COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 268
Tuesday, September 17, 2002, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT  MEMBERS ABSENT  STAFF PRESENT  OTHERS PRESENT
Albery, Chair          Tyndall          Butler          West, Co. Inspec.
Dillard, Vice Chair   Beach            Blakely, D.A.
Walker
Hutson

The notice and agenda of said meeting were posted in the Office of INCOG, 201 W. 5th St.,
Suite 600,
Thursday, September 12, 2002 at 10:45 a.m., as well as at the City Clerk’s office, City Hall.

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

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CONTINUANCES and CASES WITHDRAWN

Case No. 1988

Action Requested:
Special Exception for a sand extraction plant in an AG district. SECTION 310.
PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit
24, located N & W of NW/c E. 141st St. & S. Sheridan.

Presentation:
Mr. Beach stated that the Bixby Board of Adjustment continued this case to
October 7, 2002. The applicant has requested this case to be continued to
October 15, 2002. Mr. Beach suggested that if this case is continued to October
15, 2002, then it should be heard on that date because the Board is required to
take action within ninety days of the application filing and the ninety days would
expire after that meeting date.

Interested Parties:
There were no interested parties who wished to speak.

Board Action:
On MOTION of Walker, the Board voted 4-0-0 (Albery, Walker, Dillard, Hutson
"aye"; no "nays"; no "abstentions"; Tyndall "absent") to CONTINUE Case No. 1988
to the meeting on October 15, 2002, on the following described property:

9:17:02:268(1)
The portion of Lots 6 and 7 lying N of the Midland Valley Railroad right-of-way, less that part of Lot 7 lying W of Posey Creek; and in that portion of the SE/4 SE/4 lying N of said Midland Valley Railroad right-of-way, all in Section 10, T-17-N, R-13-E, of the IBM, Tulsa County, State of Oklahoma.

**Case No. 2002**

**Action Requested:**
Special Exception to permit a 190' monopole telecommunications tower in an RE district. SECTION 1204.3. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, Use Conditions, located 17926 E. 101st St.

**Presentation:**
Mr. Beach stated that the City of Broken Arrow annexed this property into their city limits just last night. He added that technically at this time the annexation has not been completed because the ordinance has not been published. The applicant would like for you to hear the case today. If the annexation succeeds, the City of Broken Arrow would have to hear the case. Mr. Beach suggested a continuance of the case.

**Audrey Blank**, 522 Colcord Dr., Oklahoma City, Oklahoma, stated she represented Sprint PCS, the applicant in this case. They requested to be heard on the merits, having applied while the property was under the Board’s jurisdiction. She added that Sprint is questioning the annexation.

**Comments and Questions:**
Mr. Alberty asked if Sprint was going to challenge the annexation. Ms. Blank could only say they are looking into it. Mr. Alberty sought counsel from Dick Blakely, from the District Attorney’s office. Mr. Blakely responded that the application is still under the Board’s jurisdiction. He stated that Board action could possibly cause future legal issues between the City of Broken Arrow and the applicant.

**Interested Parties:**
**Russell Peterson**, 107 W. Commercial, Broken Arrow, Oklahoma, stated he is an attorney for Bob Freeze, a landowner in Broken Arrow. He has been discussing the jurisdictional issue with the City of Broken Arrow. He referred to a letter from Farhad Daroga, the City of Broken Arrow Planning Director to the Tulsa County Board of Adjustment, which states Broken Arrow passed an ordinance annexing all of the land in the area, including the site for the tower.

**Comments and Questions:**
Mr. Walker noted that Mr. Daroga’s letter was merely informative and did not ask this Board not to take action. Mr. Alberty offered the Board an opportunity to make a motion regarding not hearing the case. There was no motion.
Board Action:
Mr. Alberty stated the item would be heard as listed on the agenda, regarding the following described property:

W 50.00' W 231.75' E 463.50' N 472.00' NW/4 NW/4 AND the S 236.00' N 944.00' E 463.50' NW/4 NW/4 AND the S 376.00' E 463.50' NW/4 NW/4 AND the W 231.75' S 236.00' N 708.00' E 463.50' NW/4 NW/4 of Section 25, T-18-N, R-14-E, of the IBM, Tulsa County, State of Oklahoma.

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MINUTES

On MOTION of Walker, the Board voted 4-0-0 (Alberty, Dillard, Walker, Hutson "aye"; no "nays", no "abstentions"; Tyndall "absent") to APPROVE the Minutes of July 16, 2002 (No. 266).

On MOTION of Hutson, the Board voted 4-0-0 (Alberty, Dillard, Walker, Hutson "aye"; no "nays", no "abstentions"; Tyndall "absent") to APPROVE the Minutes of August 20, 2002 (No. 267).

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UNFINISHED BUSINESS

Case No. 1976
Action Requested:
Variance of the required 30’ frontage on a public street to 0’. SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6, located 4413 S. 61st W. Ave.

Presentation:
The applicant was not present.

Interested Parties:
There were no interested parties who wished to speak.

Board Action:
The item was tabled to the end of the agenda.

Beg 600' S NE/c SE NW, thence W 884' N 165' W 407.61' N 35' E 1291.61' S 200' POB, Section 29, T-19-N, R-12-E, Tulsa County, State of Oklahoma.

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9:17:02:268(3)
Case No. 1984

Action Requested:
Amendment of an approved site plan to permit a 24' x 60' temporary classroom, and a permanent classroom addition, located 13413 E. 106th St. N.

Presentation:
Mr. Beach stated the item was continued to this hearing for proper notice.

Charles Horstman, 8724 N. 120th E. Ave., stated he represented Rejoice Christian School. He stated the application request.

Interested Parties:
Mr. Alberty mentioned that an interested party, Mr. Larry Loffer, attended the last two hearings. His address is 13227 E. 106th St. N., Owasso, Oklahoma. He was concerned that the building would take up more land area and he questioned if the sewage system would be adequate, since there were problems with it previously. Mr. Horstman responded that the problems have been corrected and the water usage has decreased 400,000 gallons per year in the last year. He submitted a report of the water usage (Exhibit A-1).

Board Action:
On MOTION of Hutson, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to APPROVE an Amendment of an approved site plan to permit a 24' x 60' temporary classroom, and a permanent classroom addition, on the following described property:

Lot 1, Block 1, Owasso Freewill Baptist Church, a subdivision in the SE/4 of the SW/4 of Section 9, T-21-N, R-14-E; AND a tract of land that is part of the SE/4 SW/4 of Section 9, T-21-N, R-14-E, of the IBM, starting at the SW/c of the SE/4 SW/4 of said Section 9; thence N 88°44'40" E along the Sly line of said Section 9 for 390.00'; thence N 01°13'58" W and parallel with the Wly line of the SE/4 SW/4 for 71.42' to the POB of said tract of land; thence continuing N 01°13'58" W and parallel with the Wly line of said SE/4 SW/4 for 1002.52'; thence N 88°44'37" E for 593.73'; thence S 11°12'59" W, parallel with and 100.00' Wly of as measured perpendicular to the Wly right-of-way line of US-169 for 372.31' to the NE/c of Lot 1, Block 1, Owasso Freewill Baptist Church, thence S 88°44'37" W along the Nly line of said Lot 1 for 453.47' to the NW/c of Lot 1; thence S 01°13' 58" E along the Wly line of Lot 1 for 633.00' to the SW/c of Lot 1; thence S 83°02'02" W along the Nly right-of-way line of US-169 W exit ramp for 60.30' to the POB of said tract of land; AND a tract of land beg. at the SW/c of the SE/4 SW/4 of said Section; thence N 88°44'40" E and along the S line of said SE/4 SW/4 a distance of 175.93'; thence N 1°15'20" W a distance of 50.00'; thence N 83°01'52" E a distance of 215.16'; thence N 1°13'58" W a distance of 1002.52'; thence S 88°44'37" W a distance of 390.02' to the W line of the SE/4 SW/4; thence S 1°13'58" E a distance of 1073.93' to the POB; AND a tract of land beg. at a point 1073.93' N of the SW/c of the SE/4 SW/4 and on the W line of said SE/4 SW/4.
thence N 88°44'37" E a distance of 983.75' to a point 100.00' W of and at a right angle to the W line of US-169; thence N 11°17'16" E a distance of 74.14'; thence N 3°15'37" E a distance of 605.72'; thence N 1°18'03" W a distance of 249.65'; thence S 88°44'37" W a distance of 1046.98' to a point on the W line of said E/2 SW/4; thence S 1°13'53" E a distance of 929.36' to the POB, Tulsa County, State of Oklahoma.

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Case No. 1985

Action Requested:
Special Exception to allow an outdoor activity (Use Unit 2) fireworks stand in a CH zoned district, from June 15, 2003 through July 5, 2003. SECTION 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 2, located 5732 S. 49th W. Ave.

Presentation:
The applicant was not present. This case was continued from the last meeting because the applicant failed to show.

Interested Parties:
There were no interested parties who wished to speak.

Board Action:
The case was tabled to the end of the agenda, regarding the following described property:

Part N/2 SE Beg. 505.10’ E SW/c NW SE, thence E 1131.80’ NE 134.77’ NE 74.44’ NW 489.87’ SWly curve right 1036.77’ POB, less Beg. 1407.4’ E SW/c N/2 SE, thence NW 64.51’ NE 29.66’ NE 225.21’ SE 139.69’ SW 13.51’ SW 134.77’ W 229.50’ POB, Tulsa County, State of Oklahoma.

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Case No.1987

Action Requested:
Special Exception to allow mining and mineral processing (dirt and shale) Use Unit 24 in an AG zoned district. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 24; and a Use Variance to allow mining and mineral processing in an RS zoned district (south edge of tract). SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS, located 2601 W. 101st St. S.

Presentation:
Ralph E. Gorman, 4615 S. Lynwood, Sand Springs, Oklahoma, submitted a map and engineering report (Exhibit B-1, B-2) to the Board. He stated he has operated
another dirt business on another piece of property for about ten years. He would like to expand the business. They are in the process of reclaiming the land by sloping the banks and re-vegetating it as they go. He added that he has not received any complaints in the ten years of the business. He pointed out they plan to leave a natural greenbelt around the perimeter of the property. The engineering report did not indicate any adverse affects to the surrounding properties.

Comments and Questions:
Mr. Alberty noted that it should help the flood conditions. He also noted it is creating a detention pond for the county. Mr. West was satisfied if the engineering department has signed off on the project.

Interested Parties:
There were no interested parties who wished to speak.

Board Action:
On MOTION of Hutson, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to APPROVE a Special Exception to allow mining and mineral processing (dirt and shale) Use Unit 24 in an AG zoned district, finding it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and a Use Variance to allow mining and mineral processing in an RS zoned district (south edge of tract), finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, on the following described property:

That part of the W/2 NE/4, Section 27, T-18-N, R-12-E, of the IBM, Tulsa County, State of Oklahoma, lying N of Polecat Creek, and being described as follows, to-wit: Beg. at the NW/c NE/4 of said Section 27; thence due E along the N line of said Section 27, a distance of 1,317.72' to the NE/c W/2 NE/4 of said Section 27; thence S 0°15' W along the E line of the W/2 NE/4 of said Section 27, a distance of 622.00' to a point; thence S 85°00' W a distance of 551.00' to a point; thence N 65°00' W a distance of 445.00' to a point; thence N 46°30' W a distance of 234.00' to a point; thence N 78°23'33" W a distance of 198.25' to a point on the W line of the NE/4 of said Section 27; thence N 0°14' W along the W line of the NE/4 of said Section 27, a distance of 281.00' to the POB.

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NEW APPLICATIONS

Case No.1996
Action Requested:
Variance of land area per dwelling unit from 2.1 to 2.01 acres in an AG district. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 9, located 13920 N. 86th E. Ave.
Presentation:
Toni Annette Sharpsteen, 13920 N. 86th E. Ave., Collinsville, Oklahoma, stated she removed an old mobile home when she bought the property. She had plans to place a new mobile in the same place for her elderly mother. The utilities and everything are already in place. She was then informed that she could not have the mobile home, because she is one tenth of an acre short of land area. She noted there are numerous mobile homes in the area.

Interested Parties:
There were no interested parties who wished to speak.

Board Action:
On MOTION of Dillard, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to APPROVE a Variance of land area per dwelling unit from 2.1 to 2.01 acres in an AG district, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, on the following described property:

Beg. 321.88' S NW/c E/2 SW; thence S 531.27' E 329.70' N 531.27' W 329.69' POB less E 25.00' for a road, thereof Section 25, T-22-N, R-13-E, Tulsa County, State of Oklahoma.

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Case No. 1998
Action Requested:
Special Exception to permit a single wide mobile home in an RS district. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9, located 515 N. 53rd W. Ave.

Presentation:
Shirley Mize, 521 N. 53rd W. Ave., stated there is a little house on the property. She proposed to move in a mobile home, get it hooked up with utilities, and then tear down the existing house. She submitted photographs (Exhibit C-1).

Comments and Questions:
Mr. Alberty asked if she expected to have the project completed in six months. She replied that she would.

Interested Parties:
There were no interested parties who wished to speak.

Board Action:
On MOTION of Walker, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to APPROVE a Special
Exception to permit a single-wide mobile home in an RS district, with condition to complete project within six months, and that at no time would the two residences both be occupied at the same time, and the existing house is to be removed; finding it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

Tract 18 Beg. 456.98’ S and 50.00’ E, NW/c, Lot 1; thence E 280.72 S 103.13’ W 280.65’ N 102.23’, POB, Section 5, T-19-N, R-12-E, .662 acres, Tulsa County, State of Oklahoma.

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Case No. 1999

Action Requested:
Variance to permit two dwelling units in an AG-R district on a 1.2 acre tract. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD – Use Unit 6, a Variance of land area per dwelling unit from 1.1 to .5 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; and a Special Exception to permit a mobile home in an AG-R district. SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS – Use Unit 9, located 4607 S. 208th W. Ave.

Presentation:
Kathy Harbuck, 1103 W. Fox, Tahlequah, Oklahoma, stated they propose to place two mobile homes on the property to have her father close. She pointed out that most lots around them have two mobile homes.

Comments and Questions:
Mr. Beach stated as in his staff comments that the land area difference is .7 acres rather than .5 acres per dwelling unit. Ms. Harbuck stated she would not need the second dwelling when her father no longer needs it.

Interested Parties:
There were two interested parties present in support that own the properties adjacent to the subject property. Paul Moffett, 4530 S. 208th W. Ave., stated he and his friend, Ray Burke, and are in support of the application on a temporary basis.

Board Action:
On MOTION of Walker, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to APPROVE a Variance to permit two dwelling units in an AG-R district on a 1.2 acre tract, on a temporary basis until Mr. Owen Ward Thompson no longer needs the house; a Variance of land area per dwelling unit from 1.1 to .5 acres, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code.
or Comprehensive Plan; and a **Special Exception** to permit a mobile home in an AG-R district, finding it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

Tract 12B, DonDonna Acres, Beg. 176.13’ N SL N/2 N/2 SW & 635.00’ E WL, Section, thence E 300.00’ N 206.13’ W 300.00’ S 206.13’ POB less W 30.00’ for street, Section 26, T-19-N, R-10-E, Tulsa County, State of Oklahoma.

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Case No. 2000
Action Requested:
Variance of Section 207 of the required 30.00’ of frontage on a public street to 0’.
SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6; a Variance of Section 208 to allow two dwelling units on one lot of record, to put a manufactured dwelling on the property. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD; and a Variance of land area per dwelling unit from 2.1 acres to 2.01 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS, located 2105 ½ S. 262nd W. Ave.

Presentation:
Adrien Dye, 2105 S. 262nd W. Ave., Sand Springs, Oklahoma, stated they have 4.2 acres and propose to place a mobile home there as a second dwelling. She explained that she crosses her grandparent’s property to access her property.

Comments and Questions:
Mr. Alberty stated that there is a legal issue regarding access to property without dedicated rights-of-way or an access easement. Ms. Dye was unsure if the access easement has been filed of record. Mr. Alberty suggested she would need an attorney to prepare a mutual access easement for the benefit of all the landowners.

Sherry Jelinek, 2105 S. 262nd W. Ave., informed the Board that the 4.2 acres are under one ownership. She explained that the problem arose when they sought to obtain a new meter for electricity.

Board Action:
On MOTION of Walker, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **APPROVE** a Variance of Section 207 of the required 30.00 frontage on a public street to 0’; a Variance of Section 208 to allow two dwelling units on one lot of record, to put a manufactured dwelling on the property; and a **Variance** of land area per dwelling unit from 2.1 acres to 2.01 acres, subject to a 30’ mutual access easement from Highway 51 filed of record, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, on the following described property:
PT NE NE Beg. 331.64' W NE/c NE, thence W 990.00' S to PT, thence NE 329.35' N 130.00' E 330.83' S 200.00' NE to POB, Section 18, T-19-N, R-10-E; AND Road Easement: A strip of land in a part of the NE/4 NE/4 of Section 18, T-19-N, R-10-E; for the purpose of a 30' road easement, 15' on each side of the following described centerline; Said centerline is more particularly described as follows, to-wit: Commencing at the NE/c NE/4 of Section 18 T-19-N R-10-E; thence N 89°51'07" W along the N line of said NE/4 a distance of 329.66'; thence along the following Corps of Engineers' boundary line as follows, to-wit: S 45°06'41" W a distance of 465.88'; thence S 00°17'16" W a distance of 764.68' to a point of the N right-of-way line of State Hwy No. 51; thence S 86°36'46" W along said N right-of-way line a distance of 446.92' to the centerline of an existing gravel road and the POB; thence N 19°29'56" E a distance of 54.26'; thence N 20°08'28" E a distance of 53.57'; thence N 11°03'37" E a distance of 53.10'; thence N 03°58'26" E a distance of 53.92'; thence N 02°52'56" E a distance of 53.40'; thence N 05°26'07" E a distance of 55.50'; thence N 13°59'56" E a distance of 43.81' to a point on the S right-of-way line of the Burlington-Northern railroad and the end of road easement; AND Beg. at a point 661.64' W and 260.00' S of the NE/c Section 18, T-19-N R-10-E; thence W a distance of 330.82' to a point; thence S a distance of 166.38' to a point; thence NEly along the N right-of-way line of the St. Louis-San Francisco Railway Company, a distance of 332.62' to a point, thence N a distance of 131.87' to the POB; AND Beg. 661.64' W and 130.00' S NE/c NE, thence W 330.82' S 130.00' E 330.82' N 130.00' POB, Section 18, T-19-N, R-10-E; AND PT NE NE, Beg. 661.64' W 260.00' S 330.20' W NE/c NE, thence S 166.37' SW 339.30' N 185.31' NE 329.35' to POB, Section 18, T-19-N, R-10-E, all of Tulsa County, State of Oklahoma.

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Case No. 2001

Action Requested:

Use Variance to allow retail sales of produce on an AG tract (some produce is grown on subject tract and some is purchased from other source). SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 3 / 14, located 17137 S. Mingo.

Presentation:

Don Carmichael, 13102 E. 171st St. S., proposes to sell produce on his property, and build a barn for storage. He has obtained a permit to build the barn. A site plan (Exhibit D-1) was provided.

Comments and Questions:

Mr. Alberty stated the Board has received a letter from the Woodland Acres Homeowners' Association (Exhibit D-2). They specified conditions to have the barn to the north of the Baptist Church, and no disposal of unused or rotting produce on the land. Mr. Carmichael responded that the barn would be to the
north and they dispose of any unsold produce in a dumpster. He added that they feed the cattle some produce occasionally.

**Interested Parties:**

**Bud Waldron**, 9608 E. 175th St., stated he was representing the homeowners in Woodland Acres. The homeowners are not opposed to the retail sales on the north side of the property. A petition was provided (Exhibit D-3).

**Board Action:**

On **MOTION** of **Hutson**, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **APPROVE** a **Use Variance** to allow retail sales of produce on an AG tract (some produce is grown on subject tract and some is purchased from other sources), limited to area indicated on site plan, per plan, on the following described property:

W/2 NW and SE NW less Beg. NW/c, thence S 65.00' E 1155.30' SE 20.60' E 130.00' N 70.00' W to POB and less W 24.75' for road, Section 31, T-17-N, R-14-E, Tulsa County, State of Oklahoma.

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**Case No. 2002**

**Action Requested:**

Special Exception to permit a 190’ monopole telecommunications tower in an RE district. **SECTION 1204.3. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, Use Conditions, located 17926 E. 101st St.**

**Presentation:**

**Audrey Blank**, 522 Colcord Dr., Oklahoma City, Oklahoma, representing Sprint PCS submitted a packet of information to the Board (Exhibit E-1). She reviewed the eleven factors the Board must consider for a communications tower and gave the information regarding this tower, as it was available in the agenda packet. She stated the tower would provide better services to the customers in this area. The proposed tower would be a galvanized monopole-type tower, 190’ plus the height of the foundation relief, antenna mounting structures and lightning rod. It meets the 110% requirement. The nearest residential structure would be 767.49’ to the north, which is the property owner’s residence. The primary use of the parent tract and surrounding tracts is agricultural. The area is zoned RE. The topography consists of relatively flat terrain gradually sloping upward toward the northwest. There is heavy tree cover to the east, southeast, and south.

Mr. Alberty called a brief recess at 2:35 p.m. and called the meeting to order again at 2:47 p.m.

Ms. Blank continued her presentation:
The remainder of the area is pastureland. The compound would be 38' x 38', fenced, and contain three refrigerator-sized cabinets. There will be room for two additional telecommunications carriers to collocate. The ground equipment would not be visible from the street. There is a 228' access easement, and telephone and electric easements. The nearest existing tower for collocation purposes is 1.8 miles to the east, well outside the intended service area of this site.

**Interested Parties:**

**Dick Slemaker,** 18010 E. 101st St. S., Broken Arrow, Oklahoma, submitted information (Exhibits E-2 and E-4) to the Board. He stated that he and the surrounding neighbors are opposed to the tower. He added that it would be very visible to the surrounding properties. He referred to the meeting of the Broken Arrow City Council on September 17, 2002 where they annexed this area into the city limits. He informed the Board that the City of Broken Arrow has suggested two other locations for the tower. He added that the City of Broken Arrow has not approved this tower site.

**Peggy Slemaker,** 18010 E. 101st St. S., stated this tower would be injurious to the surrounding properties, decreasing the value of their properties, and would have a devastating visual impact on the area. She submitted photographs (Exhibit E-3) to the Board. She mentioned that the new ordinance for annexing this area would be published in the paper on September 19, 2002.

**Russell Peterson,** 107 W. Commercial, Broken Arrow, Oklahoma, stated he represented Bob Freese, a property owner in the southwest quadrant, adjoining the subject property. Mr. Freese was prepared to sell his property and was informed of the value of his property, but that it would decrease to approximately one-half the value if the tower were placed on this site.

**Bob Freese,** Rt. 2, Wagoner, Oklahoma, repeated the same concerns already stated, plus concern that red flashing lights would be placed on the tower.

**Applicant’s Rebuttal:**

Ms. Blank responded there are no lights proposed for the tower, as it is less than 200' in height. She reminded the Board that devaluation of property is speculative and not a valid objection. She added that studies have shown there is not a substantial impact on property value. Ms. Blank pointed out that valuation of property and visual impact are not elements for the Board’s consideration.

**Comments and Questions:**

Mr. Walker asked if they considered the alternate sites suggested to them.

**Michael Thompson,** 1341 W. Mockingbird Lane, Ste. 1200E, Dallas, Texas, stated he is a Real Estate Specialist for Sprint PCS. He stated they have met with the City of Broken Arrow Planning Staff in confidential discussions, regarding several possible site locations. He informed the Board they have gone through
about six different sites in the area. He was concerned that confidential proprietary
information was given out without their permission. The application is a result of
six months of diligent search and study of all the elements involved to find the best
site to meet the standards of customer service. The airspace analysis confirmed
there is no lighting or marking requirement for the tower.

During a Board review Mr. Hutson noted the applicant has found a piece of
property that fits all of the County requirements in Sections 420 and 1204, and he
found no reason to deny it.

**Board Action:**
On MOTION of Walker, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson
"aye"; no "nays"; no "abstentions"; Tyndall "absent") to APPROVE a Special
Exception to permit a 190’ monopole telecommunications tower in an RE district,
as presented, finding it meets all of the eleven elements the Board is required to
consider as listed in the presentation and agenda packet, thus finding it will be in
harmony with the spirit and intent of the Code, and will not be injurious to the
neighborhood or otherwise detrimental to the public welfare, on the following
described property:

W 50.00’ W 231.75’ E 463.50’ N 472.00’ NW/4 NW/4 AND the S 236.00’ N
944.00’ E 463.50’ NW/4 NW/4 AND the S 376.00’ E 463.50’ NW/4 NW/4 AND
the W 231.75’ S 236.00’ N 708.00’ E 463.50’ NW/4 NW/4 of Section 25, T-18-N,
R-14-E, of the IBM, Tulsa County, State of Oklahoma.

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**Case No. 1976**

**Action Requested:**
Mr. Beach stated this case was tabled at the beginning of this meeting, as
applicant was not present. The applicant is still not present. This case was
continued from July 16, 2002. The applicant was to meet with the neighbors and
obtain a legal mutual access agreement.

**Board Action:**
On MOTION of Walker, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson
"aye"; no "nays"; no "abstentions"; Tyndall "absent") to DENY without prejudice, a
Variance of the required 30’ frontage on a public street to 0’, due to a lack of
specific performance, on the following described property:

Beg 600’ S NE/c SE NW, thence W 884’ N 165’ W 407.61’ N 35’ E 1291.61’ S
200’ POB, Section 29, T-19-N, R-12-E, Tulsa County, State of Oklahoma.

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Case No. 1985

Action Requested:
Mr. Beach stated the applicant for this case was not present when it was previously on an agenda. He has not arrived for this meeting.

Board Action:
On MOTION of Dillard, to CONTINUE Case No. 1985 to the meeting of October 15, 2002 died for lack of a second after Mr. Beach explained that the ninety-day limit for Board action on an application would be up in three days. Mr. Beach offered to call the applicant to see if he is still interested and wants to re-advertise.

The MOTION of Walker, to DENY Case No. 1985, died for lack of a second.

The MOTION of Hutson, to APPROVE Case No. 1985, died for lack of a second.

On MOTION of Walker, Seconded by Dillard, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to DENY a Special Exception to allow an outdoor activity (Use Unit 2) fireworks stand in a CH zoned district, from June 15, 2003 through July 5, 2003, on the following described property:

Part N/2 SE Beg. 505.10' E SW/c NW SE, thence E 1131.80' NE 134.77' NE 74.44' NW 489.87' SWly curve right 1036.77' POB, less Beg. 1407.4' E SW/c N/2 SE, thence NW 64.51' NE 29.66' NE 225.21' SE 139.69' SW 13.51' SW 134.77' W 229.50' POB, Tulsa County, State of Oklahoma.

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There being no further business, the meeting was adjourned at 3:20 p.m.

Date approved: 10/15/02

Wayne Alberty
Chair