

**TULSA COUNTY BOARD OF ADJUSTMENT**  
**MINUTES of Meeting No. 477**  
Tuesday, December 17, 2019, 1:30 p.m.  
Ray Jordan Tulsa County Administration Building  
500 South Denver, Room 119  
Tulsa, Oklahoma

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

Charney, Chair  
Hutchinson, V.Chair  
Crall, Secretary  
Dillard  
Johnston

Miller  
R. Jones  
Sparger

Tosh, Co. Inspector

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 12<sup>th</sup> day of December, 2019 at 10:42 a.m., as well as in the Office of INCOG, 2 West Second Street, Suite 800.

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

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**MINUTES**

On **MOTION** of **HUTCHINSON**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the Minutes of November 19, 2019 (No. 476).

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Ms. Jones read the rules and procedures for the Board of Adjustment Public Hearing.

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**UNFINISHED BUSINESS**

None

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**NEW APPLICATIONS**

**2785—Tiffany Rosales**

**Action Requested:**

Variance to allow more than one dwelling unit on a single lot of record (Section 208) in an AG-R District. **LOCATION:** 11423 East 177<sup>th</sup> Street North

**Presentation:**

**Tiffany Rosales**, 11423 East 177<sup>th</sup> Street North, Collinsville, OK; stated she would like to have a garage with three rooms in it for two of her sons; she has seven children that vary in age with the oldest being 18. The garage portion of the building would be used for the family vehicles and personal equipment. Ms. Rosales stated she would like to have a 40'-0" x 85'-0" building so there could be a two-car garage along with the rooms.

Mr. Charney asked Ms. Rosales about the living areas in the proposed building. Ms. Rosales stated there would be one bathroom with three rooms. The old existing building will be razed, and the new building will be erected in that area.

Mr. Hutchinson asked Ms. Rosales what the construction materials for the proposed building would be. Ms. Rosales deferred to her husband.

**Interested Parties:**

**Alfredo Rosales**, 11423 East 177<sup>th</sup> Street North, Collinsville, OK; stated the new building would be of wood construction with siding.

Mr. Hutchinson asked Mr. Rosales how big the three rooms inside the building would be. Mr. Rosales stated that they would be about 12'-0" by 15'-0". There would be a standard bathroom with a shower.

Mr. Charney asked Mr. Rosales if there would be any commercial business conducted out of the building. Mr. Rosales answered there would be none.

Mr. Charney asked if the bedrooms were to be for family members only and are not to be leased or rented out. Mr. Rosales stated the bedrooms are just for his children.

Mr. Hutchinson asked how close the transmission lines were to the property line. Ms. Rosales stated those lines are on the other lot.

Mr. Hutchinson asked Ms. Rosales if the double wide trailer would be staying on the property. Ms. Rosales answered affirmatively.

Mr. Hutchinson asked Ms. Rosales if the proposed building would have its own septic system. Ms. Rosales answered affirmatively.

**Earl Webb**, 11406 East 177<sup>th</sup> Street North, Collinsville, OK; stated the Rosales are his neighbors and he fully supports their request.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a **Variance** to allow more than one dwelling unit on a single lot of record (Section 208) in an AG-R District, subject to conceptual plan submitted today. There are to be no more than three bedrooms in the detached building, the rooms are to be used by family members only, there is to be no commercial use, and the existing building is to be razed. The Board finds the hardship to be the unusual configuration of the land being a long and narrow lot that would easily accommodate the building in conjunction with the double wide mobile home that exists. The detached building must meet all health department and utility requirements. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**E/2 E/2 NW SW SW SEC 5 22 14 2.50 ACS, NORTH MEADOWS II, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2786—Tanner Bemies**

**Action Requested:**

**Special Exception** to permit Use Unit 24, Mining and Mineral Processing, to allow native soils to be mined (Section 1224) in an AG District (Section 310, Table 1).

**LOCATION:** East of the NE/c of East 161<sup>st</sup> Street South & South Mingo Road

**Presentation:**

**Tanner Bemies**, 21585 South Glenwood Drive, Claremore, OK; stated the plan is to excavate as deep as the water table will allow, and the soil will be processed and used for the construction of new houses or existing projects.

Mr. Charney asked Mr. Bemies if he did any business with Capital Homes or Owasso Land Trust. Mr. Bemies stated he works with his father and they have done a little work with Owasso Land Trust for cleanup and hauling off debris, but they are currently not doing any work for Owasso Land Trust. Mr. Bemies stated he has never met Mr. Charney. Mr. Charney stated he has no pecuniary interest in this and does not know Mr. Bemies, he does not think there is a duty to recuse himself in this case.

Mr. Bemies stated that he has met with a professional engineering firm and had soil tests performed to determine the soil is good to be harvested.

Mr. Hutchinson asked Mr. Bemies if he wanted to excavate all 60.899 acres. Mr. Bemies stated that all the acreage would not be accessible due to the creek that was built by the U. S. Corp of Engineers, and the City of Bixby maintains the creek. Mr. Bemies stated that he has met with the Bixby City Engineer over the phone and through e-mail; the front ten acres will not have enough room for him to excavate so it will be the back 50 or so acres that will be excavated. Mr. Bemies stated that he has also met with the Department of Mines in Oklahoma City to make sure he meets and follows all Codes and guidelines.

Mr. Hutchinson asked Mr. Bemies if the property could be used for anything else. Mr. Bemies stated currently it is being used for growing soybeans, and at the moment he plans to reclaim the land for growing or converting the land to soccer fields in the future.

Mr. Crall asked Mr. Bemies if he had access to the land. Mr. Bemies stated currently there is a low water access that has been put in place by the U. S. Army Corp of Engineers. He has permission from the City of Bixby to drive through that access. Any maintenance or upgrades required to be done on the low water access would be done by him and U. S. Army Corp of Engineers.

Mr. Crall asked if there was any easement or access to Mingo. Mr. Bemies stated that there is only access to 161<sup>st</sup> Street. Mr. Bemies answered affirmatively.

Mr. Charney asked Mr. Bemies if he was aware of the requirements for truck ingress and egress to 161<sup>st</sup> to make certain there is no inappropriate mud tracked into the street. Mr. Bemies deferred to his engineer.

**Interested Parties:**

**Joseph Watt**, Sizemore Weisz and Associates, 6111 South 32<sup>nd</sup> Place, Tulsa, OK; stated the entrance to the site will be maintained so that it will have a construction type entrance and a wash area for trucks during the rain periods. The trucks will be cleaned so that any dirt or mud will be minimized going onto 161<sup>st</sup>.

Mr. Charney asked Mr. Watt if there would be a pad-based construction entrance that would allow cleaner ingress and egress. Mr. Watt answered affirmatively; there will be a 3" style dimensional rock that will be the initial surface to remove the larger chunks of dirt and mud off the truck tires before driving onto the pavement, and that will be maintained throughout the life of the mining.

Mr. Hutchinson asked how many loads are anticipated in a day, month or year. Mr. Bemies came forward and stated that initially it is anticipated there will be two or three loads a day.

Mr. Crall asked Mr. Bemies if he had said he has agreed with the City of Bixby that he will repair any of the roads. Mr. Bemies stated his agreement was regarding the low water crossing that is located in the middle of the property. Mr. Crall read a short

paragraph from an agreement that states the damages caused to city street caused by the mining operation must be repaired by the applicant. Mr. Crall asked Mr. Bemies if he had agreed to that. Mr. Bemies stated that he did not agree to that statement.

Mr. Johnston asked Mr. Bemies if he would like to start out with two or three loads a day what would be his dream maximum number of loads a day. Mr. Bemies stated the dream would be to have around 2,000 loads a month if possible, roughly 50 loads a day.

Mr. Dillard asked Mr. Bemies what his hours of operation would be. Mr. Bemies stated the proposed hours would be regular business hours, 8:00 A.M. to 4:30 P.M., Saturdays would be 8:00 A.M. to 5:00 P.M. and closed on Sunday.

**Rob Miller**, Superintendent of Bixby Public Schools, 109 North Armstrong, Bixby, OK; stated he has concerns not necessarily with what is going on at the property but the potential impact on some of the schools that are located within a mile of the subject site. There is Central Intermediate School which is located on 161<sup>st</sup> between Riverview and Mingo about ½ mile to the west of the subject site, there is Bixby Middle School which is located on Mingo between 151<sup>st</sup> and 161<sup>st</sup>, and there is also access to the high school, transportation, the AG Department off Mingo between 151<sup>st</sup> and 161<sup>st</sup>. His primary concern from a school district perspective is the potential impact on traffic patterns, intermingling of class traffic with truck traffic especially if there are 50 trucks a day, and the already congested two lane roads in the area. Mr. Miller asked the Board to please consider the traffic concerns when reviewing the application. Secondly would be the potential impact of noise of truck traffic in the course of a day because there are two schools within 50 yards of 161<sup>st</sup> or Mingo.

Mr. Johnston asked Mr. Miller if he has any experience with other trucks traveling those roads. Mr. Miller stated he does with the northeast campus which is on 131<sup>st</sup> Street and Garnett. On 129<sup>th</sup> there has been construction going on, and in the morning hours especially the trucks impede the normal flow of traffic significantly.

Mr. Hutchinson asked Mr. Miller what the hours of the busiest times of the schools are. Mr. Miller stated it is about 7:30 A.M. to 9:00 A.M. and about 2:00 P.M. until 3:30 P.M. for the elementary schools. At the middle school it is about 8:30 A.M. to 9:30 A.M. and 3:15 P.M. to 4:00 P.M.

Mr. Miller stated that he is also here today to represent some of the patrons who have reached out to him and asked that he advocate on their behalf, but primarily his role is as Superintendent of the school district. If the trucks do not travel near the schools, then the concern would go away.

**Rick Nelson**, 3120 East 71<sup>st</sup> Street, Tulsa, OK; stated he owns the 80-acre property just to the south of the subject site. Mr. Nelson asked if Mr. Bemies is going to bring fill back in after the hole is dug? Mr. Nelson stated that he is in the sod business and he had a piece of property at 131<sup>st</sup> and Sheridan that he leased. Dirt was harvested there

for about five years and then it was turned into a landfill and it was unregulated. That is not something a person wants to see, and he thinks this will be a negative for the water quality. The closer a person gets to the water table the less filtration there is for runoff and potential pollution to the water supply. He is concerned about what will be used as backfill for the subject site once the excavation is done. Who is responsible for checking to see what comes back in as fill? Who will be responsible for the roads and how long will it be before they start repairing the roads once they are damaged? These are some of his concerns, but to him the water quality is of the utmost importance.

**Helen Bolton**, 10547 East 161<sup>st</sup> Street South, Bixby, OK; stated she is extremely concerned about the possible rezoning from agriculture to allow mining. Ms. Bolton stated her house and farm are adjacent to the subject property with an adjoining west fence line. She is a farmer and rancher and has lived on her property for 58 years. Her house is located ¼ mile from the designated entrance and exit. In making the property next to her available for dirt mining she feels it will be detrimental to her property and the surrounding properties and community. She sees a decline in land value, noise from the continuous running of heavy equipment, dust and traffic issues. As a former school board member for the Bixby public schools, she served 30 years, she is a devoted member of the Bixby community and the school and its welfare. Ms. Bolton stated that a major concern is what will be done with the land after the mining is complete. She sincerely believes that the quality of life for herself, her children, and her grandchildren will be ruined.

**Steve Owens**, 10820 East 161<sup>st</sup> Street, Bixby, OK; stated his family property is southeast and across the street from the subject site. His concern is property value. He is also a teacher of 29 years and this does not seem to be a good place to mine. There is a low water area that must be gone through which is wet and it will become more difficult to keep the roads clean. Mr. Owens stated he is also concerned about the air quality.

**Ernest Holland**, 15605 South Mingo, Bixby, OK; stated his property backs up to the far north side of the subject site. He would like to reiterate all the objections that have been made. He would like to know what kind of equipment would be used in the excavation. He also has concerns about the trucks not using 161<sup>st</sup> but using Mingo as a route. When the sod farms excavate the soil is replenished and they do not go down to the water table and there was no issue with dust.

**Laura Bolton**, 10910 East 161<sup>st</sup> Street South, Bixby, OK; stated her concern is the good neighbor and good trucking policy. It has been stated that the owner put it in writing and sign it, but how will it be enforced? Will he sit there 8:00 to 5:00 every day and make sure the trucks comply? Let's be realistic. We all know how trucks work. She is guessing they get paid by load. How will it be enforced?

**Rebuttal:**

**Tanner Bemies** came forward and stated it is required to have a reclamation plan to get a permit and deferred to Mr. Watt.

**Joseph Watt** came forward and stated per the Oklahoma Department of Mines and the Oklahoma Department of Environmental Quality a stormwater pollution plan that is approved and reviewed by them must be kept on site. After each rainstorm, if any part of the stormwater pollution plan has failed the owner will be required to repair it within 24 hours and file a DEQ inspection at that point in time. The actual reclamation plan, there are options the Oklahoma Department of Mines gives the owner, and it is consistent with the Oklahoma Department of Environmental Quality, the first option is to have overburdened topsoil areas designated for each area that is being mined. When that area is not being mined any longer that topsoil would be placed back on it and reclaimed and seeded with Bermuda, Fescue and other native grasses. As that is moved from pit to pit, when the whole site is done and leaving a 50-foot wide strip all the way around the property that is not touched, the owner would receive every bit of water as it drains across the property, store that water and release it at a rate that is less than what it releases at this time thus reducing the flood plain in the area. At no time has there ever been a discussion of bringing in unregulated fill material, garbage, trash, asphalt, concrete, or anything like to fill in the site. The regulations for that are extreme and expensive because that creates a landfill and that is not the intent. The main intent is to use the land as a recreation area when the excavation is complete because there will be nice flat fields with good topsoil sustaining good quality grass. Or the site could be used as a compensatory storage facility so that stormwater can stay in the pit for awhile thus helping the overall system of the time of concentration runoff thus preventing flooding.

Mr. Charney asked Mr. Watt if the topsoil would be stored on the site. Mr. Watt answered affirmatively. Mr. Charney asked Mr. Watt if he would be excavating a hole and when through with that hole that hole would be covered with topsoil to permit growth. Mr. Watt answered affirmatively. Mr. Charney asked Mr. Watt if the holes would remain with no commitment to bring the land back to level. Mr. Watt answered affirmatively.

Mr. Charney asked Mr. Watt if there were any plans to constructing outflow structure from the pits? Mr. Watt stated there are no plans have been considered in putting outflow structures on the site, but various scenarios are being studied.

Mr. Hutchinson asked Mr. Watt if a hydrology study had been done. Mr. Watt stated that is being worked on, and he will advise his client accordingly. Mr. Hutchinson asked Mr. Watt if the Department of Mines required that. Mr. Watt answered no.

Mr. Charney asked Mr. Bemies to describe the equipment that will be on site. Mr. Bemies stated that he plans to use crawlers that range from 20-Tons to 40-Tons. Additionally, there will be a front loader which would hold about four cubic yards of material at a time and it would be used for loading the trucks. There would also be a small dozer to push off the topsoil.

Mr. Hutchinson asked Mr. Bemies what the hours would be to allow the trucks to line up for loading. Mr. Bemies said that in order to be a good neighbor he would have a good neighbor policy with all truck companies.

Mr. Charney asked Mr. Watt if all the property was in the 100-year flood plain north of the drainage way. Mr. Watt answered affirmatively.

Mr. Charney asked Mr. Watt what will be done to control the dust and maintain good air quality. Mr. Watt stated that there will be a watering program to mitigate the dust and minimize it to the best of everyone's ability.

Mr. Johnston asked what the duration of the operation would be. Mr. Watt stated that based on preliminary numbers, it would probably be seven to twelve years dependent on sales. If the number of houses being built in Tulsa and Creek Counties continue at the rate of the last five years, it would be about seven to twelve years.

Mr. Johnston asked how far down from the surface is the water table? Mr. Watt stated that it has not been found, but that is the next thing to be identified. Based on previous projects that he has done in the Bixby area he thinks it is between 17 and 22 feet.

#### **Comments and Questions:**

Mr. Charney stated this Board has a history of granting Special Exceptions with conditions, and sometimes the Board denies Special Exceptions regardless of conditions. This is one he does not think he feels comfortable with, with this many loose ends.

Mr. Dillard suggested the request be tabled until next month to allow the applicant to provide the Board with a written list of what the good neighbor policy is going to be; what excavating machines will be there. Right now all the Board has is words, and words are hard to enforce unless there is a written document behind the words.

Mr. Hutchinson agreed with Mr. Dillard. The times the Board has tabled requests in the past has always seemed to help. Mr. Hutchinson suggested the requested be tabled for 30 or 60 days to see what the applicant provides and then base the decision off of that.

Mr. Charney asked the applicant if he would prefer the 30 days or the 60 days; would 30 days be enough time to get everything pulled together? Mr. Bemies stated that 30 days would be fine.

#### **Board Action:**

On **MOTION** of **DILLARD**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** the request for a **Special Exception** to permit Use Unit 24, Mining and Mineral Processing, to allow native soils to be mined (Section 1224) in an AG District (Section 310, Table 1) to the January 21, 2020 Board of Adjustment meeting to allow the applicant to submit a



thorough set of comments, conditions, and how this will be accomplished; for the following property:

**E/2 SW LESS BEG 378.63N SECR SW TH SW42.76 SW114.71 SW357.80 SW366.16 W298.35 NW244.12 N285.31 E120.93 SE164.88 SE113.29 ELY117.49 NE124.84 NE62.80 E105.02 NE547.81 NLY483.99 NE25.40 S833.78 TO POB SEC 19 17 14 68.990ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

**Ms. Jones stated that in January the meeting will be held in the St. Francis Conference Room in the Williams Tower I located at 1 West 3<sup>rd</sup> Street at 1:30 P.M.**

**2787—Eller & Detrich – Lou Reynolds**

**Action Requested:**

Special Exception to permit Use Unit 24, Mining and Mineral Processing, to allow soil mining (Section 1224) in an IM District (Section 910, Table 1). **LOCATION:** 4802 South 49<sup>th</sup> West Avenue

**Presentation:**

**Lou Reynolds**, Eller & Detrich, 2727 East 21<sup>st</sup> Street, Tulsa, OK; stated that from 41<sup>st</sup> Street South to 51<sup>st</sup> Street the area was one large hill, and now there is only one small part of the hill remaining. Eagle Redi-Mix Concrete is to the north and there is a mini storage to the south; some of these storage buildings have been condemned by the State for the widening of the Gilcrease Expressway. The primary purpose of this application is to use the dirt for the Turnpike Authority. Mr. Reynolds used pictures to explain the layout of the area as it exists. Mr. Reynolds stated that the neighbors are happy about the proposed project.

Mr. Charney stated that as a point of information, juxtapose to the previous application that was seeking a Special Exception in an AG District, this application is in an IM District.

Mr. Reynolds stated that for the IM District to exist the hill had to be taken out. The Turnpike Authority is going to build a road across the subject property to do construction and based on the relocation of the turnpike, they will be building a cul-de-sac which will be developed into an industrial park on the north side of the mini storage. The reclamation plan has been filed and approved by the State of Oklahoma. The stormwater patterns are not being changed. This basically finishes what everyone started ½ mile north of the subject site and this has been approved by the State pending receiving the Board of Adjustment's approval.

Mr. Charney asked Mr. Reynolds if there was an appropriate set of stormwater, pollution prevention, erosion control program that has been put in place off site. Mr. Reynolds answered affirmatively.

**Interested Parties:**

**John Fothergill**, 3410 South 73<sup>rd</sup> West Avenue, Tulsa, OK; stated he works for the County, but he is in attendance today as a private citizen. Mr. Frazier has been developing this area for quite some time and he is in favor of this application. This will help the Gilcrease tollway get in; it will also decrease the cost.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; none “absent”) to **APPROVE** the request for a Special Exception to permit Use Unit 24, Mining and Mineral Processing, to allow soil mining (Section 1224) in an IM District (Section 910, Table 1), subject to conceptual plan that was submitted today. Finding the Special Exception 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; for the following property:

**N495 SE SE SEC 29 19 12, 15ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

**2788—USCOC of Greater Oklahoma, LLC**

**Action Requested:**

Special Exception to permit a Communication Tower, Use Unit 4, in the AG District (Section 310, Table 1); Special Exception to reduce the required tower setback (110% of the tower height) from the adjoining RS District (Section 1204.C.7).

**LOCATION:** 6050 North Johnstown Avenue East

**Presentation:**

**Tracy Malone**, 678 Front Street Northwest, Suite 215, Grand Rapids, MI; stated this request is for a 130'-0" steel galvanized monopole structure. Care was taken to build the tower to the lowest height possible and still provide coverage to the people of Turley. U. S. Cellular will occupy the top spot on the pole.

Mr. Charney asked Ms. Malone if co-location was still feasible. Ms. Malone answered affirmatively.

Ms. Malone stated that it is typical for the carrier building the tower to occupy the top location and to build the tower to suit their needs. It is typical for the tower to be very usable for companies at lower heights, especially for metro areas.

Mr. Charney asked Ms. Malone if she anticipated co-location on this pole. Ms. Malone answered affirmatively.

Ms. Malone stated the location was selected in the middle of a significant area so the pole height could accommodate the needs in all directions. Another consideration factor is the proximity of the pole to residences and other towers. The nearest facility is approximately .6 miles away to the southeast and within the corporate boundaries. The proposed pole is fairly central to the other wireless locations that are located farther away than .6 miles in other directions. The church was selected because the church owns several parcels that are adjacent and because the church is located close enough for the wireless facility to cover dense residential in the area, both to the east and to the west but far enough away to be a minimal impact on the occupants of those neighborhoods. One of the adjacent lots has a church residence located on it and the fence is the only thing on that parcel that is under consideration today. A natural and vegetative barrier with a depth of approximately 300 feet intervenes between the proposed pole and the nearest rows of back yards to the west. The land in the vicinity is relatively flat with gentle slopes but no more than 20 feet or so at the most in any one direction. This project is designed with a pole which has a smaller aerial footprint than a lattice style structure, and it requires less than a guy support structure; there are no guy wires. One antenna is currently proposed in each of three directions; that gives a lot of room on the triangle platform for additional antennae. Sometimes these platforms contain as many as twelve antennae so it would be typical for U. S. Cellular to add antennae to the same platform, but that is not expected here. There is no equipment building proposed for this site because a lot of the carriers are moving away from equipment buildings and using smaller utility cabinets. The whole compound will be contained by a fence. There will be two 4'-0" utility cabinets and a utility rack contained within the fence. Access will be obtained through the church parking lot. The objectives are to cover Turley with indoor service. The future use of the parcel is most likely for church purposes. Landscaping will be discussed with the County, but it is not typically something that she sees in plans until it is understood what the County would or would not want. A fall area exception is needed, and the maximum amount is six feet.

Mr. Charney asked Ms. Malone if the Board were to grant this Special Exception the most this would be out of compliance is six feet. Ms. Malone answered affirmatively. Mr. Charney asked if that was from the property line or is it to a residential structure. Ms. Malone stated that it is from the church property line, so the encroachment is on a parcel that is owned by the landowner.

Ms. Malone stated the monopole design collapses upon itself, it does not fall down like a pencil.

Mr. Hutchinson asked Ms. Malone if she had been to the site. Ms. Malone stated that she has not been to this site.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a Special Exception to permit a Communication Tower, Use Unit 4, in the AG District (Section 310, Table 1); Special Exception to reduce the required tower setback (110% of the tower height) from the adjoining RS District (Section 1204.C.7). The Board makes this decision given the topography in the area, the large space that the landowner occupies, and the nature of the monopole will not be injurious to the neighborhood. Finding the Special Exceptions 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; for the following property:

**Landlord Parcel Description:**

**THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF TULSA, TOWNSHIP OF DAWSON, STATE OF OKLAHOMA, AND IS DESCRIBED AS FOLLOWS: THE SOUTH 487 FEET OF THE WEST 497 FEET OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SECTION 1 TOWNSHIP 20 NORTH, RANGE 12 EAST, DAWSON TOWNSHIP, TULSA COUNTY, STATE OF OKLAHOMA**

**Leasehold Parcel Description:**

**BEING A TRACT OF LAND SITUATED IN THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 20 NORTH, RANGE 12 EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, OKLAHOMA AND BEING PART OF A TRACT OF LAND DESCRIBED IN DEED TO TURLEY METHODIST CHURCH, INCORPORATED, RECORDED IN BOOK 2690, PAGE 411 OF THE DEED RECORDS OF TULSA COUNTY, OKLAHOMA (D.R.S.C.O.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A 5/8-INCH IRON ROD WITH CAP STAMPED "SAM" SET FOR CORNER, FROM WHICH A PK NAIL FOUND AT THE SOUTH 1/4 CORNER OF SAID SECTION 1 BEARS SOUTH 06 DEGREES 04 MINUTES 21 SECONDS WEST, A DISTANCE OF 2,305.38 FEET; THENCE NORTH 07 DEGREES 48 MINUTES 39 SECONDS WEST, A DISTANCE OF 80.00 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "SAM" SET FOR CORNER; THENCE NORTH 82 DEGREES 11 MINUTES 21 SECONDS EAST, A DISTANCE OF 80.00 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "SAM" SET FOR CORNER; FROM WHICH A 1/2-IRON ROD FOUND AT THE NORTHEAST CORNER OF SAID SECTION 1 BEARS NORTH 36 DEGREES 57 MINUTES 54 SECONDS EAST, A DISTANCE OF 3,714.11 FEET; THENCE SOUTH 07 DEGREES 48 MINUTES 39 SECONDS EAST, A DISTANCE OF 80.00 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "SAM" SET FOR CORNER; THENCE SOUTH 82 DEGREES 11 MINUTES 21 SECONDS WEST, A DISTANCE OF 80.00 FEET, BACK TO THE POINT OF BEGINNING; CONTAINING 6,400.00 SQUARE FEET, OR 0.15 OF AN ACRE OF LAND, MORE OR LESS., OF TULSA COUNTY, STATE OF OKLAHOMA**

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**OTHER BUSINESS**

None.

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**NEW BUSINESS**

None.

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**BOARD COMMENTS**

None.

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There being no further business, the meeting adjourned at 3:12 p.m.

Date approved:

Jan. 21, 2020

David E. Crowley  
Chair