



City of Enid
401 W. Owen K. Garriott Road
Enid, Oklahoma 73701
580-234-0400

BOARD OF ADJUSTMENT

NOTICE OF MEETING

Notice is hereby given that the Enid Board of Adjustment will meet in regular session at 4:00 p.m. on the 14th day of August, 2018, in the Lower Level Conference Room in the basement of the City Administration Building, located at 401 W. Owen K. Garriott Road, Enid, Oklahoma, and the agenda for said meeting is as follows:

- AGENDA -

BOARD OF ADJUSTMENT

1. CALL TO ORDER/ROLL CALL.
2. CONSIDER APPROVAL OF MINUTES OF THE REGULAR BOARD OF ADJUSTMENT MEETING OF MAY 8, 2018.
3. ADMINISTRATION.
 1. NONE.
4. VARIANCES.
 1. HEAR THE APPEAL OF VICTOR MCALISTER FOR APC TOWERS REQUESTING A HEIGHT VARIANCE FOR A 100' COMMUNICATION TOWER LOCATED AT 1318 NORTH 10TH STREET.
 2. NONE.
5. SPECIAL EXCEPTIONS.
 1. NONE.
6. ADJOURN.

DRAFT

MINUTES OF REGULAR MEETING OF
THE BOARD OF ADJUSTMENT OF THE CITY OF ENID, OKLAHOMA,
HELD ON THE 8TH DAY OF MAY 2018

The Board of Adjustment of the City of Enid, County of Garfield, State of Oklahoma, met in regular meeting in the Lower Level Conference Room of the Administration Building of the City of Enid, located at 401 West Owen K. Garriott Road in said city, at 4:00 P.M. on the 8th day of May 2018, pursuant to notice given by May 7, 2018 to the Clerk of the City of Enid, and pursuant to notice thereof displayed at the entrance to the Administration Building of said city, in prominent view and which notice was posted prior to 4:00 P.M. on the 7th day of May 2018.

Present: John Arend; Jessica Edwards; Michael Shuck; Taylor Venus

Absent: Mike Stuber

Also Present: Chris Bauer, Planning Administrator
Karla Ruther, Assistant City Planner

CALL TO ORDER/ROLL CALL.

CONSIDER APPROVAL OF MINUTES OF THE REGULAR BOARD OF ADJUSTMENT MEETING OF APRIL 10, 2018.

Motion was made by John Arend, seconded by Jessica Edwards to approve the minutes.

AYE: John Arend, Jessica Edwards, Michael Shuck, Taylor Venus
Passed

ADMINISTRATION.

NONE.

VARIANCES.

HEAR THE APPEAL OF MATT EASLEY REQUESTING A VARIANCE TO A REAR YARD SETBACK AT 809 CARIBOU CIRCLE WHICH IS ALSO KNOWN AS LOT 14, BLOCK 13, WILDERNESS COVE ADDITION.

Motion was made by John Arend, seconded by Michael Shuck to approve the variance to allow the addition to encroach 10 feet into the required rear yard setback. The hardship is the rear yard setback does not allow for a useable addition to be added to the rear of the house; the peculiarity is the larger portion of the lot is to the east; the addition will not cause substantial detriment to the public good or impair the purpose and intent of the ordinance and the addition is the minimum necessary to alleviate the hardship.

AYE: John Arend, Jessica Edwards, Michael Shuck, Taylor Venus
Passed

NONE.

SPECIAL EXCEPTIONS.

NONE.

ADJOURN.

Motion was made by John Arend, seconded by Jessica Edwards to adjourn.

The meeting adjourned at 4:05 PM.

AYE: John Arend, Jessica Edwards, Michael Shuck, Taylor Venus

Passed

Board of Adjustment

4.1.

Meeting Date: 08/14/2018

Submitted By: Karla Ruther, Assistant City Planner

SUBJECT:

HEAR THE APPEAL OF VICTOR MCALISTER FOR APC TOWERS REQUESTING A HEIGHT VARIANCE FOR A 100' COMMUNICATION TOWER LOCATED AT 1318 NORTH 10TH STREET.

BACKGROUND:

This appeal concerns 1318 North 10th Street. The property is zoned I-2 Industrial (Light) District. The applicant is seeking a variance that would allow a 100' communication tower on the property.

Section 11-8B-6: of the zoning ordinance states "**Height Regulations: No building shall exceed three and one-half (3 1/2) stories or forty five feet (45') in height.**" Refer to the attached site plan.

A variance may be granted upon the Board of Adjustment finding that:

1. **The application of the ordinance to the particular piece of property would create an unnecessary hardship.**
2. **The conditions are peculiar to the particular piece of property involved.**
3. **Relief, if granted, would not cause substantial detriment to the public good, or impair the purpose and intent of the ordinance.**
4. **The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.**

Any person or persons applying to the Board of Adjustment for a variance shall have the burden of showing that all of the criteria above have been met. Please see the attached application for the applicant's response to the criteria.

Vance Air Force Base reviewed the request and confirmed the proposed 100' height and location would not impact base operations. Woodring Regional Airport also reviewed the request and have no issues with the proposed tower height.

Staff has recieved a protest petition with 12 signatures. A copy is attached.

RECOMMENDATION:

Hear the appeal and take appropriate action.

PRESENTER:

Chris Bauer, Planning Administrator.

Attachments

Site Plan

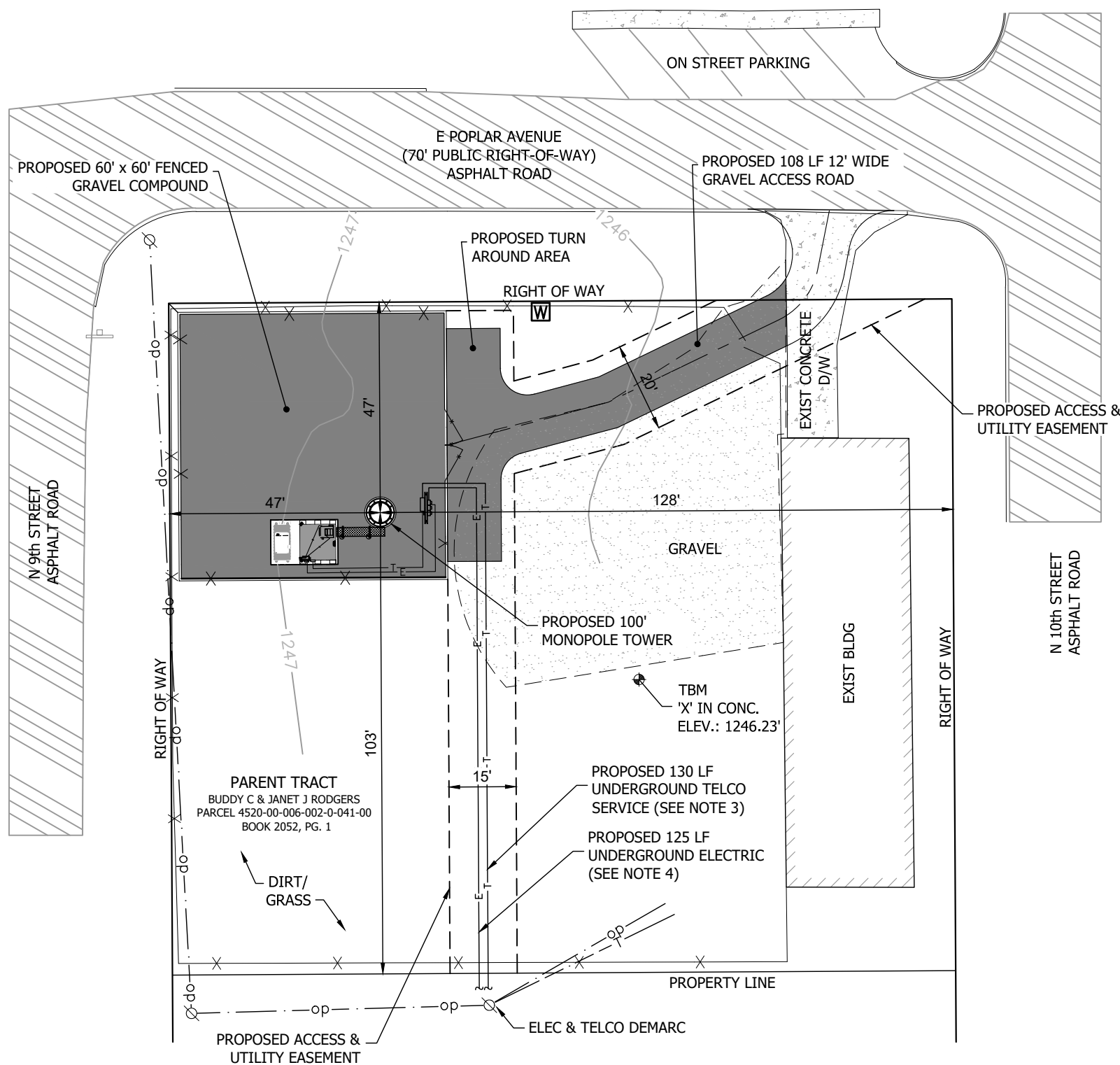
Location map & protest petition

Letter answer criteria

VAFB letter

Woodring OK

FAA Determination of No Hazard
Variance petition



NOTES:

1. SEE LEGEND, ABBREVIATIONS & GENERAL NOTES ON SHEETS GN-1.
2. EXISTING FEATURES SHOWN HEREON ARE BASED ON ACTUAL FIELD MEASUREMENTS AND OBSERVATIONS PERFORMED BY SMW ENGINEERING GROUP, INC. DATED FEBRUARY 7, 2018.
3. INSTALL 130 LF± UNDERGROUND TELCO IN (1) 4" SCH. 40 PVC CONDUIT. INSTALL IN ACCORDANCE WITH OSHA AND ALL APPLICABLE CODES.
4. INSTALL 125 LF± UNDERGROUND ELEC IN ACCORDANCE WITH OSHA AND ALL APPLICABLE CODES.
5. THE CONTRACTOR SHALL FIELD-VERIFY THE LOCATION OF ALL EXISTING ABOVE GROUND AND UNDERGROUND IMPROVEMENTS PRIOR TO COMMENCEMENT OF CONSTRUCTION.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY NECESSARY RELOCATION OR REPAIR OF EXISTING IMPROVEMENTS DUE TO DAMAGE CAUSED DURING CONSTRUCTION.
7. ALL SITE WORK SHALL BE CAREFULLY COORDINATED BY THE CONTRACTOR WITH LOCAL GAS, ELECTRIC, TELEPHONE AND ANY OTHER UTILITY COMPANIES HAVING JURISDICTION OVER THIS PROJECT.
8. EXISTING 108' TOWER TO BE REMOVED ONCE THE NEW TOWER HAS BEEN CONSTRUCTED.

TOWER DATA	
PROPOSED 100' MONOPOLE TOWER	
NAD 83	
LATITUDE:	36° 24' 36.21" NORTH
LONGITUDE:	97° 51' 51.30" WEST
GROUND ELEV.	1246.6' NAVD 88 (AVERAGE)
PROPOSED TOWER SETBACKS	
NORTH PARENT TRACT	47'
EAST PARENT TRACT	128'
SOUTH PARENT TRACT	103'
WEST PARENT TRACT	47'
BENCHMARKS (NAVD88)	
TBM - 'X' IN CONCRETE ELEV.: 1246.23'	



NOTE: CONTRACTOR SHALL PROVIDE POSITIVE DRAINAGE AWAY FROM PROPOSED SHELTER OR FENCED COMPOUND AT A MINIMUM 1% AND MAXIMUM 5% GRADE.

CONTRACTOR TO FIELD VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION

EXISTING VEGETATION TO BE REMOVED AS REQUIRED.

FLOOD ZONE NOTE
 BY GRAPHIC PLOTTING ONLY, THE SUBJECT PROPERTY APPEARS TO LIE IN ZONE "X" OF THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 40047C0215E, WHICH BEARS AN EFFECTIVE DATE OF JUNE 19, 2012 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.
 ZONE 'X': AREAS DETERMINED TO BE OUTSIDE THE 0.2% CHANCE ANNUAL FLOODPLAIN.



SCALE VERIFICATION
 0 — BAR IS ONE INCH ON ORIGINAL DRAWING. — 1"
 IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.
SCALE: 1"=30'

APC TOWERS
BUDDY'S AUTO REPAIR
 1318 NORTH 10TH STREET
 ENID, OK 73702
 PROPOSED 100' MONOPOLE

PROJECT NO:	123391		
CHECKED BY:	MAS		
ISSUED FOR:			
REV	DATE	DRWN	DESCRIPTION
A	2/21/18	CAH	ZONING REVIEW
B	5/21/18	CAH	ZONING REVIEW
C	6/28/18	CAH	ZONING REVIEW

JEROD DOTSON
 27779
 Expires 12/31/2019

ZONING DRAWINGS

NOT FOR CONSTRUCTION

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

OVERALL SITE PLAN

SHEET NUMBER:	REVISION:
C-1	C

July 9, 2018

AGAINST Petition
on the tower for APC on 1318
N. 10th

Signature	Print
Charlotte B Weaver ^{902 E Birch}	Charlotte B Weaver
Melisse Schatten 830 E. Birch	Melissa Scholten
Carol Nivison 901 E. Birch	Carol Nivison
John H Mustain 1305 N. 10 th	John H Mustain

AGAINST July 11, 2018

Verna Burris 1223 N. 10 th	VERNA BURRIS Erid, OK
--	--------------------------

Lou Noble 1227 N 10th Erid or Lou Noble

Gay Lane 1321 N. 10 th Erid	Sang Co, OK
Mary McMillen 1222 N. 11 th	Erid, OK.
Tonda Bassmore 1221 N. 11 th	Erid, OK.
John J Lane 1317 N. 11	Erid OK
Liane F. Beaver 1406 N 11th	Erid, OK 73701
Lynn Eden 821 E. Birch	Erid, OK

RECEIVED
JUL 12 2018

BY: KR 1:05 PM



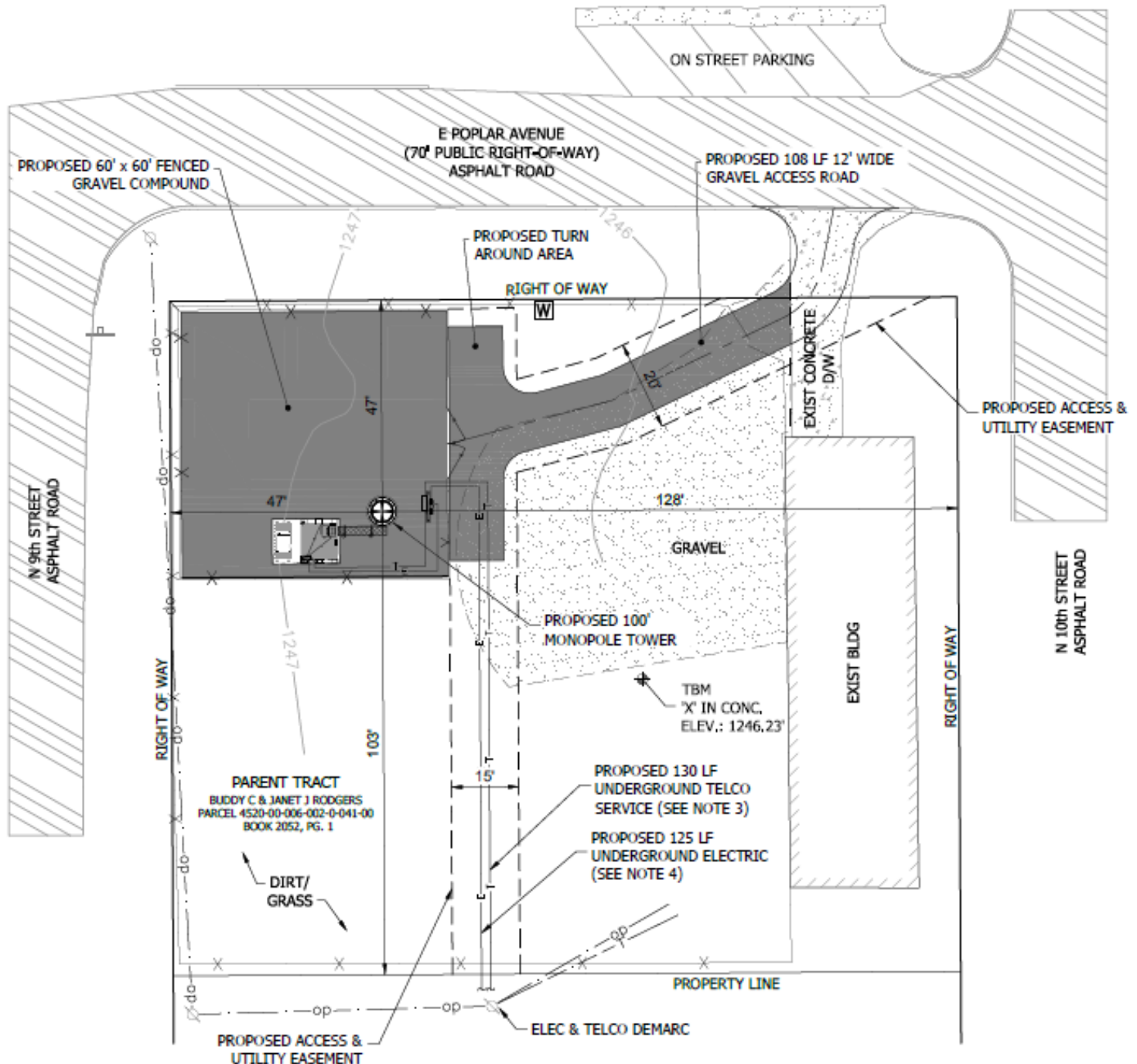
E Cherry Ave

E Poplar Ave

N 9th St

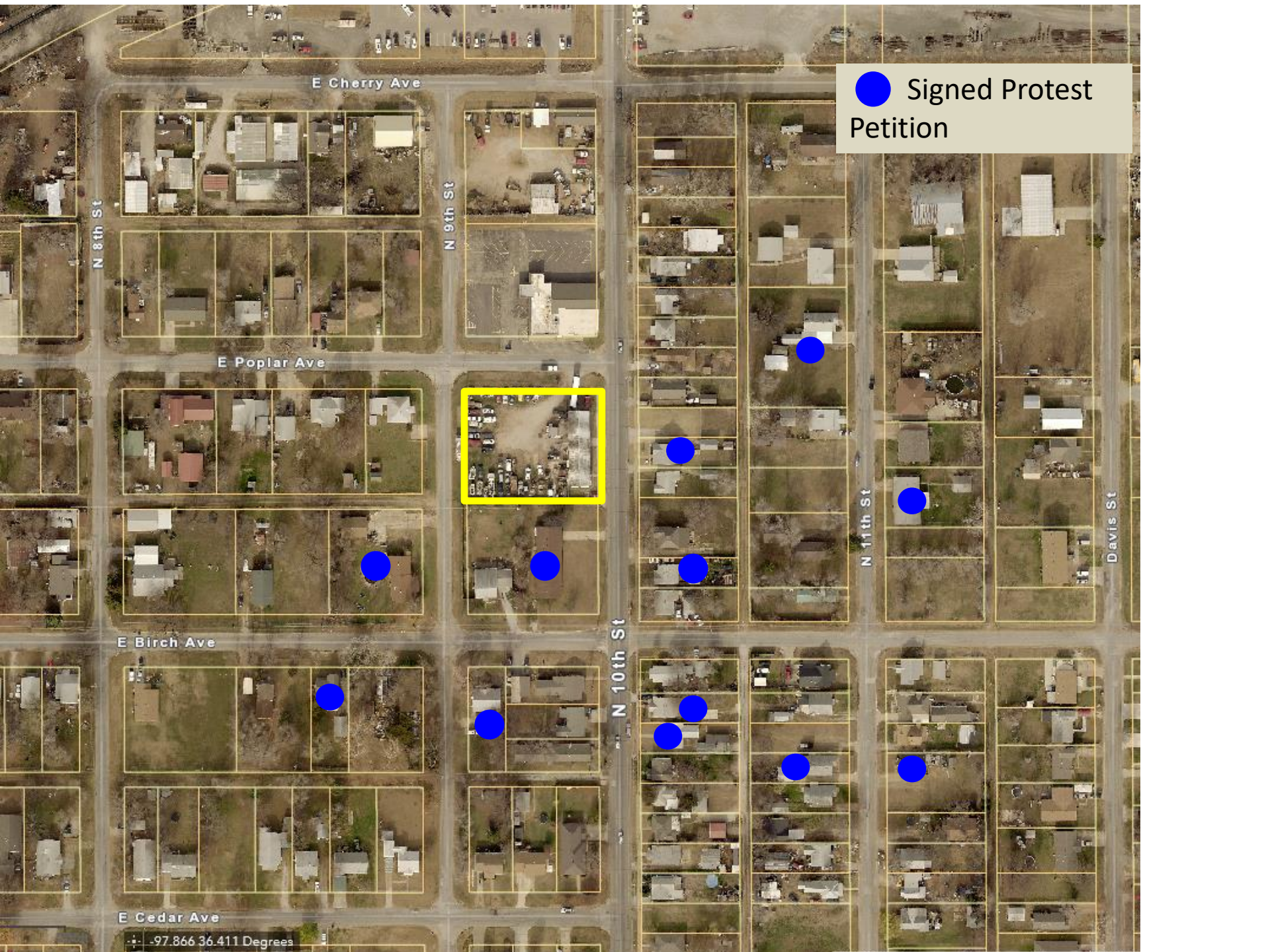
N 10th St

N 11th St



PARENT TRACT
 BUDDY C & JANET J RODGERS
 PARCEL 4520-00-006-002-0-041-00
 BOOK 2052, PG. 1

PROPERTY LINE



● Signed Protest Petition

E Cherry Ave

E Poplar Ave

E Birch Ave

E Cedar Ave

N 8th St

N 9th St

N 10th St

N 11th St

Davis St

97.866 36.411 Degrees

May 29th, 2018

Chairperson of the Board
Board of Adjustments
City of Enid
c/o
Mr. Chris Bauer
401 West Owen K. Garriott Road
Enid, OK 73702

RE: Wireless Communication Facility – Zoning Variance Petition
11-8B-6: Height Regulations
1318 North 10th Street, Enid, OK 73702

Dear Sir or Madame Chairperson,

Please accept this letter of explanation and need for the proposed wireless communication tower at the above-mentioned location.

T-Mobile Central LLC (carrier) is committed to providing a superior service to its patrons in the Enid area. An area that has been identified that the carrier's RF Engineers in having coverage gaps and wants to improve on is; from E. Randolph Ave on the South to E. Hemlock Ave (the Silo's) on the North, N 4th on the West to N 30th St on the East.

The issue that the carrier is having is the Silo's block any signal coming from the closest carrier facility to cover the northern part of this general area.

The carriers Engineers have been working to utilize the existing towers in the area to maintain the usage demands, however to provide level of patronage satisfaction the additional tower at the proposed height is requested.

We are seeking a variance of the height ordinances from 45' to a height of 100' at the proposed:

Target Location: Buddy's Auto Repair

1318 North 10th Street, Enid, OK 73702

I-2 / Urban Commercial

- I-2 to the North
- R-4 to the West and South
- C-3 to the East

Parcel Number: 4520-00-006-002-0-041-00

- 100' Monopole type tower
 - Crumple Zone letter at 75', per Engineering.
- 60'x60' fenced and secured compound, within Buddy's yard

Additional items for your review and as part of the Petition documentation.

1. Letter of Approval – Vance Air Force Base, submitted at for 160’ tower
2. Zoning Drawings, with site plan
3. Land Survey, with Legal Description
4. 1-A Location Certification
5. Crumple Zoning / Fall Zone Letter @ 75’.
6. FAA determination letter – No Hazard
7. RF Justification
8. Redacted Lease, approving process of submittal

Other locations researched and reviewed:

- 1422 N. 8th – Lawrence Clark
- 1418 E Chestnut – Coolidge Elementary
- 1818 E Chestnut – Trinity Baptist Church
- 729 N 9th St – Community Center
- 719 N 4th – Ronald Hammock Trust

All of these locations would not give the set-back and height requirements need to be in compliance of the ordinances.

Victor McAlister

Victor McAlister | Regional Project Manager

VERTICOM || 2817 S. Ann Arbor | OKC, OK 73128| www.verticom.net

Mobile: 405.823.0733 | Office: 214.741.6898 | Fax: 214.741.6899





DEPARTMENT OF THE AIR FORCE

71ST FLYING TRAINING WING
VANCE AIR FORCE BASE OKLAHOMA

16 May 2018

Colonel Darrell F. Judy
Commander, 71st Flying Training Wing
246 Brown Parkway, Suite 224
Vance AFB OK 73705-5015

Mr. Chris Bauer
City of Enid Planning Administrator
P.O. Box 1768
Enid OK 73702-1768

Dear Mr. Bauer

In response to the City of Enid's request, members of the Vance Installation Encroachment Management Team (IEMT) have evaluated the proposed 160 foot AGL tower to be constructed by Verticom between Willow and Chestnut, just south of the railroad tracks in Enid. Vance received information about the project from Mr. Victor McAlister in April 2018. Based on the information provided, we do not anticipate that the development or its construction process will affect our mission.

If you have any additional questions or concerns, you may contact the Vance Airspace Office at (580) 213-6276 or via e-mail at VanceAirspace@us.af.mil.

Sincerely

A handwritten signature in black ink, appearing to read "Darrell F. Judy", is positioned above the typed name.

DARRELL F. JUDY, Colonel, USAF

Develop, Deliver, Deploy... To Fly, Fight, and Win!

From: Dan Ohnesorge
To: Kerlon Cook; Karla Ruthier
Cc: Chris Bauer
Subject: FW: Communication Tower

Sent: Mon 7/2/2016 2:08 PM

Message Overall Site Plan.pdf OK01577_OK-1509_Bd of Adj variance petition_3-29-18VM.pdf OK-1509_FAA Determination_28 Feb 2016.pdf

Karla,
I have no issues with the attached proposed tower height or location.
Dan Ohnesorge
Airport Director
Enid Woodring Regional Airport

From: Karla Ruthier
Sent: Monday, June 25, 2016 8:47 AM
To: Dan Ohnesorge
Cc: Chris Bauer
Subject: Communication Tower

Dan,
Please review the attached information for a proposed communication tower to be located at 1318 North 10th and let me know if there are any issues.
Thank you.

Karla Ruthier
Assistant City Planner
580-616-7218
kruthier@enid.org





Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2018-ASW-1635-OE

Issued Date: 02/28/2018

paul alvarez
paul.alvarez
3000 aerial center pkwy, suite 110
morrisville, NC 27560

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Antenna Tower OK-1509 Buddy's Auto Repair
Location: Enid, OK
Latitude: 36-24-36.21N NAD 83
Longitude: 97-51-51.30W
Heights: 1247 feet site elevation (SE)
160 feet above ground level (AGL)
1407 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
 Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 1.

This determination expires on 08/28/2019 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (817) 222-5922, or debbie.cardenas@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2018-ASW-1635-OE.

Signature Control No: 356558107-358299326

(DNE)

Debbie Cardenas
Technician

Attachment(s)
Frequency Data

cc: FCC

Frequency Data for ASN 2018-ASW-1635-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
6	7	GHz	55	dBW
6	7	GHz	42	dBW
10	11.7	GHz	55	dBW
10	11.7	GHz	42	dBW
17.7	19.7	GHz	55	dBW
17.7	19.7	GHz	42	dBW
21.2	23.6	GHz	55	dBW
21.2	23.6	GHz	42	dBW
614	698	MHz	1000	W
614	698	MHz	2000	W
698	806	MHz	1000	W
806	901	MHz	500	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
929	932	MHz	3500	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1670	1675	MHz	500	W
1710	1755	MHz	500	W
1850	1910	MHz	1640	W
1850	1990	MHz	1640	W
1930	1990	MHz	1640	W
1990	2025	MHz	500	W
2110	2200	MHz	500	W
2305	2360	MHz	2000	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W
2496	2690	MHz	500	W



Planning & Zoning Department
Chris Bauer, Planning Administrator
cbauer@enid.org
580-616-7217
PO Box 1768, 401 West Garriott
Enid OK 73702

Zoning Variance Petition

(Due to Community Development 15 days prior to Zoning Board of Adjustment meeting date)

For Board of Adjustment meeting dates visit <http://www.enid.org/index.aspx?page=383>.

1. I, or We, hereby petition the ZONING BOARD OF ADJUSTMENT for a variance to the following provision(s) of the City of Enid Ordinance, Section(s) _____

2. The Burden of Proof: Any persons applying for a variance shall have the burden of showing that all of the following factors described below have been met. The applicant must respond to each. Additional pages may be added.
 - A. The application of the ordinance to the particular piece of property would create an unnecessary hardship; _____

 - B. Such conditions are peculiar to the particular piece of property involved; _____

 - C. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the comprehensive plan; and _____

 - D. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

3. I, or we have attached a site plan of the proposed construction.
4. Address and/or general location of property: _____
5. Legal description of site: _____
6. Zoning classification of property: _____
7. Please provide zoning variance petition application and a list containing the names and mailing addresses of all owners of property lying within 300 feet of the exterior boundary of the subject property, as certified by a licensed and bonded abstracting company, or title insurance to kruther@enid.org.

8. Send \$100.00 fee to Karla Ruther at the address above or if you prefer to pay electronically, contact the City Clerk at (580) 616-1815.

9. Applicant's signature: Victor McAlister

Printed Name: _____

Date: _____ Address: _____

Email: _____ Telephone: _____

Cell phone: _____

Section 11-3-10

Appeal Process:

Appeal to the Garfield County District Court by filing a Notice of Appeal with the City Clerk and the Secretary of the Board of Adjustment within ten (10) days of the decision or order of the Board of Adjustment.

If you have any questions, please contact Community Development at (580) 616-7218

THANK YOU!