

BOARD OF ADJUSTMENT MINUTES

JANUARY 25, 2012

The Board of Adjustment of the City of Norman, Cleveland County, Oklahoma, met in Regular Session in the South Conference Room of the Norman Municipal Building, 201-A West Gray, at 4:30 p.m., January 25, 2012. Notice and agenda of said meeting were posted in the Municipal Building at the above address 24 hours prior to the beginning of the meeting.

Item No. 1, being:

CALL TO ORDER

Chairman Tom Sherman called the meeting to order at 4:30 p.m.

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Item No. 2, being:

ROLL CALL

MEMBERS PRESENT

Margaret Farmer
Jim Ruhl
Hank Ryan
Howard Saxion
Tom Sherman

MEMBERS ABSENT

None

A quorum was present.

STAFF PRESENT

Doug Kosciński, Manager, Current Planning
Wayne Stenis, Planner II
Roné Tromble, Recording Secretary

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Item No. 3, being:

ELECTION OF OFFICERS FOR 2012

Hank Ryan nominated the following slate of officers for 2012: Chairman – Tom Sherman; Vice Chair – Margaret Farmer; and Secretary – Howard Saxion. Jim Ruhl seconded the nominations.

There being no discussion, a vote was taken with the following result:

YEAS

Margaret Farmer, Jim Ruhl, Hank Ryan, Howard Saxion, Tom Sherman

NAYS

None

ABSENT

None

The slate of officers nominated for 2012 was adopted by a unanimous vote of 5-0.

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Item No. 4, being:

APPROVAL OF MINUTES OF THE DECEMBER 14, 2011 REGULAR MEETING.

Howard Saxion moved to approve the minutes of the December 14, 2011 Regular Meeting as submitted. Hank Ryan seconded the motion.

There being no further discussion, a vote was taken with the following result:

YEAS	Margaret Farmer, Jim Ruhl, Hank Ryan, Howard Saxion, Tom Sherman
NAYS	None
ABSENT	None

Chairman Sherman announced that the motion to approve the December 14, 2011 Minutes passed by a vote of 5-0.

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Item No. 5, being:

BOA-1112-10 – SDF PROPERTIES, L.L.C., REQUESTS APPROXIMATELY A 15' VARIANCE TO THE 25' PLATTED FRONT YARD SETBACK TO ALLOW AN EXISTING BUILDING TO REMAIN ON PROPERTY LOCATED AT 3520 CHARLESTON ROAD.

ITEMS SUBMITTED FOR THE RECORD

1. Staff Report
2. Location Map
3. Applicant's Statement of Justification
4. Aerial Photo
5. Charleston Heights Industrial Tract Plat

PRESENTATION BY STAFF

Mr. Koscinski reviewed the staff report, a copy of which is filed with the minutes. There were no protests filed on this variance request.

Chairman Sherman commented that the developer imposed a greater setback than the City at the time, but apparently did not object to the structure being built. There are also grandfather issues after the amount of time that has passed.

PRESENTATION BY THE APPLICANT

Dan Bauman was present to represent the applicant, but made no comments.

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT

Hank Ryan moved to approve the requested variance of approximately 15' to the 25' platted front yard setback to allow an existing building to remain at 3520 Charleston Road. Howard Saxion seconded the motion.

There being no further discussion, a vote was taken with the following result:

YEAS	Margaret Farmer, Jim Ruhl, Hank Ryan, Howard Saxion, Tom Sherman
NAYS	None
ABSENT	None

Chairman Sherman announced that the motion to grant the Variance as requested passed by a vote of 5-0. Mr. Koscinski noted that the Variance is not final until the 10-day appeal period has passed.

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Item No. 6, being:

BOA-1112-11 – U.S. CELLULAR (FAULK & FOSTER) REQUESTS A VARIANCE TO THE 200' MAXIMUM HEIGHT FOR A COMMERCIAL COMMUNICATIONS TOWER AND A VARIANCE TO USE A SELF-SUPPORTING TOWER IN LIEU OF A MONOPOLE ON PROPERTY LOCATED AT 12510 E. INDIAN HILLS ROAD.

ITEMS SUBMITTED FOR THE RECORD

1. Staff Report
2. Location Map
3. Applicant's Statement of Justification
4. Overall Site Plan
5. Tower Elevation
6. Cleveland County Ownership Map
7. Aerial Photo with Contours
8. Coverage Map

PRESENTATION BY STAFF

Mr. Koscinski reviewed the staff report, a copy of which is filed with the minutes. There were no protests filed on this variance request; a letter was received from the Bureau of Reclamation indicating that they had no comment on this proposal.

PRESENTATION BY THE APPLICANT

Belinda Bodie, Faulk & Foster, representing the applicant – They are trying to provide better coverage for customers in this area. One of the maps shows some of the customer bases they are trying to target, while eliminating the need for a bunch of smaller towers. They felt that Mr. Moore's property would provide that, even though they had to ask for a variance. They felt the location would not affect any other property owners or major development in that area. A little farther south there is a heavier concentration of smaller lots that are either developed or have future plans for residential development, and they tried to avoid that area.

Mr. Ryan asked about the large two-story structure on the property. Mr. Koscinski indicated there is a house and a barn on the property. Ms. Bodie noted that the cell tower is positioned to meet the required setbacks and provide for a fall zone. Construction on the house had not begun when their survey was done.

Mr. Saxion asked whether they have received clearance from the FAA. Ms. Bodie indicated it has been filed and they are expecting approval any time. Mr. Saxion asked whether the tower will be able to accommodate other carriers. Ms. Bodie responded that they reserve space on the tower for other carriers, and U.S. Cellular has an application process that all the carriers are familiar with.

Mr. Saxion asked about the lighting on the tower. Ms. Bodie indicated that they use the strobes that are white during the day and red at night, so it is not like a big flashing beacon.

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT

Chairman Sherman voiced appreciation for staff's presentation and the statement that this really does not create a precedent because of the unique size of the lot, unique location, and unique neighbors. There are a lot of elements about this that are different from a lot of the applications that makes it more viable. Mr. Ryan noted there were also no protests.

Howard Saxion moved to grant a the requested Variances to allow a commercial communication tower to a height of 250', and allow for a self-supporting structure in lieu of a monopole. Margaret Farmer seconded the motion.

There being no further discussion, a vote was taken with the following result:

YEAS	Margaret Farmer, Jim Ruhl, Hank Ryan, Howard Saxion, Tom Sherman
NAYS	None
ABSENT	None

Chairman Sherman announced that the motion to grant the Variances passed by a vote of 5-0. He informed the applicant of the 10-day appeal period before the decision is final.

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Item No. 7, being:
MISCELLANEOUS DISCUSSION
None

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Item No. 8, being:
ADJOURNMENT
There being no further business, Chairman Sherman adjourned the meeting at 4:54 p.m.

PASSED and ADOPTED this 22 day of February, 2012.



Board of Adjustment