

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 202
Tuesday, March 18, 1997, 1:30 p.m.

County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Alberty
Eller
Looney
Tyndall

Gardner
Beach
Huntsinger

Meeks, Building
Inspection

Walker, Chairman

The notice and agenda of said meeting were posted in the Office of the County Clerk on Friday, March 14, 1997, at 11:30 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 **ELLER**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays", no "abstentions"; none "absent") to **APPROVE** the minutes of February 20, 1997, (No. 201).

UNFINISHED BUSINESS

Case No. 1484

Action Requested:

Special Exception to permit church use in an OL and AG zoned district. **SECTIONS 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**, representing Midwest Agape Chapel, 9608 East 175th Street, Bixby, submitted a preliminary site plan (Exhibit A-1) and stated Midwest Agape has been located in the City of Bixby for nine (9) years. Mr. Waldron stated the subject property requested is comprised of 20 acres on the east side of the total 40 acres. He explained that the development is planned to be developed 5 to 10 years in different phases. Mr. Waldron informed the Board that he has shown the plans to the neighbors of the subject property and they have no protests or objections. He stated the surrounding land is vacant and zoned AG with residences across the street from the subject property. Mr. Waldron requested the approval of the special exception for church use.

Case No. 1484 (continued)

Comments and Questions:

Mr. Walker asked the applicant if there will be only worship services at the facility or additional activities? Mr. Waldron stated that the present plans will be to start with Phase I, which is a small assembly building and then construct the main sanctuary in eight (8) to twelve (12) months. He explained that the remaining development of Phases III through IV will span over a period of time. He informed the Board that the existing building in the OL district is being utilized by the church for their offices.

Mr. Looney asked the applicant if the offices being utilized is the only building that exists at this stage? Mr. Waldron stated that there are a couple of older homes and out buildings that are located on the subject property. He explained that the older homes and out buildings will be removed.

In response to Mr. Alberty, Mr. Waldron stated the first phase is an assembly building and the revised site plan shows the change in location for the assembly (Exhibit A-1).

Mr. Alberty asked the applicant for the dimensions of the building? Mr. Waldron stated it will be 5200 SF (92X50).

In response to Mr. Alberty, Mr. Waldron stated the recreational building will be a single story building under the required 26' maximum height.

Mr. Alberty asked the applicant if the County Inspector has reviewed his preliminary plans to make sure that it complies with all setbacks and height requirements? Mr. Waldron stated the building department provided all of the requirements for setbacks and height. He informed the Board that he has filed a preliminary plot plan with the Building Inspector, which shows all of the setbacks and requirements.

Interested Parties:

Gene Edwards, City Planner for Bixby, 116 West Needles, submitted and read a letter of support (Exhibit A-2). Mr. Edwards concluded that he is supportive of this application and welcomes the Midwest Agape Chapel.

Comments and Questions:

Mr. Gardner stated that there are no height limitations in an AG district and since the question has been asked, the Board may want to condition the height of the buildings in the motion.

Mr. Walker commented the applicant has submitted a large plan and he can only agree in concept.

Mr. Alberty agreed he could support this as a concept plan only. He indicated the Board would like to see the plans as the church receives their building permits for each phase to make sure they are in compliance with the concept plan.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays", no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit church use in an OL and AG zoned district. **SECTION 610 AND 310 PRINCIPAL USES PERMITTED IN AGRICULTURE AND OFFICE DISTRICTS** - Use Unit 5; subject to the plan submitted being approved in concept only; subject to the first phase building location be approved as submitted and the applicant return to the Board with any future development to seek approval of compliance with the conceptual plan; subject to the maximum height of any building within this development being 26' maximum (heights defined in the County Zoning Code); 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 1, Quad Center, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 1480a

Action Requested:

Special Exception to permit a cellular telephone antenna tower to be 180' tall in an AG district. **SECTION 1340.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 17, located W of NW/c 76th Street North and Peoria.

Presentation:

The applicant, **Roy Johnsen**, 201 West 5th, Suite 440, representing AT&T Wireless, submitted a site plan (Exhibit B-1) and stated the subject 180' monopole tower was heard by this Board on February 23, 1997, and was approved. He explained that shortly after the meeting it was determined that there had been some property owners that did not receive notice. Mr. Johnsen indicated he brought this matter to the Staff and it was decided to send new notice, publication and mailing. Mr. Johnsen stated the site location has been moved to the north from 76th Street North with the nearest residential structures in the area being south of 76th Street North. Mr. Johnsen indicated the new site locates the tower more than 110% of its height north of 76th Street North. He stated the flood plain issue has been studied and improvements will be one foot above prescribed elevation.

Comments and Questions:

Mr. Walker read a letter of protest (Exhibit B-2) from Betty Milsap, Sperry.

Applicant's Rebuttal:

Mr. Johnsen stated the subject property is part of a 19 acre tract with a north and south dimension of approximately 1320'. He indicated the protestant's property is north of the subject property's north line and the tower will be 260' north of the south boundary line. He concluded that the tower's location will be a minimum of 1,000' from the protestant's property line.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays", no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a cellular telephone antenna tower to be 180' tall in an AG district. **SECTION 1340.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 17; per revised plan submitted; subject to a removal provision if abandoned for 180 days and a minimum 110% setback from abutting properties; 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:

Starting at a point. Said point to be on the S line of Sec. 25, T-21-N, R-12-E, I.B.M., Tulsa County, Oklahoma, 487.8' W of SE/c of said section; thence W along said section line to the E side of Midland Valley ROW; thence NW along the E side of the Midland Valley ROW to point of intersection of the E side of the Midland Valley ROW with the N/4 section line of SW/4, SE/4 of said section; thence E along said quarter section line to a point due N of the POB; thence S to the POB. all being located in the S/2, Sec. 25, T-21-N, R-12-E, Tulsa County, Oklahoma, according to the U.S. Government survey thereof.

Case No. 1488

Action Requested:

Variance to permit 2 dwelling units per lot of record. **SECTION 208. SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6, located 2524 South 63rd West Avenue.

Case No. 1488 (continued)

Presentation:

The applicant, **Mary Lou Olson**, 2524 South 63rd West Avenue, submitted a site plan (Exhibit C-1) and a perc test (Exhibit C-2). Ms. Olson stated she would like to build a new home on the back of her property and leave the existing mobile home. She indicated that the perc test past with no problems. Ms. Olson commented she discussed her proposal with Larry Glenn, County Inspections, and he indicated that the subject property has sufficient width and depth to sustain two (2) dwelling units. Ms. Olson requested a variance to permit the two (2) dwelling units per lot of record to enable her to build her new home.

Comments and Questions:

Mr. Alberty asked the applicant why she did not want to secure a lot split? Ms. Olson stated her husband is terminally ill with cancer and she does not feel that she can go through the procedure for a lot split. She commented she would prefer not to do a lot split at this time.

Protestants:

Kathryn Morrell, 2390 South 63rd West Avenue, stated her property is adjacent to the subject property. Ms. Morrell questioned if the applicant will be leaving the mobile home on the property after the new home is built? She expressed concerns regarding the septic system and the perc test actually passing. Ms. Morrell explained she recently had to have new lateral lines installed and septic systems do not work well in the subject area when there is a heavy rainfall. She questioned if there will be two septic systems installed (one for the mobile home and a separate septic system for the new home)? Ms. Morrell commented the subject area cannot support additional septic systems. Ms. Morrell stated she did not want the trailer to become rental property.

Comments and Questions:

Mr. Walker informed the protestant that if the Board was inclined to approve this application, one of the requirements will be that the Health Department approves the septic system and perc test.

Ms. Morrell informed the Board that this would set a precedence. She explained that there are no other lots in the subject area with two (2) dwelling units on one (1) lot of record and this will be out of character for the neighborhood.

Applicant's Rebuttal:

Ms. Olson stated she will have a separate septic system for the new home. Ms. Olson informed the Board that she and her husband will continue to live in the mobile home until their new home is built and then she will rent the mobile home. She expressed the opinion that leaving the mobile home on the front of the property will not detract from its appearance and it will be a source of income for her. Ms. Olson commented that she would not be setting a precedence because the Morrells have two residences on the same property. She explained that the Morrells moved a building into their back yard for a relative to occupy.

Comments and Questions:

Mr. Looney stated the hardship is that the lot is large enough to split into two lots but the applicant would like to keep the tract of land under one ownership.

Case No. 1488 (continued)

Board Action:

On **MOTION** of **LOONEY**, the Board voted 5-0-0 (Alberly, Eller, Looney, Tyndall, Walker, “aye”; no “nays”, no “abstentions”; none “absent”) to **APPROVE** a **Variance** to permit 2 dwelling units per lot of record. **SECTION 208. SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6; per plan submitted; subject to City/County Health Department approval; finding that the lot is large enough to split but the owner prefers to keep the property under one ownership; 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 11, Block 3, West Tulsa View Acres, Tulsa County, Oklahoma.

Additional Comments:

Mr. Alberly stated for the record, that within this block there are at least four (4) other lots that are 62.5'. He explained that if Ms. Olson's lot was split, then she could legally place a dwelling on each of the lots. He stated that this is not something uncommon for this area, but the actual ownership may contain only one dwelling. He explained that due to the size of the lot, this Board has found that it is completely reasonable to allow two (2) dwelling units per lot of record concerning density.

Case No. 1489

Action Requested:

Special Exception to allow Use Unit 27, recycling facility, in an IM zoned district. **SECTION 910. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 27, located 4525 West 21st Street.

Presentation:

The applicant, **Michael D. Nedvidek**, 211 East 28th Street, submitted a site plan (Exhibit D-1) and stated he is asking for a variance to use the subject property as a recycling facility. He explained that the subject property will be a transfer station to accumulate and aggregate the products for the facility at 2700 West 21st Street.

Comments and Questions:

Mr. Walker asked the applicant what type of materials will be recycled? Mr. Nedvidek stated the materials will consist of iron, steel, and non-ferrous waste such as aluminum, brass, copper, stainless steel, etc. He explained that the materials will be placed in a roll up container or trailer to be moved down the street to be loaded on railroad cars or further preparation.

Mr. Walker asked the applicant if the preparations will be done inside a building or outside storage? He stated some would be inside a building and some would be outside storage. Mr. Nedvidek explained that the storage will be inside trailers or roll up containers that are leak proof. He further explained that he has a stormwater permit and everything in under roof.

In response to Mr. Walker, Mr. Nedvidek stated there will not be any dust, smoke or loud noise created by this facility.

Mr. Walker asked Mr. Nedvidek if there will be heavy trucks coming and going? He stated he has two (2) semi-trailers. He explained that independent truckers come up and down the industries on 21st Street and he plans to open a scale for not only his own use but for public use. He stated the traffic will not be heavier than it already is, because of commerce going on throughout the day.

Case No. 1489 (continued)

In response to Mr. Walker, Mr. Nedvidek stated his hours and days of operation will be 7:00 a.m. to 5:00 p.m., five (5) days a week. He commented that he may be open ½ day on Saturdays if business warranted.

Mr. Walker asked the applicant where the heavy trucks will be parked? He stated that most of the equipment will be parked at 2700 West 21st Street. He commented that the equipment will be inside the building and out of the weather.

In response to Mr. Walker, Mr. Nedvidek explained that he has a hydraulic crane with a magnet on it and there are several flat bed trailers, backhoe, forklift, roll-off boxes, roll-off truck, etc. He reiterated that the majority of equipment is parked at the 2700 West 21st Street facility.

Mr. Alberty asked the applicant if his plans are to utilize the existing structure on the property? He answered affirmatively.

Mr. Alberty asked the applicant if he planned to use any of the hillside property to the southwest? He stated it would be doubtful if he uses the hillside property. He commented if anything was built it will be years from now and then possibly an office.

In response to Mr. Alberty, Mr. Nedvidek stated there are parts of the front that are concrete, asphalt and compacted gravel.

Mr. Alberty asked the applicant if this site is primarily a collection point with all outside storage in containers? He answered affirmatively.

Mr. Nedvidek assured the Board that everything will be in water tight containers and there will not be any metal scrap piled up out front.

Mr. Gardner asked the applicant if someone would deliver metals and dump it on the ground to be processed? He stated that will not happen at this site.

Interested Parties:

Jessie Peterman, 4600 West 21st, stated he owns the property adjacent to the proposed recycling facility. He explained he owns three buildings that are adjacent to the subject property that is asking for the special exception. Mr. Peterman expressed concerns that the property will turn into a salvage yard. He explained that the subject area has stormwater run-off problems, which he is currently trying to take measures to correct. Mr. Peterman stated that the current owner of the property has sold top soil off the hill in the back and has created a water problem for the existing building on the subject property and the neighboring properties. He commented the subject property floods and water flows through the existing building. Mr. Peterman explained that the current owner has dug a hole and then he has put his building in a hole. He further explained that the current owner has cut off the back of the hill at approximately 35° slope and 2 acres worth of stormwater is coming directly into the back of the building. He stated the owner has hired a bulldozer to berm the water over towards the neighboring properties, which he has been confronted about the situation and the current owner knows the problem exists. He expressed concerns that any activity on the subject property may restrict the water flow and force more water on the neighboring properties.

Comments and Questions:

Mr. Looney asked Mr. Peterman if his property is to the west of the subject property? He answered affirmatively.

Mr. Peterman questioned if the subject property will be fenced?

Case No. 1489 (continued)

Applicant's Rebuttal:

Michael Nedvidek stated that there is evidence where the current owner has taken a backhoe and dug a trench behind the building to make the water flow around the building. He explained that water was eating away the back panels of the building. Mr. Nedvidek stated he was at the subject property recently when it was raining and the roof did drip, but it did not appear that stormwater was flowing through the building. Mr. Nedvidek commented he did not plan to change the flow of the stormwater. Mr. Nedvidek stated he has to be conscious of stormwater every step of the recycling procedures and the products are kept in water tight containers. He explained that there will not be any preparation done at the subject property. He stated he will use the warehouse for non-ferrous metals, but the scale is really what he is focusing on and the goal for this location. He commented that there is not enough room to prepare the products for recycling, but there is enough room for parking, boxes, scales, etc. He reiterated that anything that requires storage or preparation will be at the site at 2700 West 21st Street.

Comments and Questions:

Mr. Walker asked the applicant if this will be a recycling facility or a recycling transfer yard? He stated it will basically be a recycling transfer yard. He explained that inside the existing building there will be some processing of non-ferrous materials, such as aluminum scrap that needs the screws taken out, etc.

Mr. Alberty asked the applicant if he is buying the property? He answered affirmatively.

Mr. Alberty asked the applicant if he was aware of any impending litigation? Mr. Nedvidek stated he was not aware of any action or litigation regarding the subject property.

Mr. Alberty informed the applicant that this is only for his information, but the Board is struggling on how to deal with the stormwater issues and granting a special exception.

Mr. Alberty stated he would be against this application if there were any outside storage of materials that could be exposed to the elements. He commented he is impressed that all storage will be in water tight containers. He expressed concerns regarding how many containers will be on the subject site. Mr. Alberty stated he could support this application the way it is presented with the fact that any processing will be inside the existing building.

In response to Mr. Walker, Mr. Alberty stated that if the applicant created anything from this point forward that would cause drainage problems then he would be liable for that. He further stated that the applicant is currently inheriting drainage problems that he may have to provide some solutions for, but the applicant is not asking for any more buildings or development on this property. Mr. Alberty suggested that should the applicant propose any new development on the subject property that a drainage plan be submitted to the County Engineer before issuing permits.

Mr. Gardner stated that since the applicant will be using sealed containers, the drainage will come off the containers like a hard surface and if the Board has concerns with stormwater drainage then maybe the County Building Inspector should look at this issue.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays", no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to allow Use Unit 27, recycling facility, in an IM zoned district. **SECTION 910. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS - Use Unit 27;** per plan submitted; subject to the property not being used as a salvage, all materials that are stored outside must be in water tight containers or trailers; subject to the applicant hard surfacing areas where dust problems arise; subject to no outdoor processing and that the subject property is to be used as a transfer facility only (except for processing inside the building); subject to the operation of days and hours being Monday through Friday 7:00 a.m. to 5:00 p.m., half day on Saturdays; subject to stormwater drainage being reviewed by the County Engineer to prevent further drainage problems; 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:

Case No. 1489 (continued)

PRT, NW, NW, Beg 50S & 1159.13E, NW/c, NW, TH, S200, E10, S505.04, W330, N705.04, E320, POB, Sec 16, T-19-N, R-12 E, 5.30acs, Tulsa County, Oklahoma.

Case No. 1490

Action Requested:

Special Exception to permit a 100' PCS monopole antenna in an AG district. **SECTION 220. HEIGHT EXCEPTIONS** - Use Unit 4, located 2107 West 111th Street South.

Presentation:

The applicant, **Kris Doyle/Western Wireless**, 7043 East 15th Street, submitted a site plan (Exhibit E-1) and stated that there are no towers within 1 mile of the subject site. He assured the Board that the site will comply with the Staff's recommendation of 110% height setback from an abutting residential district. Mr. Doyle stated Western Wireless has no problem with the removal of the tower if it is abandoned 180 days. He indicated the tower will be setback 110% from any residential structures.

Comments and Questions:

Mr. Alberty asked the applicant if the monopole has been designed for collocation? Mr. Doyle stated that all of the Western Wireless' monopoles are designed for collocation.

In response to Mr. Walker, Mr. Doyle stated the site was chosen because of the high elevation and a short access road to the site.

Mr. Gardner informed the Board that the Creek Turnpike, when extended to the west, will have light poles that will exceed 100', which will be close to the subject area.

Mr. Gardner asked the applicant if the monopole was moved off the hill, would the monopole need to be higher for coverage? He answered affirmatively.

Protestants: None.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays", no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a 100' PCS monopole antenna in an AG district. **SECTION 220. HEIGHT EXCEPTIONS** - Use Unit 4; per plan submitted; subject to the 110% setback from abutting residential zoning; subject to removal of the monopole by the applicant if the tower is abandoned for more than 180 days; subject to the monopole being designed for collocation; subject to there being no monopole antennas within ¼ mile of the subject site; 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 lying in Sec. 27, T-18-N, R-12-E, I.M., Tulsa County, Oklahoma, and being described as follows: All of the SW/4, SE/4, of said Sec. 27 AND a tract of land lying the SW/4, SE/4, said Sec. 27, being described as follows: Commencing SW/c, SE/4, said Sec. 27; thence N88°57'22"E along the S line for 1259.64'; thence N01°24'42"W for 62.51' to the POB; thence continuing N01°24'42"W 50.00'; thence N88°35'18"E for 50.00'; thence S01°24'42"E for 50.00'; thence S88°35'18"W for 50.00' to the POB.

Case No. 1491

Action Requested:

Special Exception to permit a 130' PCS monopole antenna in an AG district. **SECTION 220. HEIGHT EXCEPTIONS** - Use Unit 4, located 13032 South 185th Avenue East.

Presentation:

The applicant, **Kris Doyle/Western Wireless**, 7043 East 15th Street, submitted a site plan (Exhibit F-1) and stated that there are no towers within 1 mile of the subject site location. Mr. Doyle explained that the monopole will be setback from any residential zoning 110% of the height of the monopole. He further explained that the monopole will exceed the 110% setback from existing residential structures. Mr. Doyle stated that the site will be removed if the tower is abandoned for 180 days. Mr. Doyle explained that the subject site is 2 ½ acres owned by Mr. Sam Christian. He stated the property to the west is Mr. Christian's sister and niece and the property to the north is Mr. Christian's mother. He stated the entire family owns approximately 60 acres on the corner of 185th and 131st.

Comments and Questions:

Mr. Looney asked the applicant if the monopole is designed for collocation? He answered affirmatively.

Mr. Walker asked the applicant why the subject site was chosen? Mr. Doyle stated the property owner chose the subject site. He explained that the subject site is 190' from the mobile home and 230' from the permanent home.

Mr. Gardner asked the applicant if the surrounding property is family owned? He answered affirmatively.

Mr. Doyle submitted a letter from the monopole manufacturer (Exhibit F-2).

Protestants:

Mark McDonald, 18231 East 131st, representing his mother-in-law who lives at 18303 East 131st. Mr. McDonald explained that his mother-in-law's land abuts west and north of the subject property and she owns every piece of property that touches the subject property. He stated that his mother-in-law was not notified by the applicant that they would be on her property to install three electrical posts on the property line. He indicated the proposed monopole is not 110% from the property line. Mr. McDonald expressed concerns regarding property value decreasing and the 110% setback from residential homes.

Comments and Questions:

Mr. Alberty stated that the 110% setback is to minimize the effect on the adjacent property.

Mr. McDonald explained that 2.5 acres measures 330' x 330' x 330' x 330' and if the tower is moved 143' from the north and west, with the residence setting in from the street approximately 100', then the footage would not meet the guidelines.

Mr. Walker informed Mr. McDonald that if the Board approved this application it would be with the condition of a 110% setback from any abutting property.

Mr. McDonald asked the Board if this monopole will decrease the value of his mother-in-law's property? Mr. Walker stated that the Board can not answer his question and it is a subjective question.

Applicant's Rebuttal:

Kris Doyle requested the protestant to indicate where his mother-in-law's property is located. Mr. Doyle stated the land Mr. McDonald indicated belongs to Mr. Christian's sister. Mr. Doyle requested a continuance to enable him the opportunity to meet with Mr. McDonald's mother-in-law and discuss a better site location for the proposed monopole tower.

Case No. 1491 (continued)

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, “aye”; no “nays”, no “abstentions”; none “absent”) to **CONTINUE** Case No. 1491 to April 15, 1997, at 1:30 p.m., to enable the applicant to meet with abutting property owners and discuss a better proposed site.

Case No. 1492

Action Requested:

Special Exception to permit a 150' PCS monopole antenna in an AG district. **SECTION 220. HEIGHT EXCEPTIONS** - Use Unit 4, located 9920 North Yale.

Presentation:

The applicant, **Kris Doyle/Western Wireless**, 7043 East 15th Street, submitted a site plan (Exhibit G-1) and stated the proposed site is away from residential structures. He explained that the subject property owner is adjacent to his mother's property and she is in favor of this proposal.

Comments and Questions:

Mr. Alberty asked the applicant if it will be possible for the tower to setback 110% from the perimeter boundaries? He stated he is lacking 3' on either side in meeting the 110% setback. He explained that he can set the monopole in the middle of the property and lack 3' on either side.

Mr. Doyle asked the owner, Thomas Firestone, if there is a problem with placing the monopole site in the middle of his property? He stated that there will not be any problem with placing the proposed site in the middle of his property.

Interested Parties:

Thomas Firestone, 9920 North Yale, Sperry, stated his mother's land is directly south and he is co-owner of the land. He explained that if the tower did fall it would be falling on his land, whether it is in the middle or in the original proposed site.

Johnnie Firestone, 2020 North Rosedale, Tulsa, stated she owns the land surrounding the subject property. She explained that there is 80 acres and it is all family owned and the family is in agreement with this application.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, “aye”; no “nays”, no “abstentions”; none “absent”) to **APPROVE** a **Special Exception** to permit a 150' PCS monopole antenna in an AG district. **SECTION 220. HEIGHT EXCEPTIONS** - Use Unit 4; subject to the 150' PCS monopole antenna being located as specified by the applicant; subject to the removal if abandoned for 180 days; subject to the monopole tower being designed for collocation; 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:

N330.60', E790.6', S/2, NE/4, SE/4, Sec. 16, T-21-N, R-13-E, Tulsa County, Oklahoma, containing 6 acres more or less AND Part S/2, NE/4, SE/4, Sec. 16, T-21-N, R-13-E, being described as follows: Starting SE/c said Sec. 16; thence N00°07'48"W along the Ely line for 1,685.36'; thence S89°52'12"W for 690.60' to the POB; thence continuing S89°52'12"W for 40.00'; thence N00°07'48"W for 40.00'; thence N89°52'12"E for 40.00'; thence S00°07'48"E for 40.00' to the POB.

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

Date approved: 4-15-97

Robert L. Walker
Chair