

BOARD OF ADJUSTMENT MINUTES

SEPTEMBER 28, 2016

The Board of Adjustment of the City of Norman, Cleveland County, Oklahoma, met in Regular Session in Conference Room D of the Norman Municipal Building A, 201 West Gray, at 4:30 p.m., September 28, 2016. Notice and agenda of said meeting were posted in the Municipal Building at the above address and at www.normanok.gov/content/board-agendas at least 24 hours prior to the beginning of the meeting.

Item No. 1, being:

CALL TO ORDER

Chairman Andrew Seamans called the meeting to order at 4:30 p.m.

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Item No. 2, being:

ROLL CALL

MEMBERS PRESENT

Hank Ryan
Curtis McCarty
Nils Gransberg
Andrew Seamans

MEMBERS ABSENT

None

A quorum was present.

STAFF PRESENT

Susan Connors, Director, Planning & Community
Development
Wayne Stenis, Planner II
Leah Messner, Asst. City Attorney
Roné Tromble, Recording Secretary
David Woods, Oil & Gas Inspector

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Item No. 3, being:

APPROVAL OF MINUTES OF THE AUGUST 24, 2016 REGULAR MEETING

*Hank Ryan moved to approve the minutes of the August 24, 2016 Regular Meeting as presented.
Curtis McCarty seconded the motion.*

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

YEAS	Hank Ryan, Curtis McCarty, Nils Gransberg, Andrew Seamans
NAYS	None
ABSENT	None

Ms. Tromble announced that the motion to approve the August 24, 2016 Minutes as presented passed by a vote of 4-0.

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Item No. 4, being:

BOA-1617-8 – VEENKER RESOURCES, INC. REQUESTS A VARIANCE FROM THE REQUIREMENT TO INSTALL FENCING AROUND THE TANK BATTERY.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Location Map
3. Aerial Photo
4. Application with Attachments
5. Copies of Fencing Waivers

Mr. McCarty requested to be recused from participation on this item.

Hank Ryan moved to allow Mr. McCarty to be recused from this item. Nils Gransberg seconded the motion.

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

YEAS	Hank Ryan, Curtis McCarty, Nils Gransberg, Andrew Seamans
NAYS	None
ABSENT	None

Ms. Tromble announced that the motion to allow Mr. McCarty to be recused on this item passed by a vote of 4-0.

Mr. McCarty left the room.

PRESENTATION BY STAFF:

Ms. Connors reviewed the staff report, a copy of which is filed with the minutes. This was postponed from the August 24 meeting. The vacancy on the Board has not been filled at this time, and it will take all three members voting affirmatively for the variance to be approved. No protests were filed for this application.

Mr. Gransberg asked the location of this well. Ms. Connors explained it is on the west side of 48th Avenue N.W. and north of Tecumseh Road. There are some other wells and tank batteries surrounding this that are not required to be fenced.

Mr. Ryan asked if there is a pumping unit on this location. Mr. Woods responded that there is and it is fenced; the well is inactive.

PRESENTATION BY THE APPLICANT:

Mike Peterman, Operations Manager for Veenker Resources – I would be happy to answer your questions. I would point out one thing that I didn't make clear. This well is temporarily abandoned. It has a bridge plug set in it. We have emptied the tanks of oil and the separator and the vessel out there of oil, put water in it to keep it from blowing away. We'll probably not fix this well until the oil price recovers a little bit, because at the present time it's going to take several thousand dollars to fix it. So I'm asking for a variance to the tank battery fence. It's in the back yard of the Calverts'. All the Calverts that live there on that property have signed

waivers. They don't mind it being there; it's been in their back yard since 1980 and it hasn't been a problem. And, as you pointed out, the pumping unit is fenced and it's inactive also.

Mr. Ryan asked if this would go back into operation if the price of oil were to increase. Mr. Peterman said if the price of oil recovers they will probably fix the well.

Mr. Gransberg asked about the waivers. Mr. Seamans noted that they put a check by "I/We hereby waive the requirements to fence the well site." Mr. Peterman said that these are the forms provided by the City and the waivers were signed by the property owners of the plat provided by the City. Ms. Messner added that it also says "as shown on the attached map" which may not have been provided to the Board. These are sufficient waivers.

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Mr. Ryan commented that he thinks this is similar to what the Board has done with the temporary variance. Mr. Seamans asked whether the City would be able to monitor if they activate the well. Ms. Connors responded that the City does know when wells are active or inactive. David Woods, the Oil & Gas Inspector, keeps track.

Hank Ryan moved to grant a temporary variance that expires on December 31, 2020, or if the well becomes active. Nils Gransberg seconded the motion.

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

YEAS	Hank Ryan, Nils Gransberg, Andrew Seamans
NAYS	None
RECUSED	Curtis McCarty

Ms. Tromble announced that the motion, to grant a temporary variance that expires on December 31, 2020, or if the well becomes active, passed by a vote of 3-0.

Mr. Seamans noted that there is a ten-day appeal period before the Board's decision becomes final. Mr. Peterman asked whether the City could also appeal the decision. Ms. Messner said the City does have appeal rights, but she has not been directed to file such an appeal and doubts that she will be directed to do so.

Mr. McCarty was invited back into the room.

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Item No. 5, being:

BOA-1617-11 – ARVEST BANK REQUESTS A VARIANCE OF 95' TO THE 200' SEPARATION REQUIREMENT FOR AN ELECTRONIC DIGITAL SIGN FROM A RESIDENTIAL AREA FOR PROPERTY LOCATED AT 1355 WEST LINDSEY STREET.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Location Map
3. Sign Ordinance: Sec. 18-412
4. Application with Attachments

PRESENTATION BY STAFF:

Mr. Stenis reviewed the staff report, a copy of which is filed with the minutes. Staff supports the requested variance for an electronic digital message center sign at the location and orientation proposed by the applicant. Should the Board wish to impose any conditions, you might consider reduction of the light intensity or hours of operation, raising the height of the fence or landscaping to block visibility.

Mr. Stenis distributed an aerial photo with the 200' radius from the proposed sign shown. There was one protest filed.

Mr. Ryan asked the maximum height for this type of sign. Mr. Stenis responded it is 25'. Mr. Ryan asked the height of the sign that they removed from the corner. Mr. Stenis said it was approximately 25'. Mr. Ryan asked if they could put this sign back on the corner; the previous sign was removed because of the construction, not because it was in the easement. Mr. Stenis said the existing sign at the corner is in an easement and would have to be moved further north toward the residential area. Mr. Ryan said the site plan shows it outside of the easement. The applicant indicated it would be in the new easement created by the street widening project.

Mr. Gransberg asked how many stories the apartment complex to the north is. Mr. Stenis said it is a single story.

Mr. McCarty asked what the apartment complex is zoned. Mr. Stenis responded it is zoned R-3. The R-1 zoning to the north of the apartments is actually approximately 205' from the proposed sign.

PRESENTATION BY THE APPLICANT:

Mir Kesri, 1801 North Willow Avenue, Broken Arrow, representing the applicant.
Steve Turner, Property Management, Arvest Bank, Oklahoma City.

Mr. Kesri – After the easement purchase, we removed the sign and we decided to add this additional device to the sign, which is the electronic message center. After looking at this property, we found that the best place to put it to reduce the visibility from any neighborhood would be the place that currently we have the sign at. The sign will be facing east and west so there is no visibility, in terms of lighting, directly on the north side of this property. I have drawn some line of sight in there. Where that sign sits, because the sign has what they call a 45° viewing area, if you are outside the 45°, you won't see anything whatsoever. But as you get to 45° viewing you start seeing some lights. So as you get obviously to 90°, that will be the most intense lighting, which is you looking right straight at it, but just either from the east or the west. Looking at that angle, the only apartment where it gets affected is this corner apartment. That is

the corner of that apartment that I have pointed out, and it has one window, but that window is more center of that apartment, so it is actually cutting the corner of that apartment. That's the 45° angle. So, because the sign is actually blocked by the canopy, directly to the north there is no visibility. The sign where it is right now actually has a lot more visibility from the neighborhood than where we're moving it to. So, in terms of visibility for the neighborhood, there is none – zero.

Mr. Ryan – There's the prospect of blockage by fence, but also there's the prospect of lowering the height of the sign. What would be the minimum height of the sign and still be effective?

Mr. Kesri – This is the minimum really, because there are shrubbery and trees and they're going to be planting more as they widen that street. There are going to be some small trees and shrubbery going to be planted and that's really the minimum.

Ms. Connors – I don't think it was made clear that the electronic portion of this sign is only the lower box so it's only about 17'.

Mr. McCarty – With Lindsey being redone and widened, the trees that are going to be planted that are on the plan – will this even be visible? Have we looked at where this is going versus all the new trees that are going to be planted along the street?

Mr. Kesri – Very minimum, but we think it is. It actually even blocks furthermore from the residential area. It's going to be visible from Lindsey, but not so much in the north side of the street at all.

Mr. McCarty – Do you have a landscape buffer behind your property along the residential?

Mr. Kesri – There is a fence behind us.

Mr. McCarty – Is there any landscape there?

Mr. Turner – Yes, there are.

Mr. McCarty – Potential room to plant trees or any tree canopy along the back of the building to prevent the view of this?

Mr. Turner – Yes, that entire fence line is covered to the max with shrubbery.

Mr. McCarty – But no trees. Nothing above the fence line?

Mr. Turner – No.

Mr. Seamans – Is that tree shown in the illustration going to remain? Is there a tree that's just north of that proposed sign?

Mr. Kesri – Yes. It is in the island. It's a short – like a crepe myrtle.

Mr. Seamans – Is it going to remain?

Mr. Turner – Once the City comes through, we'll try to mirror what the City does along that

corridor. Arvest does have a landscape theme, which is more of a drought tolerant Southwest theme. But, of course, we try to fit in with the neighborhood that's a nice, easy, comfortable, pleasing landscape. And that's what we do here at Lindsey.

Mr. Gransberg – With this sign, are you guys going to have it on a timer?

Mr. Kesri – It will be on a timer, yes.

Mr. Gransberg – So it will be programmed to turn off at 10:00?

Mr. Kesri – Not ten.

Mr. Gransberg – Or is that something that I just interpreted from the staff report.

Mr. Stenis – That's not a requirement in commercial areas. It was a comparison. That is one way that's handled in residential areas.

Mr. Gransberg – So you'll have a timer set, though, to turn it off automatically?

Mr. Kesri – Yeah. Automatically at a certain time.

Mr. Gransberg – What time do you intend to have that turned off?

Mr. Kesri – Usually we turn things off at about 1:00, midnight and it comes back on when it gets dark again. These electronic message centers come in with 1,000 footcandles – nit. That's the maximum nit and we're going to reduce this to like 500 nit.

Mr. Stenis – The code has a maximum number of nits, depending on the time of day.

Ms. Connors – I just want to be clear. I don't think that they said the same that's in the code, so we would require the nits to meet the code or less.

AUDIENCE PARTICIPATION:

Bill and Mary Terrill, 1424 Lindale Avenue – the third house from the corner of Wiley. It's back yard backs up to the apartments. Our main protest was we didn't have enough information. The problem was it said we had to put a protest letter in by the 23rd, but we weren't going to get any information until we came here. So we didn't know what else to do but go ahead and put in a protest letter. Because it was sort of like how can we protest something we don't know anything about. So we're here to find out about it. It sounds like it's okay. Is this sign larger, taller, or wider?

Mr. Kesri – None of the above.

Ms. Terrill – And the actual surface of the sign is the same?

Mr. Kesri – Right.

Ms. Terrill – Okay. Because we didn't know anything about it.

Mr. Kesri – Actually there's two signs on that property right now. We are reducing it to just one.

Ms. Terrill – So our only concern, then, is that it's half again closer now north. You say it's 95' further north now.

Mr. Kesri – No.

Mr. McCarty – The requirement is 200' to residential. They're at 105' to residential, so they were asking for a 95' variance.

Ms. Connors – And that's only because it's a digital sign. If there wasn't any digital portion of this sign, that setback is not a requirement. So they're requesting this variance for the digital portion of the sign.

Mr. Ryan – And the digital portion is what? Ten feet lower than the regular.

Ms. Connors – Yes. The top of it is at about 17'.

Mr. McCarty – But it could be at 25', right? The top of the digital could be 25'.

Ms. Connors – If you approve this, no, this is the sign you're approving.

Ms. Terrill – Where you're moving the sign to – you're also moving it further east.

Ms. Connors – The sign is moving from the corner to the east.

Ms. Terrill – Which puts it directly behind our property. Before, on the corner, it wasn't but we're likely to be more impacted by it, but maybe other people will be less impacted by it.

Ms. Connors – Well, from your property, it does meet the 200' distance. It's to the apartment property, which is still residential, that it doesn't meet the 200'. So it actually is meeting the distance.

Ms. Terrill – It's just the sight line. It's directly behind – it's behind our back yard, as opposed to the side of it. The people just west of us are the two properties who will now be seeing the sign who didn't see it before.

Mr. Stenis – It shouldn't be visible. The apartment building with the roof should block it. The digital part is only about 17'.

Ms. Terrill – It doesn't look to be horrible. We just didn't know anything about it. We were envisioning one of these giant signs.

Mr. Terrill – I didn't need a 100' tall McDonalds sign stuck there.

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Mr. McCarty – I don't know how accurate this photo is, but it seems like just to help them it would be real simple to plant a tree in that open area, directly behind your drive-in along the fence line, that would then give them some canopy and block that sign from any view.

Mr. Turner – I think we only have a foot or foot and a half. That's why we put photinia there. We can let them grow. They'll grow into a tree if we allowed that.

Mr. McCarty – Well, if that existing tree stayed, it would sure help, too. That's in the island of where the sign is going, it looks like to me.

Mr. Turner – I believe that's a Bradford pear. We set out on a mission that once we got rid of the Bradford pears. Now, again, we're not opposed to planting a tree there. Maybe a Chinese pistache or something.

Mr. McCarty – That would sure help protect it from the neighbors, if that was their concern of seeing it. At some point it would grow.

Nils Gransberg moved to grant Arvest Bank the variance as requested. Curtis McCarty seconded the motion.

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

YEAS	Hank Ryan, Curtis McCarty, Nils Gransberg, Andrew Seamans
NAYS	None
ABSENT	None

Ms. Tromble announced that the motion, to grant the variance as requested, passed by a vote of 4-0.

Mr. Seamans noted that there is a ten-day appeal period.

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Item No. 6, being:

BOA-1617-12 – JAN & JERRY SWANSON REQUEST VARIANCES TO THE 25' FRONT SETBACK, TO THE 20' REAR SETBACK, AND TO THE 40% ALLOWABLE BUILDING COVERAGE, FOR NEW CONSTRUCTION LOCATED AT 708 S. PONCA AVENUE.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Location Map
3. Application with Attachments
4. Zoning Map
5. Site Plan

PRESENTATION BY STAFF:

Mr. Stenis reviewed the staff report, a copy of which is filed with the minutes. Staff supports the variance of 9'4" to the rear yard setback for 20' of the building. Staff supports the variance of 12'0" to the front yard setback. Staff supports the variance of 3.6% to the building coverage of the lot for a new structure. No protests were filed on this request.

Mr. Ryan – When did the 6,000 square foot minimum come into effect?

Mr. Stenis – I believe it was in the 90s.

Mr. Ryan – I'm a little bit confused, because at our last meeting we had a request for a variance that didn't meet the lot line requirements and it had to have a variance to go forward. This one they're not meeting the lot size requirements. I don't understand why they don't need a variance for that.

Ms. Connors – Well, the lots are grandfathered. We can't change the lot lines. So it says that if a lot, at the time this went into effect, was smaller they can keep the lot size.

Mr. Ryan – They can still do an R-1 on it.

Ms. Connors – All they can do is single family.

Mr. McCarty – The other one was building a separate detached structure.

Mr. Ryan – This is new construction also.

Mr. McCarty – But they were leaving the other house in place and adding a detached structure.

Mr. Ryan – But it was the zoning minimum size for an R-2, and here it's a minimum size for an R-1. She has answered my question as to whether they would change to 6,000. But if it's an R-1, anything that's less than that at this time, you don't need a variance to build.

Ms. Connors – That's right. It's still considered a legal lot.

Mr. Ryan – It doesn't have to deal with the existing structure – anybody can scrape it and build ...

Ms. Connors – A single family home.

Mr. Stenis – But it can only be single family.

Ms. Connors – No matter what the zone is.

PRESENTATION BY THE APPLICANT:

Jerry Swanson, the applicant – I'm the homeowner and the contractor on the project, and the project is at 708 South Ponca Avenue. Basically, we are taking down the current house on the property for the reason that it is so far out of code that a remodel would be impossible to get it like we want it. We're going to go back with the same style that the neighborhood presents itself now that was built in the 30s – a Craftsman style house. We're going to go back with that same style and try to keep it right with the area, which I think is very important, because we realize this is sort of an historic area in Norman and it's one of the areas that we'd like to conform to, I'm sure. We're not asking for any of the setbacks that are going to be different than the house we're taking down. Right now we're actually a little farther back from the front than the original house that we're taking down and a little farther back from the back than the one we're taking down. So that is pretty much already there. Also, the houses to the north and the south of this property are also set back that same amount. Now, the coverage issue – we're over 3.6%, which isn't a lot, but it is over. The reason for that is the house that we're wanting to do is restricted on this small lot a little bit because the size of the lot and we're going to be a little bit over doing the house that we want to do. So it's the lot size that's really restricting us on that 3.6%.

Mr. Ryan – It appears that this is just a stock plan; it's not a custom?

Mr. Swanson – No, it is a custom plan. Actually, the one that we're doing the house for is the neighbor to the south. He's sitting right back here. So we've gone through the plan with them and developed it with them in mind and with the style of the neighborhood.

Mr. McCarty – Did you consider how you could change the house by 3.6%?

Mr. Swanson – We looked at a lot of different ways to do it, but there are some things that they were really wanting. One of them was we tried to maximize the back yard for them, even though the lot was small, so we were restricted there a little bit. They also wanted a covered, screened in porch that dictated a little more coverage than maybe the normal house would have. But, yes, we did consider different things, but the house plan that we really wanted to do for them is going to have to be this much over.

Mr. Gransberg – That's about 200 square feet or so.

Mr. Swanson – Yeah. A little bit less than that.

AUDIENCE PARTICIPATION:

Ed Hilliard – I live across the street at 629. The house that's there at the moment was on the market for maybe a year and a half totally and it's not fixable. Anybody whose looked at it – and lots of people looked at it. I'd see them every time I went out. Therefore, I think replacing it is the best option. I think this solution is very good. Anyway, I'm just putting in a word for the neighbors.

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Mr. Ryan – I'm a little bit concerned with stormwater continuing to be an issue and this – we look at it one way and say a 3.6% variance. It is almost a 10% variance from the coverage amount. I hope we're not going to run into any impervious area issues going forward. I assume we've looked and right now the proposed plan will be alright on impervious area.

Unidentified -- It's like .49% right now. It's well under.

Mr. McCarty – What is the existing house and concrete total impervious surface at this time?

Mr. Swanson – I do not know that existing.

Mr. Ryan – It's not a very big house.

Mr. McCarty – And with your paving and your house, you're not going to exceed the 65% that's allowable in R-1?

Ms. Connors – He just said 49%. That's the total coverage, right?

Mr. McCarty – You're at 49% on the total impervious surface?

Unidentified – Yes, sir.

Mr. McCarty – With concrete?

Mr. Swanson – Yes.

Mr. McCarty – So we're well below the allowable.

Mr. Gransberg – This is what I think about this. You have this old lot that is a really strange shape. This notch in here – if that was part of it – it's not, but if it was a regular shaped lot, you wouldn't have any issues with the percentage at all.

Ms. Connors – Staff doesn't know how that occurred. We don't have a record.

Mr. McCarty – Does the property line to the alleyway go to the edge of the alleyway, or to the center of the alleyway? Do you know?

Mr. Swanson – It goes to the edge.

Mr. Stenis – It's a platted alley.

Mr. Swanson – It's a 20' alleyway.

Curtis McCarty moved to approve the Variances as requested. Nils Gransberg seconded the motion.

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

YEAS	Hank Ryan, Curtis McCarty, Nils Gransberg, Andrew Seamans
NAYS	None
ABSENT	None

Ms. Tromble announced that the motion, to approve the variances, passed by a vote of 4-0.

Mr. Seamans noted there is a ten-day appeal period.

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Item No. 7, being:

BOA-1617-13 – FINLEY RESOURCES, INC. REQUESTS A VARIANCE FROM THE REQUIREMENT TO INSTALL FENCING AROUND THE TANK BATTERY FOR ONE (1) WELL GENERALLY LOCATED NORTH OF TECUMSEH ROAD APPROXIMATELY 1/2 MILE EAST OF 72ND AVENUE N.W.; AND VARIANCES FROM THE REQUIREMENT TO INSTALL FENCING AROUND THE WELL AND TANK BATTERY FOR SIX (6) SITES GENERALLY LOCATED: 1) ON THE EAST SIDE OF 60TH AVENUE N.W. NORTH OF TECUMSEH ROAD; 2) ON THE NORTH SIDE OF TECUMSEH ROAD APPROXIMATELY 1/2 MILE WEST OF 48TH AVENUE N.W.; 3) ON THE WEST SIDE OF 48TH AVENUE N.W. APPROXIMATELY 1/2 MILE SOUTH OF TECUMSEH ROAD; 4) ON THE WEST SIDE OF 48TH AVENUE N.W. APPROXIMATELY 1/3 MILE SOUTH OF TECUMSEH ROAD; 5) ON THE WEST SIDE OF 60TH AVENUE N.W. NORTH OF TECUMSEH ROAD; AND 6) ON THE EAST SIDE OF I-35 APPROXIMATELY 1/3 MILE NORTH OF ROCK CREEK ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Application with Attachments, Location Maps & Aerial Photos

PRESENTATION BY STAFF:

Ms. Connors reviewed the staff report, a copy of which is filed with the minutes. No protests were filed for this application.

Staff supports granting a variance until October 31, 2016 for Sooner #1 to allow sufficient time to remove surface equipment.

Staff does not support the variance request for the remaining wells and batteries based on the oil and gas regulations approved by City Council.

Ms. Connors reported that Mr. Woods has indicated that the Sooner #1 equipment is already gone. A variance is no longer needed.

Sam Carroll indicated that they would be willing to withdraw the request for a variance for Sooner #1 if it is no longer subject to the requirement for fencing. There is some piping, but the battery is gone and the pump unit is gone. There is a wellhead there.

Hank Ryan moved to accept the applicant's withdrawal of the variance request for Sooner #1. Curtis McCarty seconded the motion.

Myrna Latham – I'm here on behalf of University North Park, which owns the property on which the Sooner #1 is located. What I understand from talking to David is that it's being temporarily plugged.

Mr. Carroll – It's going to be temporarily abandoned and be inactive. We're not going to plug it at this time. We're just removing all the equipment that would pose any type of hazard.

Ms. Latham – We just want to make sure that we understand. If and when the well is reactivated, would it then be subject to the requirements.

Ms. Connors – It will be, because it's in the Current Urban Service Area. There wouldn't even be a waiver or an opportunity to request a variance.

Ms. Latham – I just wanted to make sure that, by withdrawing their application with regard to the Sooner 1, they weren't somehow becoming exempt from that fencing requirement.

Ms. Connors – Not if it becomes an active well in the future.

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

YEAS	Hank Ryan, Curtis McCarty, Nils Gransberg, Andrew Seamans
NAYS	None
ABSENT	None

Ms. Tromble announced that the motion, to accept withdrawal of the variance request for Sooner #1, passed by a vote of 4-0.

PRESENTATION BY THE APPLICANT:

Sam Carroll, Senior Land Man for Finley Resources – I have approximately 23 years experience as a Senior Land Man. I've dealt with all these sorts of issues before. This is Fred Gossling; he's our Production Superintendent. He manages all the wells out here. Finley is a Fort Worth company. Actually, I have deep roots in Norman. I grew up here, went to Cleveland Grade School, Longfellow Middle School, graduated Norman High in 1980 and then went on to graduate from OU. So, if you cut me, I bleed crimson red. And I care about the City of Norman, as does Finley, and we want to be good neighbors to the people around us. Up to this point, we've had no complaints from any of our neighbors. We get along fine. Everybody has my card. Of course, now I've talked to them more in the last week or two than I have in a long time, but we listen to their requests and their concerns and we try to address them within our ability. This issue, to us, is about three things: economics, the need, and then legality. As far as the economics on this unit, we bought this unit about four or five years ago, I believe, when the price of oil was \$100 plus a barrel. And we know where it is today. Now, when we bought this unit, what we do, and part of my job is – now, I wasn't here with Finley – I was with another company at that time, but you do a due diligence project and you're going to look at does this unit meet all the current requirements? Did we, at that time, meet all the City of Norman's current requirements? And, yes, we did. And other than this new fencing ordinance, we still do. We had no knowledge this was going to happen or this would have been considered in our purchase price. Because when you're talking 15 wells, you're talking two to three hundred thousand dollars commitment in fencing all these well sites. That would have lowered what we offered up to ¾ of a million dollars. We have to make a profit to exist. So now we're getting hit with a double whammy here. Not only are prices in the tank, but we're looking at having to spend a lot of money to fence these well sites. I also want to stress this unit has been sold numerous times, and every time a unit is sold, your profit margin goes down just a little bit. You have to be able to operate economically. Not only do I really represent Finley, but I represent the partners in our wells, and I represent the mineral owners who are your neighbors. We have a fiduciary responsibility to these people to keep this unit alive and as economical and commercial as possible. With that being said, we're struggling to save this unit right now for the future. It is what you would consider commercial, but the real value is down the line. First of all, what technological advances are we going to see in the future that will enable us to capture a larger percentage of the reserves? You've got horizontal drilling. We've got a large acreage block here. This is a unit that's like 2,000 acres. All we have to do is have one producing well on that unit to hold those rights for that whole unit. Now, so we've got the future value. We've got values also in these well bores. Sometimes people look at these well bores and say, well, they're just sitting out there inactive and they're just not doing anything because they don't want to spend the money. But that's not the case. Each and every one of these well bores has value in its own. You never know when we're going to try to reconfigure the injection and maybe turn one injection well into a

producing well or vice versa with technological advances. So there's still a lot of value to be had in this unit – not only in the well bores, but in the leasehold. And there are possibly zones that are potentially productive that have not been tested yet or maybe are not commercial at current technological standards. But, again, it gets back to the same thing. At these prices we are trying to be as economical as possible to keep this as an economic venture for revenue for our mineral owners and our other partners.

This fencing ordinance – I've been told it's for safety reasons. I understand – I guess you're thinking about children wandering in there and getting in moving equipment or climbing on the tank batteries. I'm presuming that's the purpose of it, and please correct me if I'm wrong. All these wells are in a pretty rural area. They're close to scattered houses. I'm only aware of one of them that is near a property being actively developed for a neighborhood, and that's Oklahoma C-16-4. Those kids or whoever would face more danger crossing 48th to get to the well site than they would in that well site, because you're talking tank batteries and that's it. And, again, if I'm right and that's the case and it's about safety and about children climbing the tank batteries, well, kids climb and they climb trees but you can't fence every tree out there. We have never had any kind of safety incident at any of these locations. I'm not aware that there's been any, unless it was an active crew working on a site. If there are some statistics, I'd like to know about them. But I know we have not heard of any on our well sites. All of our property owners have no issues with our well sites. We've got the waivers, or I'm in the process of getting waivers. Now, when these wells are drilled, we go out and we make agreements with the surface owners. Those agreements are of record. You have surface use agreements, right-of-ways. Those agreements govern the relationship between us and the surface owner, and they're of record. So these developers that are coming in, and I'm presuming they might be behind this, but it doesn't matter – they're subject to those agreements. They have knowledge of those agreements. We're in compliance with all those agreements. Those wells have been there for 30 years, some of them. And we were prior in time to any future development. Not only are we prior in time, but they're on notice of our rights in here. In Oklahoma, it's well-known case law that the surface estate is subservient to the mineral estate. We believe this ordinance on all these wells could be infringing on the rights of the mineral owners and the leasehold owners to produce the reserves they're entitled to. Our legal team's opinion is that this ordinance would not withstand legal challenge. However, that's not what I'm here for. I'm here because we want to be good neighbors and we believe that the best agreement is agreement that both parties agree to and can walk away happy. So I come to you today with an olive branch in hand requesting these variances. If you would, I'd like to go over each one of these wells and discuss the specifics. Most of this will be in my email to David. I kind of came into this project late. Fred got this project and he was going to handle it on his own and I think he realized that probably some of it was out of his expertise so I just got involved about three weeks ago, so I've been under the gun a little bit. I've got some deadlines here that I've missed a little bit, but please be patient with me. Then we also had an issue where there was a miscommunication about whether my waivers had to be notarized or not. At first, I thought they had to be notarized, and that was quite a job to get all these people together with a notary. However, I've since learned that a notary is not required and that has made my job a lot easier.

If we start with the C-16-4, which is an active injection well. It's a candidate to get possible conversion to a producing well. There are two owners of residences within 600 feet of the well. These owners are Jerry Randall Lafoon and the M.J. Austin 2006 Trust. They are directly across 48th from our well. Neither one of them have a problem with the well site. They really don't even know it's there because it blends in real well the way that it's got pipe fencing – the surface owner, but it isn't fenced. But those owners have agreed to sign waivers. M.J. Austin called me today at 11:00 and said they're going to sign the waivers and that I can pick them up

at 5:30 from Mr. Austin. Jerry Randall Lafoon called me about 30 minutes before I got in the meeting – I thought they were going to, but they finally said okay. He's supposed to deliver that waiver to me tomorrow morning. Those are the only two owners within 600 feet. Again, I stress, there's no record of any accidents or injuries at this well site. Subject to these waivers being required, I request a variance for the fencing ordinance.

Mr. Ryan – These are the 48th Street wells? But neither of those have a gate or anything – they're just open roadway to the well site.

Mr. Carroll – That's right. It's a pipe fencing. Now I have to look into this, but I suspect the reason it doesn't have a gate is because this surface owner didn't want one. Normally we prefer a locked gate, and we have those on most of our sites. So, although I can't specifically say I've seen an agreement, I suspect that that surface owner doesn't want it because he uses that as access to his horses and cattle.

Mr. McCarty – I'm going to ask a question. So you've got those two, and I drove past them. Neither one of them had gates on them that I could tell. People can just drive in there right now.

Mr. Carroll – The C-16 – that's correct.

Mr. McCarty – Both the ones on 48th.

Mr. Carroll – The B-16-2, yeah.

Mr. McCarty – So do you all feel comfortable as operators to have exposed wells like that with pump jacks on them with not any fence around?

Mr. Carroll – There's no pump jack.

Mr. McCarty – I'm sorry. These are not pump jacks. But actually with no protection to keep people out at all.

Mr. Carroll – Well, as I said, we prefer a gate and I just assume that the surface owner didn't want a gate or we would have one on there. But we're not overly concerned about the safety because I think history backs us up on that.

B-16-2 is currently inactive. That's the other one you were concerned with. Again, it's a candidate for a work-over to reestablish production, a candidate for recompletion, candidate for conversion to injection well. There is no residence or businesses within 600 feet of the well. With that being said, we request a variance be granted. And, as you said, this one does not have a gate. Again, we do not object to putting a gate on these, if it complies with our agreement with the surface owner and he consents.

Prebble #3 – that's an inactive injection well. It's a candidate to be reactivated as an injection well, candidate to convert back to a producing well. There's no residence or businesses within 600 feet of the well. The entrance to the lease road currently has a swinging and lockable gate to prevent unauthorized access to the well site. Again, no record of any accident or injuries at the well site. Therefore, we request a variance be granted.

Mr. Gossling – It has a gate around the equipment, also. There's two gates.

Mr. Carroll – The Berry #1. Well is currently inactive. Candidate for work over to reestablish production. Candidate for recompletion attempt. Candidate for conversion to injection well. No residents or businesses within 600 feet of the well. Entrance to lease road currently has swinging and lockable gate to prevent unauthorized access to well site. No record of any accidents or injuries at the well site. Finley requests a variance be granted on this well site.

Moving on to the Gill #1. The Gill #1 is currently an inactive injection well. It's a candidate for conversion to a producing well. There are three residences within 600 feet of the well. I'm in possession of the waiver from James Blue. He lives right next to the well. I'm in possession of the executed waiver from Armando Garcia and Educijes Garcia. They own the Chelino's Restaurant in town and they're the third house away from the well site. I have talked to Dustin Amrine. He's the middle house – two houses away from this well site. He's in Prudhoe Bay right now. He's in a place called Deadhorse, Alaska and he says he is isolated and has no way of getting this waiver – delivering it or getting it delivered to him until he gets back, but he says when he gets back in October that he has no problem executing this waiver, and I do have a text message from him. I finally said if you could just acknowledge through text that you'll agree to sign this waiver, I'm sure that the City of Norman would agree to, at the very least, give me a little extension to get that waiver in hand. As a matter of fact, that well sits on a vacant lot and the whole lot is not our responsibility. But when I'm talking to James Blue he complained about how high the grass was and the rats and so I talked to Fred and we went out there mowed the lot down for him. That's the least we could do. There's no record of any accidents or injuries at the well site. Subject to the last waiver being acquired, Finley requests a variance from the fencing ordinance for that site.

Mr. Gransberg – Does the property owner have any fence around this land, or is this just a berm around that?

Mr. Gossling – There is a fence. The property owner does have a fence toward the back side of the Gill.

Mr. Carroll – And all those property owners have no issues at all with that well site.

Mr. McCarty – But you only have two of the three waivers with you?

Mr. Carroll – That's correct. I have a commitment for the third.

Mr. McCarty – Have those waivers been submitted to staff?

Mr. Carroll – I've actually got those on me and David and I were going to get together and I was going to give him the originals of all the waivers I have. All the waivers name the person, they name their address, and they name the well that they're waiving the fencing requirement on. I'm sure they will meet your standards.

The Boswell #1 is currently inactive. It's a candidate for work over to reestablish production. It's a candidate for recompletion attempt. It's a candidate for conversion to injection well. There's no residents or businesses within 600 feet of the well. No record of any accident or injuries at this well site. Finley requests the variance be granted. And I think that covers all the wells that we have requested a variance on.

Mr. Gransberg – If you had to fence these, what do you estimate the cost?

Mr. Gossling – If we had to fence the battery and the pump jack – the last one we did, which was the Little River 112, it was a little over \$17,000. I'm estimating at about \$16,000.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Mr. Carroll – If I can make one more comment on this? I just want to stress that, when you're drilling a new well, this ordinance is not that big a deal. I mean, when you're investing millions of dollars, you've got no problem putting \$17,000 into a well site. You know what, I'm in agreement that that's a good ordinance, without even touching on the legality. But what I question is the retroactivity of this, because the people that can least afford it are being asked to bear the cost, not the guy that drilled the well whose taking the big share of the profits from it, not the next guy and the next guy, but the Finley guy – the guy that comes in and operates in an economical manner so that he can pull as many reserves for his other working interest owners and mineral owners as he can.

Mr. Gransberg – So who are your owners, then? As far as who owns Finley?

Mr. Carroll – Well, actually, it's a family-owned company. James Finley owns it, out of Fort Worth, Texas. But we have other working interest owners in these wells – people that, for instance, took leases on this land maybe before the unit was formed and drilled a single well – but other companies that are not affiliated with Finley, other than they're our partners in this well.

Mr. Gransberg – Are you owned by a parent company?

Mr. Carroll – No. Finley Resources is a private company. But there could be public companies. You might have individuals or private companies that actually own an interest in that well. As the operator, it's our fiduciary duty to represent them here, too. The owners of the leases. The owners of the mineral rights would be the mineral owners, and we represent them, too.

Mr. Seamans – Let's talk about Boswell #1.

Ms. Connors – This is the one on the north side of Tecumseh Road, west of 60th Avenue N.W.

Mr. McCarty – This is the one that has no gate or anything to it, correct?

Mr. Gossling – It has a gate. I've got to tell you – I'm not sure who it is – whether it's the farmer who just drives around that gate pretty often. There's no fence next to that gate. It's a swinging gate on the actual road. There's a fence on one side of the gate.

Mr. Woods – Boswell #1 has no pumping unit.

Mr. Carroll – That's correct. It has no moving parts.

Mr. Woods – It's only a set of tanks.

Mr. McCarty – Is there any fence at all around even the tanks?

Mr. Gossling – There's a fence around the tank battery.

Mr. McCarty – Just like a 3-wire?

Mr. Gossling – Yes.

Mr. Ryan – The gate was open with no lock. It had a gate, but no lock.

Mr. Carroll – And I stress, as far as fencing on each side of our right-of-way, we don't have any control over that.

Hank Ryan moved that the Variance on Boswell #1 be granted that will expire on the earlier of the well becoming active or December 31, 2020. Curtis McCarty seconded the motion.

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

YEAS	Hank Ryan, Curtis McCarty, Andrew Seamans
NAYS	None
ABSTAIN	Nils Gransberg
ABSENT	None

Ms. Tromble announced that the motion, to grant the Variance for Boswell #1 to expire when the well becomes active or on December 31, 2020, passed by a vote of 3-0-1.

Mr. Seamans – The next well site is Prebble #3.

Ms. Connors – This is northwest of the intersection of 60th Avenue and Tecumseh Road.

Mr. McCarty – This is the one that did not have a gate, right?

Mr. Gossling – The well does have a gate. The ones on 48th don't have gates.

Mr. Ryan – I have gate but no lock when I went by there.

Mr. Carroll – Sometimes if I'm out driving around or Fred is out driving around I'll ask our pumper, when you go, leave the locks unlocked for me so I can get in. I believe it's our practice to try to keep those locked at all times.

Mr. McCarty – Is this an active pumper, or battery only.

Mr. Gossling – It has a pump jack. It's not active.

Mr. Carroll – It's an inactive pump jack. It's an inactive injection well. The Prebble.

Mr. Gossling – I'm sorry. You're at the Prebble. I was thinking about the Berry. The Prebble is just an injection well. Sorry about that. It does have a locked gate. It has two locked gates, as a matter of fact. It's on the corner of 60th and Tecumseh and it's on the northwest corner. The Berry is on the northeast corner. No pumping unit. No real moving equipment. Currently it is inactive.

Mr. McCarty – What does inactive mean to you?

Mr. Carroll – It means that it is temporarily abandoned. We're not using it.

Mr. McCarty – So if the prices of oil and gas go up, do you use it?

Mr. Carroll – If the price of oil and gas goes up then, yes, there's a potential we can open that back up and start injecting fluid into it.

Mr. McCarty – But at this time, it's shut down?

Mr. Carroll – Yeah, we're going to need \$70 or \$80 a barrel.

Curtis McCarty moved that the Variance on Prebble #1 be granted that will expire on December 31, 2020, or if the well becomes active they have to put up a fence. Hank Ryan seconded the motion.

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

YEAS	Hank Ryan, Curtis McCarty, Andrew Seamans
NAYS	Nils Gransberg
ABSENT	None

Ms. Tromble announced that the motion, to grant the fencing Variance for Prebble #1 to expire on December 31, 2020 or if the well becomes active, passed by a vote of 3-1.

Mr. Seamans – The next well site is Berry #1. And this one is tank battery and pump. Active or inactive?

Mr. Carroll – It is inactive.

Mr. Seamans – It looks like there is a gate there.

Mr. Carroll – There is a gate.

Mr. Gransberg – And that's just a regular well – not an injection well?

Mr. Carroll – Correct. It is a producer.

Mr. McCarty – It's a producer, inactive at this time.

Mr. Carroll -- Correct. A producer that is not producing.

Mr. McCarty – And it has a gate?

Mr. Carroll – It does have a gate, yes.

Curtis McCarty moved that the fencing Variance on Berry #1 be granted that will expire on

December 31, 2020, or if the well becomes active they have to put up a fence. Hank Ryan seconded the motion.

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

YEAS	Hank Ryan, Curtis McCarty, Andrew Seamans
NAYS	Nils Gransberg
ABSENT	None

Ms. Tromble announced that the motion, to grant the fencing Variance for Berry #1 to expire on December 31, 2020 or if the well becomes active, passed by a vote of 3-1.

Mr. McCarty – Oklahoma B-16-2.

Ms. Connors – It's just west of 48th Avenue between Tecumseh and Rock Creek.

Mr. Seamans – And this one is a tank battery.

Mr. McCarty – Looks like tank batteries only.

Mr. Carroll – Yes.

Mr. Seamans – And this is the one that doesn't have a gate?

Mr. Carroll – Correct. It does not have a gate.

Mr. McCarty – But it looks to be fenced off around it, but just no gate.

Mr. Gossling – Yeah, it's fenced. The lease road is fenced on both sides and then the location is fenced, but there's no gate on it.

Mr. McCarty – I've got a question for staff. If we ask them to gate this, does our ordinance supercede what their contracts say with their owners?

Mr. Woods – The ordinance requires a locked gate.

Mr. McCarty – That's what I thought. So it doesn't matter what their contract says with the owner or the land owner or the farmer. It's required to have a locked gate, right?

Mr. Woods – When they did the ordinance change, they put into the ordinance that it have a locked gate. Most of these wells pre-dated any ordinance that we had and were grandfathered up until a period of time.

Ms. Connors – Until last month.

Ms. Messner – This is a requirement for operation of the well, or for permitting a new well?

Mr. Woods – For permitting a new well.

Ms. Messner – Requires a locked gate?

Mr. Woods – Yes. Basically, the locked gate had to do with new wells being permitted. And the old wells had all been grandfathered.

Ms. Messner – The only thing that was not necessarily retroactive that had a period to come into compliance of a year was the fencing requirement, and that's the one thing that needs to be brought up into compliance on these older wells.

Mr. McCarty – So there's no well there – producer or injection or any other type. Is there a well head still?

Mr. Carroll – There is a well head there on B-16-2.

Mr. McCarty – But it's not capped?

Mr. Carroll – It is not capped.

Mr. Seamans – So is it considered active?

Mr. Carroll – It is not active.

Curtis McCarty moved to require a locked gate, waive the fencing requirements around the battery for Oklahoma B-16-2 until December 31, 2020, or if the well becomes active the waiver for the fence is removed. Nils Gransberg seconded the motion.

Mr. Carroll – If I can make a comment on this. This could be between the City and the surface owner. Our agreement with the surface owner would trump what the City does. Then if he doesn't want us fencing it, then it's between you and him. We don't have a problem with a lockable gate. That's the legal of it. That's the way we would have to face it and say, look, we can't just run out there and say look, the City is forcing us to fence this, we're going to fence this. You guys would have to say to him, we require that to be fenced and you're going to have to let them fence it.

Mr. Gransberg – Sounds like a problem you're going to have to deal with.

Mr. McCarty – I'll tell you what. I'll remove my motion.

Nils Gransberg moved that Oklahoma B-16-2 be required to be fenced by no later than November 30, 2016. Curtis McCarty seconded the motion.

Mr. Seamans – So does that fence including the gate?

Mr. Gransberg – That's part of the fence.

Mr. McCarty – That's what the requirement says.

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

YEAS	Hank Ryan, Curtis McCarty, Nils Gransberg, Andrew Seamans
NAYS	None
ABSENT	None

Ms. Tromble announced that the motion, to require that the Oklahoma B-16-2 be fenced by November 30, 2016, passed by a vote of 4-0.

Mr. Seamans – The next well site is Oklahoma C-16-4. So this is just a tank battery. Once again, no gate.

Mr. Carroll – It is an injector.

Mr. McCarty – Is it inactive, too?

Mr. Carroll – No. C-16-4 is active.

Mr. McCarty – It has no gate.

Mr. Carroll – Correct. It does not have a gate.

Mr. McCarty – And this one is the closest to any residential properties, I think, that I've seen. It's right across the street from a relatively new.

Ms. Connors – Fountain View.

Mr. Carroll – That's correct.

Mr. McCarty – You had two people of interest, but there's a lot of other lots there that are owned by somebody.

Mr. Carroll – There is a potential, because I think the two houses are built and there are more lots.

Ms. Connors – I just want to clarify one thing. C-16-4 and the Gill #1 are both before you. They've gotten waivers from the adjacent property owners, so this is before you because the City has not granted a waiver from the centerline of the street.

Mr. McCarty – It's also not fenced or gated.

Ms. Connors – That's correct. But the City's not granting a waiver is why it's before you.

Mr. Gransberg – This looks like the same situation as the last one, with a fence and property owner.

Mr. Carroll – This one is a little different. I don't think we have an issue with the property owner on the gate on this one, if we put one in. I don't think we have this issue. And the reason I said on the other one is because the fencing matches the actual fencing that he has on his land. This one I don't think that's an issue.

Curtis McCarty moved that on Oklahoma C-16-4 a gate be required to be put up, and grant a

variance to the fencing requirement until December 31, 2017. Hank Ryan seconded the motion.

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

YEAS	Hank Ryan, Curtis McCarty, Nils Gransberg, Andrew Seamans
NAYS	None
ABSENT	None

Ms. Tromble announced that the motion, to require that the Oklahoma C-16-4 have a gate installed, and a variance to the fencing be granted until December 31, 2017, passed by a vote of 4-0.

Ms. Connors – Gill #1. North of Tecumseh Road and west of 48th Avenue N.W.

Mr. Seamans – And this one there was a missing waiver from a guy that has promised via text to sign the waiver.

Mr. McCarty – What do we have here? Injector? Producer?

Mr. Carroll – The Gill is an active injector.

Mr. McCarty – Is it possible you want to postpone this until you get all three waivers?

Mr. Carroll – You know, I would not only like to postpone that one, but I'd like to postpone the B-16-2 so I can talk to the surface owner. Obviously, we're going to put up a gate if he's going to approve of it. And there's a good chance he'll say, fine, put up a gate.

Ms. Messner – You can make a motion to reconsider – a party on the prevailing side of the motion.

Mr. McCarty – Let's come back to that. Let's handle the Gill first before we jump back – if we can, stay on task.

So you've got waivers from two of the three, but the third one you won't have, and they haven't been submitted to the City. Right?

Ms. Connors – That's correct.

Mr. Seamans – So at this time are you requesting to pull the Gill?

Mr. Carroll – To either provide additional time, or approve the waiver subject to me providing this within a certain amount of time, or let's rehear it in 30 days. I just need some time because I'm 100% certain that I'm going to have -- Dustin Armine said he's not going to be back in town until mid-October.

Mr. Seamans – Do you think you can get it by the end of October – get that waiver? I just propose if you can get that waiver that the guy is missing – or get all those three submitted by the end of October, then we could make our motion on this one hinge upon that receipt of waivers. Does anybody have a problem with that?

Mr. Gransberg – This one is an active.

Mr. McCarty – It's gated.

Mr. Carroll – The Gill does not have a gate on the way in.

Mr. Ryan – It doesn't have a fence?

Mr. Gossling – There is a fence. There's a fence at the front of the property, and then there's a fence at the battery.

Mr. Gransberg – I don't see why, for an active injection well that's being used, how that's all that much of an economic hardship, compared to inactive wells.

Hank Ryan moved that a variance be granted for the Gill #1 as requested until December 31, 2020. Nils Gransberg proposed a friendly amendment to grant the variance until December 31, 2017.

Mr. Carroll – This injection well does not, in itself, produce revenue. When you're talking about active and revenue, you have to look at the unit as a whole. And what you do as an injection site, you're injecting water into it to push your production to specific well bores. Therefore, the whole unit ...

Hank Ryan accepted the friendly amendment. Nils Gransberg proposed another friendly amendment to require a gate be installed on the existing battery fence by November 30, 2016. Hank Ryan accepted the friendly amendment.

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

YEAS	Hank Ryan, Curtis McCarty, Nils Gransberg, Andrew Seamans
NAYS	None
ABSENT	None

Ms. Tromble announced that the motion, to require that a variance be granted for the Gill #1 fencing until December 31, 2017, and to require a gate to be installed on the existing battery fence by November 30, 2016, passed by a vote of 4-0.

Mr. Carroll – If I may, I'd like to go back and readdress the one. I don't want to be shut out on that one. I know I said we have to get approval from the surface owner, but I can't say that the surface owner won't say fine, put a gate up. So I don't want to be shut out of this. I would like to have the chance to discuss this with the surface owner and get his approval to do the gate and readdress that. The B-16-2.

Mr. McCarty – Are you proposing you'd postpone that for a month so that you can find that out before you come back to us?

Mr. Carroll – Yes, sir.

Curtis McCarty moved for reconsideration of the motion on the Oklahoma B-16-2. Hank Ryan

seconded the motion.

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

YEAS	Hank Ryan, Curtis McCarty, Nils Gransberg, Andrew Seamans
NAYS	None
ABSENT	None

Ms. Tromble announced that the motion, to reconsider the motion on the Oklahoma B-16-2, passed by a vote of 4-0.

Curtis McCarty moved to postpone action on the Oklahoma B-16-2 to the October 26, 2016 meeting. Hank Ryan seconded the motion.

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

YEAS	Hank Ryan, Curtis McCarty, Nils Gransberg, Andrew Seamans
NAYS	None
ABSENT	None

Ms. Tromble announced that the motion, to postpone action on the Oklahoma B-16-2 to the October 26, 2016 meeting, passed by a vote of 4-0.

Mr. Seamans noted the ten-day appeal period before the Board's action is considered final.

* * *

Item No. 8, being:

BOA-1617-14 – SOUTHCREEK PETROLEUM COMPANY, L.L.C. REQUESTS A VARIANCE FROM THE REQUIREMENT TO INSTALL FENCING AROUND THE WELL AND TANK BATTERY FOR TWO (2) WELLS GENERALLY LOCATED: 1) ON THE NORTH SIDE OF HIGHWAY 9 APPROXIMATELY ½ MILE EAST OF 84TH AVENUE S.E.; AND 2) ON THE SOUTH SIDE OF INDIAN HILLS ROAD APPROXIMATELY ¼ MILE EAST OF 72ND AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Application with Attachments, Location Maps & Aerial Photos

PRESENTATION BY STAFF:

Ms. Connors reviewed the staff report, a copy of which is filed with the minutes. There was one protest on the well located on Indian Hills Road.

Staff does not support this request based on the oil and gas regulations approved by City Council.

PRESENTATION BY THE APPLICANT:

Gus Lovelace, Vice President of Southcreek Petroleum – I don't want to really say anything that hasn't already been said. These wells are both outside of the urban area. Both of them have locked gates. Both of them have proper signage on them. The Niles #3 does have a fence around both the pumping unit and the tank battery. They are both active wells. Typically, fencing on these old wells like this, the land owners request. And we do, upon the owners request, put fences out whenever one is requested. Our main concern is just the type of fence that the City of Norman is requesting. Putting a fence up around a pumping unit does add a sense of safety. I will not disagree with that statement. Most of the people who have brought these variance forward is the cost associated with it.

Mr. Gransberg – Do you know the person who protested?

Mr. Lovelace – No, sir. I do not.

Mr. Gransberg – And your other one is on Highway 9?

Mr. Lovelace – Yes, sir. Just east of 84th Street – a half mile.

Mr. Gransberg – I don't remember. Do we have people who were close to that? Any residences?

Ms. Connors – No. These are before you because of the City's requirement.

Mr. Lovelace – It's just the center of the roadway.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Mr. Gransberg – Does the Kennedy #1 have a gate coming off on that fenceline?

Mr. Lovelace – On the fenceline, yes, sir. Coming right off the highway, it's a locked gate. Both

of these wells have locked gates. I make sure that they are locked every time I'm in and out of there. We do have another pumper on the Niles #3 – he may be in and out of there, but every time I'm in and out of there I always make sure that the gates are locked behind me.

Mr. McCarty – Do we know the closest residence to this one?

Chelle Massey – It's 1,200 feet.

Mr. McCarty – Is it on the same property, or does it have another fence separating it?

Mr. Lovelace – If you look at the Kennedy's site, it has a barbed wire fence that goes around the site. And there is a well that is to the north and east of it. I can't even see it from the location. From the top of tank battery, I can't see it. But there is a second gate on the far north side of that location. It's used for the farmer. The farmer puts his hay out there in the northwest corner of that location and he comes and feeds his cows back there. Other than that, I don't know anything else about that location. I just take care of my well and do my thing.

Nils Gransberg moved to grant the variance on the Kennedy #1 for the fencing until December 31, 2020. Hank Ryan seconded the motion.

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

YEAS	Hank Ryan, Curtis McCarty, Nils Gransberg, Andrew Seamans
NAYS	None
ABSENT	None

Ms. Tromble announced that the motion, to grant the variance for the Kennedy #1 fencing until December 31, 2020, passed by a vote of 4-0.

Mr. Seamans – Now we'll go back to the Niles #3.

Mr. Lovelace – Active. Gate locked. Actually, on that well, he farms – I don't know if he's a renter or the land owner himself, but he did request that we put a fence up around the tank battery and the pumping unit. We did do that. And it is to prevent his cattle from getting into the equipment. Cattle panels all around both the tank battery and the unit, with gates on both. They're typical cattle panels – 54".

Nils Gransberg moved to grant the variance on the Niles #3 for the fencing until December 31, 2020. Curtis McCarty seconded the motion.

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

YEAS	Hank Ryan, Curtis McCarty, Nils Gransberg, Andrew Seamans
NAYS	None
ABSENT	None

Ms. Tromble announced that the motion, to grant the variance for the Niles #3 fencing until December 31, 2020, passed by a vote of 4-0.

* * *

Item No. 9, being:

BOA-1617-15 – IMMANUEL BAPTIST CHURCH REQUESTS A VARIANCE OF 45% TO THE EXTERIOR APPEARANCE STANDARDS REQUIRING 80% MASONRY FOR A NEW STORAGE BUILDING LOCATED AT 1777 E. ROBINSON STREET.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Location Map
3. Application with Attachments

PRESENTATION BY STAFF:

Mr. Stenis reviewed the staff report, a copy of which is filed with the minutes. No protests were filed on this application.

Staff supports the variance as requested because the building will be either not visible or relatively distant from adjacent public rights-of-way and residential properties.

Mr. Ryan noted that the Board recently granted a variance to Collision Works for new construction on Flood Avenue for exterior appearance.

PRESENTATION BY THE APPLICANT:

Eric Casperson – It's a bus barn. It will be located at the back of the property. It's fairly well hidden. I just don't feel like it needs to be 80% for it to be attractive, durable, and harmonious with the neighborhood. That's why I've asked for a variance. I'm a member of Immanuel. Been there 32 years. I drive the bus and sing in the choir, and now I'm building a bus barn.

Mr. Gransberg – What color are you going with for the metal paneling?

Mr. Casperson – Kind of a sandy color. It matches the brick that's on the existing building. And the brick will match the existing brick, too.

Mr. Gransberg – As far as the roofing, are you using a composite tile or a standing seam?

Mr. Casperson – A sheet metal roof.

Mr. Gransberg – I was looking at your site plan you had on the back. So it looks like it's just past this detention pond over here. Were you planning on having any sort of vegetation here on the street side of that building?

Mr. Casperson – The driveway will pretty well cover the whole front. With two 12' doors. I did plan on planting a few evergreens and boxwood around the building trying to landscape as much as we can. The front of it would be primarily drive getting in and out.

Mr. Gransberg – What is the distance here?

Mr. Stenis – From Robinson the building will be about almost 500'.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Curtis McCarty moved to grant the Variance as requested. Nils Gransberg seconded the motion.

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

YEAS	Hank Ryan, Curtis McCarty, Nils Gransberg, Andrew Seamans
NAYS	None
ABSENT	None

Ms. Tromble announced that the motion, grant the Variance as requested, passed by a vote of 4-0.

Mr. Seamans noted the ten-day appeal period before the Board's decision is final.

* * *

Item No. 10, being:

MISCELLANEOUS COMMENTS

None

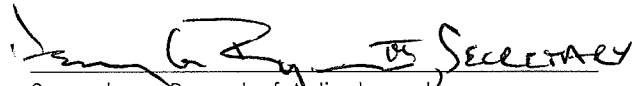
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Item No. 11, being:

ADJOURNMENT

There being no further business and no objection, the meeting adjourned at 6:37 p.m.

PASSED and ADOPTED this 26th day of October, 2016.


Secretary, Board of Adjustment