mr. Tyndall stated he didn't understand why the garage could not be built farther back on the subject property.

In response to Mr. Tyndall, Mr. McDaniel stated if he built the garage farther back and had a carport, then he would be building over his lateral lines. He further stated he would still have to leave the carport and be in the weather to get to his front door, which would be defeating his purpose. Mr. McDaniel explained that his wife and niece have illnesses, which require that they be able to load into a car out of the weather.

Mr. McDaniel stated that if he built the garage where the building inspector indicated and installed the carport in between his home and garage, he still wouldn't be out of the weather when entering and exiting his vehicles.

Mr. Walker asked the applicant what his side yard dimensions will be? He stated it is 40' to the property line.

Mr. Tyndall commented the carport should be moved back even with the entry and that should solve the problem.

Mr. Walker suggested the carport be aligned with the front porch of the home and that would push the garage back further. He stated the 85' relief would change to 72'.

Mr. Beach asked the applicant if there is a reason why he cannot attach the garage to the house? Mr. McDaniel stated the garage will have metal roofing and the roof on his home is shingled.

Mr. Beach stated the existing house encroaches on the setback.

Case No. 1483 (continued)

Protestants: None.

Board Action:

On **MOTION** of **ELLER**, the Board voted 3-0-0 (Eller, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Alberty, Looney "absent") to **STRIKE** the **Special Exception** to permit a carport in an RS district. **SECTION 240.2H. PERMITTED YARD OBSTRUCTIONS**, finding that a carport in an RS district is allowed and the special exception is not necessary.

AND

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 3-0-0 (Eller, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Alberty, Looney "absent") to **APPROVE** a **Variance** of required setback from 85' to 72' to permit a carport. **SECTION 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS; SECTION 420.2.A.2 ACCESSORY USES IN RESIDENTIAL DISTRICTS** and a **Variance** to permit construction of a detached accessory building in the side yard in a RS district. **SECTION 410.2.A.2. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6; subject to the setback being at 72' and the subject to the carport aligning with the front face of the porch; finding that the existing house and the layout of the tract prevents the garage being attached to the house; 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:

N 271.40', Lot 5, Block 4, Berryhill Acres, Tulsa County, Oklahoma.

Case No. 1484

Action Requested:

Special Exception to permit a church use in an OL and AG zoned district. **SECTION 610 AND 310 PRINCIPAL USES PERMITTED IN AGRICULTURE AND OFFICE DISTRICTS** - Use Unit 5, located 5161 East 171st Street.

Presentation:

The applicant, **B.P. Waldron**, represented by Jim Gregor, 2415 East Skelly Drive, submitted a site plan (Exhibit D-1), plot plan (Exhibit D-2) and an application for a building permit (Exhibit D-3). Mr. Gregor stated he is representing Midwest Agape Church. He explained that the church has 20 acres of land, which is 600' east of the intersection of 171st and Yale. Mr. Gregor stated the tract of land is presently zoned AG. Mr. Gregor explained that the church would like to rezone the 20 acres to start the first phase of the church, which will be a five (5) phase project. He stated the church is requesting this variance to start the first phase of this project.

Case No. 1484 (continued)

Comments and Questions:

Mr. Walker asked the applicant if the plot plan is the total plot plan? He stated it is the concept and proposal with one exception that the accessory building will be moved to the east.

Mr. Beach stated the site plan shows more land area than the legal description described. He further stated that the applicant may be under-advertised.

After a lengthy discussion it was determined that the application is not properly advertised and would need to be continued.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 3-0-0 (Eller, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Alberty, Looney "absent") to **CONTINUE** Case No. 1484 to March 18, 1997 to enable this case to be re-advertised correctly.

Case No. 1485

Action Requested:

Special Exception to permit a cellular telephone antenna tower to exceed the 60' height limit to 100' in an AG district. **SECTION 220.C. HEIGHT EXCEPTIONS** - Use Unit 4, located South and East of SE/c East 101st Street South & South Garnett.

Presentation:

The applicant, **Jon Brightmire/U.S. Cellular**, represented by Kevin Coutant, 320 South Boston, Suite 500, submitted a site plan and photo packet (Exhibit E-1). Mr. Coutant stated that this application involves a 40' x 50' parcel of land. He indicated that the subject property is owned by Dr. Dan Danner and is part of a larger parcel that was recently re-zoned RE. Mr. Coutant pointed out that the subject property is surrounded by AG to the west, east, north and south, which is not developed at this time. Mr. Coutant indicated that Dr. Danner lives on the subject property and there is one other resident close to the subject property. He submitted an aerial view and photographs (Exhibit E-4). He stated that the site abuts a private road, which is 119th East Avenue. Mr. Coutant detailed the different views from the site as follows: North of the site, from Dr. Danner's property, the residences that are in the platted subdivision on 101st East Avenue can be seen; northeast of the site is Dr. Danner's home; east of the site is the pasture and trees (129th East Avenue is undeveloped); southwest of the site there is no development into the trees; southeast of the site there is pasture land, west of the site is Garnett Road and some houses, which are many hundreds of feet away and they are behind the tree line; northwest from the site is the only other residence within the proximity of the proposed tower site (Mr. Fred Lundy). Mr. Coutant reiterated that the property was recently re-zoned RE and Dr. Danner will

Case No. 1485 (continued)

explain his plans for development for the balance of the property. Mr. Coutant stated the proposal is for a monopole tower 100' or less. He indicated that there will be a building (10' x 20') at the base of the tower to house the equipment necessary for the cell site. He explained the building is a pre-fabricated building that will be on a permanent foundation.

Comments and Questions:

Mr. Walker asked the applicant how far the tower site will be from the road or other residents' property? He stated the site will be approximately 65' to 70' from the property on the other side of the road. Mr. Coutant indicated he discussed this proposal with Mr. Lundy and he has no objections to this application.

Mr. Walker asked the applicant how close the nearest tower is to this site? He explained that it is more than 1/4 to 1/2 mile. He stated the closest he could locate was approximately 1 mile away to the northwest.

Mr. Walker asked the applicant if he could co-locate on the tower located 1 mile away? He stated he didn't know the answer to that question. Mr. Coutant explained that the demand is unique to this location. He stated a mile away is considered a great distance when meeting the engineering requirements for locating a site to take care of traffic demand.

Mr. Walker asked the applicant if this tower was designed for collocation? He stated that almost all of the monopoles are engineered for collocation. He indicated that a 100' tower is a minimal height tower and it is unlikely that anyone would co-locate on this tower.

Mr. Coutant stated he is concerned about the letter from Broken Arrow's Board of Adjustment and the manner in which this case was considered. He indicated that Dr. Danner will address this issue more fully. He did inform the Board that the Broken Arrow Board came to their conclusions without any notices given or an opportunity for his client to present the facts. Mr. Coutant read a letter from the attorney for Broken Arrow (Exhibit E-2). Mr. Coutant stated that one of the concerns of the Broken Arrow Board was the floodplain. He explained that the engineering that has been done indicates that the site is on the edge of the floodplain. He stated that the tower will be engineered to deal with the water issues on the subject property. He commented the building inspector will not issue a building permit if they do not follow the codes for floodplains.

Case No. 1485 (continued)

Mr. Walker asked the applicant how close the nearest resident is to the tower site? He stated the nearest resident will be the mobile home owned by Mr. Lundy. He explained the second nearest resident will be Dr. Danner's home. He commented that the next group of residents will be to the north in the platted subdivision, which is 550' away.

Mr. Coutant stated the other concern regarding the subject site is that it would be too close to the proposed south loop. He explained the site is as far south as reasonable with that in mind and the site is within a relatively short distance of the right-of-way, but the site is not within the right-of-way. Mr. Coutant commented that this is a good location.

Mr. Walker asked the applicant if he would need more height to allow a co-location on this tower? Mr. Coutant gave a lengthy explanation of how there are many variables involved in co-locating.

Interested Parties:

Dr. Dan Danner, 10339 South 119th East Avenue, stated he is the owner of the subject property. Dr. Danner commented that he was surprised by the City of Broken Arrow's denial. Dr. Danner informed the Board that the City of Broken Arrow's Attorney waived the Broken Arrow Board of Adjustment's ruling (Exhibit E-2).

Comments and Questions:

Mr. Walker questioned Dr. Danner that the City Attorney for Broken Arrow waived the Broken Arrow Board of Adjustment's ruling? He answered affirmatively.

Mr. Walker explained to the applicant that the Broken Arrow Board of Adjustment only makes recommendations to the County Board of Adjustment. He stated the County Board of Adjustment makes the final decision.

Interested Parties: (continued)

Dr. Danner addressed the concerns of the 100 year floodplain and the tower site being located on the edge of the floodplain. He explained that the PSO pole is already on the edge of the floodplain. He commented he did not feel that this proposal will de-value the property and the site will be screened from view.

Comments and Questions:

Mr. Walker asked the applicant if the green fence, shrubs and evergreens will be taller than 100'? Dr. Danner stated that the compound itself will be screened.

Dr. Danner pointed out that to the south there are presently three (3) major towers in the Haikey Creek area. He commented the aerial view is not a concern since the towers are already in existence.

Interested Parties: (continued)

Dr. Danner indicated the tower site will be 550' from any back corner of the Southern Trails. He explained that everything surrounding the site, except for his own property, is zoned AG. He further explained that the site will not be in the floodway, but on the edge of the floodplain limits. He stated that this is very important because the difference is there will not be water rushing through the site, but rather a back flow area. Dr. Danner explained that the proposed South Loop that will be near the site will be on 8' to 10' piers or an elevated highway and the tower will be a minimal irritation to the area. Dr. Danner indicated that the tower site property drops off and the flooding concern is not an issue here. Dr. Danner commented he has 1/2 million dollar investment in his home and property and he is making sure this will be a quality operation. Dr. Danner informed the Board that the TMAPC concerns have all been met. He commented the site seems to be the perfect site since there is no residential development on the three sides.

Comments and Questions:

Mr. Walker asked the applicant how close the site will be to the neighbor in the mobile home? Dr. Danner stated the site is over 100' away from the road and 250' from the mobile home on the north and west direction.

Mr. Walker asked Dr. Danner how far his personal home is from the tower site? He stated he is 200' from the tower site.

Interested Parties:

Steve Gray, attorney for Dr. Danner, stated the proposed turnpike alignment is roughly to the edge of the right-of-way, which is 200' from the proposed tower location. He further stated the actual pavement of the highway will be approximately another 100' from the right-of-way. Mr. Gray indicated the FEMA floodplain maps were based on USGS surveys and sometimes they are imprecise. He stated the last time the maps were updated was in the 1970's and he questioned the validity of the maps.

Comments and Questions:

Mr. Walker stated the applicant will have to get a permit to build and that should address the floodplain situation.

Mr. Walker commented that the letter from the City of Broken Arrow Board Adjustment is only a recommendation and the County Board has ruled differently in the past.

Dr. Danner informed the Board that when the South Loop is constructed Mr. Lundy's mobile home will be removed.

Case No. 1485 (continued)

Protestants: None.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 3-0-0 (Eller, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Alberty, Looney "absent") to **APPROVE** a **Special Exception** to permit a cellular telephone antenna tower to exceed the 60' height limit to 100' in an AG 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 neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

A tract of land in the NE/4. SE/4, NW/4, Sec. 29, T-18-N, R-14-E, I.B.M., Tulsa County, Oklahoma, according to the U.S. Government survey thereof, being more particularly described as follows: Commencing at the NW/c, said NE/4, SE/4, NW/4; thence N88°32'23"E, for 15.00'; thence S1°16'56"E, parallel to the W line, for 203.00' to the POB; thence continuing S1°16'56"E, parallel to the W line, for 50.00'; thence N88°43'04"E, perpendicular to the W line, for 40.00'; thence N1°16'56"W, parallel to the W line, for 37.05'; thence N73°20'31"W for 42.04' to the POB, Tulsa County, Oklahoma.

Case No. 1486

Action Requested:

Special Exception to exceed the height limit of 60' for a PCS telephone antenna supporting tower to allow 100'. **SECTION 220.C. HEIGHT EXCEPTIONS** - Use Unit 4, located 13400 South Mingo.

Presentation:

The applicant, **Kris Doyle/Western Wireless**, 7043 East 15th Street, submitted a site plan (Exhibit F-1) and deed (Exhibit F-2). Mr. Doyle stated Western Wireless is based in Issaquah, Washington and is currently building a network across the country. Mr. Doyle addressed the issue of the tower being close to the home on the subject property, which is currently inhabitable and is not likely that anyone will move in. He commented that if the Board wanted to base the approval on the 1 to 1 setback from the home he would be glad to accommodate the request. Mr. Doyle stated Western Wireless chose this site because of the mature tree buffer that exists in front of the site. He informed the Board that the site is located on a sod farm. He stated the tower will be a monopole structure.

Comments and Questions:

Mr. Walker asked the applicant how close is the nearest tower to this site? Mr. Doyle stated the nearest sites are east and west, further than one mile. He explained that Western Wireless is a personal communication service company (PCS) and is operated on a digital technology versus the analog of cellular. He stated the design is very detailed and their ability to move the site location is very limited. Mr. Doyle submitted a photograph of a 100' monopole (Exhibit F-3). He explained that when you drive down Mingo the mature tree buffer will virtually block any visibility of the site from the roadway.

Mr. Tyndall asked the applicant if there were any floodplain problems with this site? He answered negatively.

Mr. Tyndall asked the applicant if there were any towers in the subject area? He stated that east and west of the site there are towers approximately 1 mile away.

Mr. Tyndall asked the applicant if anyone was living in the house presently? He answered negatively. Mr. Doyle stated he did not know what the property owner's plans are for this house. He reiterated the home is inhabitable.

Protestants: None.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 3-0-0 (Eller, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Alberty, Looney "absent") to **APPROVE** a **Special Exception** to exceed the height limit of 60' for a PCS telephone antenna supporting tower to allow 100'. **SECTION 220.C. HEIGHT EXCEPTIONS** - Use Unit 4; subject to the tower location being setback 110% from the existing residential structure and the tower location being setback 110% from the road; 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:

S/2, NE/4, NW/4, and S/2, NW/4, NW/4, and N/2, N/2, S/2, NW/4, Sec. 7, T-17-N, R-14-E, I.B.M., Tulsa County, Oklahoma.

Case No. 1487

Action Requested:

Special Exception to the 60' height limit for a PCS telephone antenna tower to allow 100'. **SECTION 220.C.3.c. HEIGHT EXCEPTIONS** - Use Unit 4, located 6001 South 49th West Avenue.

Presentation:

The applicant, **Kris Doyle/Western Wireless**, 7043 East 15th Street, submitted a topography survey (Exhibit G-1) and a site plan (Exhibit G-2). He stated the subject site is located in an IM zoned district. Mr. Doyle indicated the site is on a piece of property which is currently used for tractor/trailer, flatbed storage, etc. He commented this location is an ideal site for a tower.

Comments and Questions:

Mr. Walker asked the applicant how close the tower is to the nearest structure? He stated the nearest structure is a 1/2 mile away from the tower. He further stated that there is a Sprint monopole and a U.S. Cellular lattice tower a 1/2 mile north.

Mr. Walker asked the applicant how close the tower is to the nearest building? He stated the nearest structure is at least 110' from the building.

Mr. Walker asked the applicant how close the tower is to the street? He stated the tower is approximately 75' from the street.

In response to Mr. Walker, Mr. Doyle indicated the tower will be a monopole with no guy wires.

Mr. Walker asked the applicant how large an area would be impacted if this tower fell? Mr. Doyle stated the base of the monopole is 45" in diameter and it is unlikely that it would fall. He commented he has never heard of a monopole ever falling. He stated he has lived on the east coast and the monopoles were the only structures standing after the hurricanes. He commented the monopole towers supported the only communication systems able to be used after the hurricanes. He indicated the monopoles are designed to kink at the top and with a 45" diameter base it would be impossible for the tower to fall over. He explained that when the monopole is installed they bore 25' to 30' below ground for the foundation.

Protestants: None.

Case No. 1487 (continued)

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 3-0-0 (Eller, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Alberty, Looney "absent") to **APPROVE** a **Special Exception** to the 60' height limit for a PCS telephone antenna tower to allow 100'. **SECTION 220.C.3.c. HEIGHT EXCEPTIONS** - Use Unit; per plan submitted; 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:

Lot 1, Block 4, Bozarth Acres, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 3:00 p.m.

Date approved: 3/18/97

Robert L Walker
Chair